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Problematic Government Policies for Foreign Domestic Workers: A Call to Action for Working Women

Although more efforts are needed, the Filipino domestic worker art exhibition called “Beyond Myself” is one attempt to visually uplift stories of domestic workers by creating a tangible permanence for these oft-forgot, undervalued individuals.



The ubiquity of these workers on Sunday is a stark contrast from the rest of the week, which they spend [performing household duties such as childcare, cooking, and cleaning](#). Roughly [98% are women, and a vast majority are from the Philippines and Indonesia](#). The

history of how domestic workers rose to prominence within Hong Kong illuminates the hypocritical way in which society fails to protect them. As Hong Kong's economy has grown, [more and more women have entered the labor force](#). Part of what has enabled them to do so has been the ability to outsource household maintenance to foreign workers, as the aforementioned women are increasingly less confined to the domestic sphere. These workers perform what many patriarchal societies consider to be women's work and enable the dual-income family to live comfortably and employ extra help. This is shown as households with children are more likely to employ these foreign domestic workers; [the coverage ratio of workers in residences with children jumped from 13% in 1995 up to 30% in 2016](#). The notion of workers uplifting gender equality by enabling women to enter the workforce is further proven by the fact [that 23% of mothers in the workforce in 1995 had foreign domestic workers, whereas nearly half of these mothers did in 2016](#). As a result, their presence could be seen as a catalyst for promoting gender equality by enabling mothers to work traditional 9-to-5 jobs, yet the same cannot be said for the workers themselves due to the government's lack of institutionalized domestic labor protections. This begs the question of what it means to succeed as a woman in part because of the often-unfavorable conditions one is complicit in imposing upon fellow women. The 'live-in' rule, the inability to apply for permanent residency status, and the discriminatory 2-week rule demonstrate how Hong Kong's government enforces inequality in a way that [some have likened to modern-day slavery practices](#). Ultimately, these regulations actively harm workers by allowing for abuse, yet their female employers are in a uniquely empowered position to advocate for domestic workers, often fellow women, who have inadvertently assisted them in the fight for gender equality.

Although already commonplace for domestic workers to reside in their employer's residence, [Hong Kong passed a rule making it mandatory for all in 2003](#). The rationale behind this 'live-in' requirement was supporting workers in a city with astronomical rent prices. However seemingly well-intentioned, it acts as a measure that actively exposes migrant workers to abuse at the hands of their employers and takes away their agency as people – their home within a foreign place is determined for them, meaning they have no choice in the space they inhabit and little ability to call it their own. Beyond that, it eliminates their agency by trapping them in potentially dangerous situations if an employer becomes violent. Every year women share their stories of abuse with the media, and these are just the ones who come forward. Ultimately, this live-in requirement harms domestic workers by stripping them of their agency, eliminating their right to abode, trapping them in cases of abuse, and enabling the government to fail to provide other care options and institutional support by placing the financial burden on the employer families and the emotional one on these workers.

The similarly contentious issue of permanent residency eligibility comes as a result of the ambiguity within Hong Kong's Basic Law. This became particularly evident in [March of 2013, when five judges on the Court of Final Appeal unanimously ruled that two Filipino workers shouldn't be granted permanent residency](#). The two individuals had been living in Hong Kong for over seven years, an amount of time that enables other foreigners to become permanent residents, yet the two workers were disqualified from such a status on the grounds of the nature of their employment as a temporary one. This policy continues to harm workers by actively discriminating against them, relegating them to the status of the "other" or lesser than other foreigners within society, and designating them as a permanent guest maintaining the house, far from their own families and within another's home.

The last policy that caught my eye as one of the more aggressive human rights issues enshrined within the legal system is the two-week rule. This measure states that foreign domestic workers [must leave Hong Kong within fourteen days of the termination of their employment contract unless they find another employer](#). This timeframe is egregious when analyzed from a comparative perspective as the limitation is not enforced for other working foreigners. Many workers are reliant on their jobs to [provide for their families abroad](#). Consequently, the fear of losing one's job and not finding another employer can pressure individuals to stay in potentially dangerous conditions. The nature of the legislation harms workers by placing an inordinate amount of power with the employer and fails to provide avenues of support for foreign domestic workers who may suffer abuse at the hands of their employers. A report in 2016 found that [one in six domestic workers within Hong Kong have been forced into labor](#). Their findings designated varying levels of exploitation, and stated that [only 5.4% of foreign domestic workers encountered no signs of exploitation](#). Furthermore, the [2016 Global Slavery Index ranked Hong Kong as number 157 out of 161 rated countries in terms of government actions against modern-day slavery](#). This statistic becomes increasingly worrisome when placed in a global economic context. Contrasting Hong Kong's high GDP with those of less prosperous countries higher on the list demonstrates the region's lack of response to the issue despite possessing resources to fix it. This becomes further complicated when we consider how these foreign domestic workers contribute to Hong Kong's economy as the unfair regulations of the two-week rule treat them as less valuable than other foreigners; this is in spite of the fact that they [contribute nearly 100 billion HKD to the economy](#).

Ultimately, the codified discrimination enforced upon foreign domestic workers in Hong Kong through the live-in policy, lack of permanent residency eligibility, and the two-week rule

subjects this vulnerable population to abuse while women of the region progress. This is a battle against a litany of human rights violations that ought to be fought by all individuals with power, and my argument is not that women with domestic workers should shoulder the entirety of the burden of advocacy. In fact, this should be seen as an inspirational call to action for women to utilize their influence as half of the population and their rising prominence in their career fields to help fellow women through a two-pronged approach: first, a bottom-up strategy focused on awareness, conversation, and changing expectations. The next step is top-down efforts through advocacy as their workers have contributed to their success in the workplace by unshackling the chains of patriarchal expectations. Now is the time for women to wield this newfound power for good and continue lifting others as they climb.