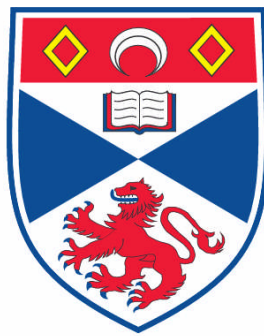


**CULTURE OF INDIFFERENCE : DILEMMAS OF THE FILIPINA  
DOMESTIC HELPERS IN HONG KONG**

**Estelle Maria Kennelly**

**A Thesis Submitted for the Degree of PhD  
at the  
University of St. Andrews**



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Dilemmas of the Filipina  
Domestic Helpers in Hong Kong***

***Estelle Maria Kennelly***

***July 27, 2007***

***A Thesis Submitted for the Degree of Doctor of Philosophy  
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## **Declaration**

I Estelle Maria Kennelly hereby certify that this thesis, which is approximately 80,000 words in length has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

Date

Candidate

I was admitted as a research student in 1998 and as a candidate for the degree of PhD in 1998 the higher study for which this is a record was carried out in the University of St. Andrews between 1998 and 2007.

Date

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I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of PhD in the University of St. Andrews and that the candidate is qualified to submit this thesis in application for that degree.

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## ***Dedication***

To my mother, Doris Kennelly, who passed away whilst I was finishing my fieldwork in Hong Kong. Widowed, with three young children to raise alone, she faced many of the problems experienced by the women in this study. She set a wonderful example of strength, courage and love in the face of adversity. Thank you Mum.

## Acknowledgments

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My very special and heartfelt thanks go to my Supervisor, Emeritus Professor Joanna Overing at the University of St. Andrews, without whose support, counsel and guidance I would never have been able to undertake nor complete this research. The delightful relaxed evenings around her bountiful table did much to restore my spirits and my belly. I owe her more than I can adequately express.

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To each and every one of those named, and the many unnamed, friends and family, who never wavered in their support and belief in me -- thank you!

## ***ABSTRACT***

In this study, an examination of the everyday experiences of the contract migrant Filipina domestic helpers exposes a *culture of indifference* which pervades the Hong Kong society on all the levels— individual, community, and judiciary. At the centre of the abuses inflicted upon the Helpers is the employment contract with extraordinary restrictive terms which promote abuse by many employers. This study also looks at the transnational informal social infrastructure which has been organized by the Filipino community to mediate the hostile working environment engendered by the indifference and the influences of the global economic and political climate upon their lives.

Faced with the task of implementing new policies for controlling labour migration into Hong Kong, the legislators have focussed on the end result and finding the means with which to accomplish their goal. Embedded within this process are unexamined cultural mores and practices. Although the starting point is to benefit the community, by providing domestic helpers to serve the middle and upper class households, too often the abusive consequences to individual migrants are ignored as the women become the means to an end. Migration has often been viewed as an aberration to the notion of the sedentary community. Treated as an anomaly, it is the migrant who problematizes simple theoretical positions of social organization and structure. The migrant is always treated as the one who does not conform to the ideal community and is conveniently merged into existing social categories, such as the lower status of women in Hong Kong, and the lower status of domestic workers – relegated thereby to the periphery of the society's consciousness.

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# *CHAPTER I*

## *Introduction*

Working as a contract migrant domestic worker at a guesthouse in Hong Kong, Marissa<sup>1</sup> seemed to be happy--greeting guests with a broad smile, and giggling easily and quickly as she talked to them. As I came to know her, however, I learned that behind the smiles was a lonely woman who missed her children and her home life in the Philippines. Marissa was 40, married, with three children who were living with her mother on a small island in the middle of the Philippine archipelago, in the Visayas region. Her husband was living with some cousins in Manila. He was looking for a job as "there is no work for him on our island," she explained. Her brothers and sister had jobs with the local and provincial governments and her mother had retired from a government job with a small pension. Marissa sent as much money home as she could for her girls' schooling, food and clothing. She had finished paying off her loans for the fees she had paid to the employment agency in the Philippines for her job, but had taken out an additional loan to help one of her brothers study for his law degree and Bar exam. When I asked why she had taken out another loan for her brother as she had money problems of her own, she appeared puzzled by the question and simply said "It is very important to help family! We

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All names of the Filipina Helpers have been changed throughout this thesis to avoid possible repercussions from illegal work. Many Filipinas do not want their families to know about the bad working conditions, and I respect their wishes.

all help him. We help each other.” Being overseas and physically separated does not weaken the family bonds and traditional obligations of the Filipino culture. Her eldest daughter was about to graduate from high school and Marissa was planning for her to go to college to study Commerce. Out of her wages she kept just enough money to take care of personal necessities, phone cards or cell phone charges to talk to her children, some food to supplement the meagre amount provided by her employer, and local travel money to see friends on her day off. Almost no money went on personal clothing or luxuries except those she planned to take home as gifts for the children and family on her next holiday.

