Hong Kong Federation of Asian Domestic Workers Unions
香港亞洲家務工工會聯會

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Press Release - Alleged “Job-hopping” Silences Migrant Domestic Workers Facing Abuse, FADWU Calls for a Stop to Discriminatory Policies

The Immigration Department (ImmD) proactively combating so-called “job-hopping” has effectively silenced workers from speaking out on abuse and facilitated the exploitation of migrant domestic workers (MDWs), a survey done by the Hong Kong Federation of Asian Domestic Workers Unions (FADWU) suggests.

In 2021, the number of visa rejections of MDWs based on ImmD's grounds of "**job-hopping" increased nine times** more than the previous year. (2,833 in 2021 compared to 319 in 2020, The 2021 number of visa rejections is nearly half of 5,844 visa application cases referred to the Special Duty Team (SDT) of ImmD who investigates on suspicion of "job-hopping"). This year the situation only gets worse. In the first six months of 2022, 1,052 (72%) out of 1,454 applications "investigated by the SDT" were rejected.

From November 2021 to May 2022, FADWU gathered 238 valid responses from Filipino and Indonesian migrant domestic workers. Their working experience in Hong Kong ranged between 4 months to 34 years.

46% of the respondents stated that they had experienced at least one kind of abuse throughout their work as domestic workers in Hong Kong. The abuses include extremely long working hours (up to **17-19 hours per day**), non-contractural working demands, insufficient food, no proper place to sleep, no or little day off, and verbal/mental/sexual abuse. Among them, 62% of the respondents didn’t terminate the contract.

The number one concern was that they worried that Hong Kong Immigration would accuse them of “job-hopping” and would not give them a visa next time (72%). The other worries include that the agency/employer confiscated their passport. They were told or even threatened by the agency not to break the contract. They are in debt-bondage, needing to pay excessive agency fees. Meanwhile, they have to support their family financially. They are also uncertain if they will find a worse employer or cannot find a new job after breaking the contract.

91% of the respondents express that the ImmD’s accusation of “job-hopping” is unfair to workers.

ImmD only accepts contract termination by MDWs under “exceptional circumstances”. That is termination owing to the original employer's transfer, migration, death or financial reasons, or where there is evidence that the MDW has been abused or exploited. Then the worker can change employers within a two-year contract period in Hong Kong. Otherwise, workers' contract termination will be considered "job-hopping", and workers' visa applications for new employers in Hong Kong will be rejected. So, the workers must return to their home countries, find a new employer, pay another big agency fee and apply for a visa again.

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Yet, FADWU has received cases of workers who terminated the contract for valid reasons. For example, some workers have submitted evidence of abuse. Still, the ImmD has never contacted the worker to investigate the abuse before rejecting the worker's visa application. In one case, the worker was rejected after appealing three times. Another worker was laid off due to redundancy. Her visa application with a new employer was rejected without a concrete reason. In another situation, the worker terminated the contract and returned to Indonesia because of illness, but when she applied again after 8 months, her visa was rejected because her former employer wrote a furious letter to ImmD.

"Immigration only listens to employers, not listens to both sides. That is unfair." Said Maria Ana Gomeceria, a Filipino leader of FADWU's affiliate, the PLU. "Immigration department should also look into work's side as to why domestic workers are breaking contracts with employers."

FADWU has sent an enquiry to ImmD asking them to disclose the policies behind the "job-hopping" accusation and what is the mechanism of screening abuse. Yet, ImmD's replies provide no details on its guidelines and policies on its "investigation". Instead, it biasedly claims that "job-hopping undermines employment relationships and leads to unfairness and inconvenience to the employers."

"Immigration Department only cares about the 'inconvenience' of the employer and doesn't care about the rights and well-being of migrant domestic workers." exclaimed Jec Sernande, Secretary of FADWU. "They accused us of abuse in changing employers but, in fact, the employers are abusing the system to kick away workers whenever they feel like to terminate them.

FADWU demands:

1. ImmD to stop the discriminatory visa policies immediately and provide access to justice for MDWs who experience abusive employment.

2. EOC to look into the discrimination against women and ethnic minorities by rejecting working visas.

3. Interdepartmental cooperation among the Labour Department, ImmD and police to set up a screening and referral mechanism when MDWs report abuses and exploitations.

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香港亞洲家務工工會聯會(FADWU)調查顯示，入境處打擊所謂"跳工"問題導致外傭不敢逃脫雇主苛待，入境處變相助長剝削。

2021年入境處因懷疑外傭「跳工」而拒批簽證的數量達到了上一年的9倍(2020年拒批319個，2021年拒批2833個。2021年拒批簽證數量達到了入境處懷疑「跳工」而轉介到特別職務隊個案數量的近一半。)今年情況更加惡化，前六個月內轉介到特別職務隊的1454個申請當中有1052個申請，即72%的申請被拒。

香港亞洲家務工工會聯會今日(2022年8月7日)召新聞查發佈會，發布關於「跳工」的問卷調查報告並回應入境處的不公正指控。

2021年11月至2002年5月工會收集到來自菲律賓和印尼外傭的共記238份有效問卷，受訪者在香港的工作經驗由4個月至34年不等。

46%的受訪者稱她們在香港做家務工的經歷當中至少遭受過一種苛待，包括長時間工作(可長達17-19小時/日)，工作內容超出合約，食物不足，無合適地方睡覺，無或極少時間放假，以及語言/精神/性暴力。其中有62%的受訪者遭受苛待後未中止合約。她們未斷約的最大擔憂是怕入境處以「跳工」為由拒簽簽證(72%)，其他原因包括護照被雇主或中介沒收，被中介告知或威脅不得斷約，需要償還與債務綁定的非法中介費，需要養家戶口，擔心找到更差的雇主或找不到工作。

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91%的受訪者認為入境處對外傭「跳工」的指控不公平。

「我們認為入境處的指控非常歧視、貶低家務工。」團結家務工工會主席和 FADWU 的印尼藉家務工領袖 Ratih 說，「據我所知，外傭除非逼不得已不會斷約。那些被迫斷約的人往往面對極差的工作環境和待遇。然而香港政府故意對此視而不見，當外傭因為逃避苛待而斷約時反而指責外傭。另外有很多情況下，外傭是在僱主脅迫下被迫離職，而非主動。但與此同時僱主可以想換多少工人就換多少工人，不會受到任何限制。」

入境處只接受外傭在幾種"特殊情況"下在兩年合約期內轉換雇主：舊僱主因調職或移民而要遷往外地，舊僱主在合約有效期間死亡，舊僱主因經濟上有困難而不能繼續履行合約，有證據顯示外傭遭受僱主苛刻或剝削。除此以外的情況下外傭斷約將被當成「跳工」並被拒簽新的簽證。如被拒簽，工人必須回到原居地，重新找僱主，給一大筆中介費，再重新申請簽證。

然而在工會收到許多求助中，工人有充分的理由轉換僱主。她們當中許多人提交了遭受苛待的證據給入境處，但是入境處從未與她們聯繫核實就拒簽簽證。其中一個遭受苛待的工人上訴三次都被拒簽。有另外一個工人因要照顧的老人去世而被解僱，但是她的新簽證申請卻被拒絕，並且入境處不給理由。還有另外一個工人