Marissa had studied for the fisheries, which is an important industry in the Philippines, but had stopped her college studies to marry. She had taught in a kindergarten for a while when her oldest children were very young. Teaching kindergarten appears to be a common practice for women with some higher education as it offers a source of income and yet enables mothers to stay close to home. However, the income was minimal and with so few jobs available and her husband unable to find work, Marissa’s family had agreed she should work overseas for two years. Working overseas is a family decision as care for children has to be coordinated amongst the family members. Her first excursion overseas had been to Singapore. Marissa had not really liked Singapore because there wasn’t much freedom. “The laws were very strict” she said. Although she liked the cleanliness of Singapore, she preferred Hong Kong for its more relaxed milieu. She had worked as a domestic helper for a Chinese family in Singapore whom she quite liked, but she had been very lonely and unhappy. She had missed her young children so much she had returned home after one two-year Contract. On her return her youngest daughter, who had been two when she left, seemed reluctant to come to her and Marissa had said “I am

your Mama.” The then four-year-old responded “No, you’re not! My Mama is in Singapore.” Marissa voice and face reflected her sadness as she recounted this story.

After staying at home for just over a year, but still unable to find a job, Marissa had been told by some relatives about a job with the Post Office and had been assured she would get it, she only had to apply. However, since her husband was out of work she thought it would be more appropriate for him to get the job. As she explained, “He is the head of the family and it is more important for him. He should be the breadwinner.” An appropriate amount of money changed hands (to put his name forward) and he got the job but after a few weeks he was fired because, Marissa said, “he preferred to go out drinking and gambling with his friends,” frequently failing to turn up for work. As a result, Marissa, too, had lost her opportunity for a good job at home. Although her husband’s behaviour made Marissa cross, she understood his frustrations and took on the role of sole supporter of her children. Her family decided that there was no option but that she go to Hong Kong as the wages were better than in Singapore and it was not so far away. However, her girls were very upset. They wanted to live with their mother in their own home and had begged her to stay, but opportunities for well-paid work were negligible on the island. She did not want to move to Cebu, the neighbouring large island or to Manila on Luzon in the north, where the wages were also low and she would still be separated from her children.

Marissa’s personal story is as unique as she herself, but her experiences as an overseas contract worker are shared by the ever increasing numbers of Filipino women who have left the security of their country, families and friends to work in the relative insecurity of other women’s homes as domestic helpers in foreign settings.

## ***The Research Study***

In this study I will examine the lives and experiences of the Filipina domestic helpers working in Hong Kong on three basic levels, that of the individuals and the employment contract under which they work in Hong Kong, the transnational Filipino community and its informal social infrastructure, as well as the Filipino safe houses for abused domestic helpers, and the formal Hong Kong institutions which monitor and adjudicated the Filipinas' lives. It is important to understand that because of the rigid restrictions Hong Kong has placed on the Filipina domestic helpers, they are an isolated group; living in the interstices of the larger resident Hong Kong society. Unlike many migrant communities around the world, the Filipinas have not formed an ethnic enclave or neighbourhood in which to reside, they are required to live in the homes of their employers. They come together once a week to form a discernible Filipino community each Sunday in the public places around Hong Kong. As Contract migrants, they are not citizens, partial or otherwise, merely temporary workers with minimal rights.

My interest in a study of the Filipina contract migrant workers was engendered by the fact that I, too, had migrated in the early 1960s to the United States as a secretary with a one-year employment contract. My experiences were very different to those of the Filipinas in Hong Kong, however. I was free to live where I wished, free to change jobs, and, as a "Resident Alien", free to assimilate and apply for citizenship if I wished. None of these freedoms are accorded to the Filipinas in Hong Kong. Since the mid-1970s Filipinas have left the Philippines to work overseas as nurses, nannies, domestic helpers, entertainers (often a euphemism for sex workers), and brides. Because of the extraordinary numbers of women and countries involved in the post-1960s globalized migration

process, this study will focus on the Filipina women working as domestic helpers in Hong Kong.

An important factor in this study is the two-year employment contract. Hong Kong has introduced a special employment contract denying the domestic helper the freedom to change her job, live outside her employers' home without specific permission, and the right of abode or citizenship. It also requires the helper to leave Hong Kong at the end of the contract term, unless the employer applies for an exception with the Immigration Office. As we will see in the following ethnography, these restrictive conditions create a hostile working and living environment.

The Filipinas and the Hong Kong residents offer a particularly interesting confluence of cultures. To situate this study as unique to this population in this location rather than extrapolate universal conclusions, I feel it is important to examine briefly the context of global migration and the implications of migrant labour on local cultural processes. In this latter context, it is equally important to view the past and present cultural processes which reflect the reshaping of values and social status of women in both the Philippines and Hong Kong.

### ***Review of the Literature on Global Women***

Despite more than 151,000 Filipinas working in Hong Kong in 2000 (estimated to be 130,000 in 1998 (HK 2001 2000; see also Tyner, 1999), the Filipino diaspora of over 7 million individuals in 130 countries, there are surprisingly few academic studies on the nature and social implications of such a vast migration. In particular little attention has been paid to Filipino women in the global labour force outside the occasional journal articles which appear in the Western social science journals and those published in the Philippines. However, French's initial 1986 study of Filipina domestic helpers in Hong

Kong provides a useful data baseline for further studies, as this is potentially the first research effort after the Filipinas began to work in Hong Kong in the mid-1970s. Because of the difficulties of meeting and collecting data from the Filipinas, confined, as they still are, to their employers' homes, French used a questionnaire to gather data from 1,200 women waiting outside the Philippine Consulate. Nicole Constable's 1997 study is the only book-length work on the Filipinas in Hong Kong. She examines the dialectical relationship of discipline and resistance between the employers and Filipinas, applying a Foucauldian analysis of power relationships. In a 1996 article, Nicole Constable examines the jealousy on the part of some female employers towards their domestic helpers, which she suggests is engendered by the outlawing of the practice of concubinage in 1972. Some employers see the Helpers (especially the pretty ones) as a potential threat to her marriage. In another article, Constable examines (2002) the "house rules" imposed upon domestic helpers, from forcing them to cut their hair to being forbidden to sit or lean on the furniture, all of which rules Constable argues, are employers' efforts to maintain the inferior social class of the Helper. This could also be viewed as an attempt to reinforce their own sense of superiority. Some of the house rules would in fact be a violation of the Contract and the working visa if enforced.

In an exemplary comparative study of Filipinas working in two countries and two cultures -- Italy and the United States -- Rhacel Parrenas (2001) brings a new perspective to the complexities of the lives of Filipina domestic migrants living and working overseas. She examines the similarities and differences of disjuncture and displacement experienced in transnational communities by individual Filipinas. In particular, she notes that the disjunctures in the United States are between the *in situ* Filipino community and the new arrivals, whilst in Italy it occurs between the migrant Filipinas and the resident Italian

community. In a shorter article, Perrenas discusses (2002) the ramifications of the absentee Filipino mothers upon their children. The migration of mothers is being perceived as leading to a care crisis for their children, and she examines the range of emotions expressed by the children from one of abandonment to pragmatic acceptance. She also suggests a re-examination of gender roles of motherhood and masculinity in the context of transnational parenting.

An additional, book-length collection of articles, *Women in Asia* edited by Edwards and Roces (2000), provides excellent analyses on the changing status of women in Asia. Of particular interest is an article by Mina Roces in which she discusses the changing status of women in the Philippines in response to “forces of modernity” (2000:112). She contends that women have traditionally held unofficial power within the kinship sphere of influence, but that increasingly women are holding more public offices, joining the political sphere, and negotiating changes in their traditional roles in the modern age.

Also, articles in *Global Woman*, edited by Ehrenreich and Hochschild (2002), provide diverse examples of the complexities and variety of changes being wrought by the global influences of modernity on women engaged in different low status work around the world. Such changes include: gender roles in India as women assume the role of breadwinner and the men are left to care for the children (Gamburd, 2002:190); transferring filial duties of elder care from daughter-in-law to foreign domestic carers in Taiwan (Lan 2002:169), and modern-day slavery in the United States amongst international families who import women from their own country (Zarembka, 2002:142).

Turning to the local responses to global migration the body of work includes a book-length collection of articles edited by Abigail Bakan and Daiva Stasiulis, *Not One of the Family* (1997), in which the contributors address the Canadian government's political and legal institutionalisation of unequal treatment of non-citizens, which category includes Filipina domestic workers, as opposed to other immigrants. For example, Arat-Koc (1997) discusses the legal deterioration of the status of foreign domestic workers, and the official differentiation between "white British domestic servants and domestic workers from other racial/ethnic backgrounds" (ibid.1997:54). Also, two articles concerning Canada's refusal of entry of two Filipinas to work as domestic helpers based on the fact that these two authors had a university education, and, therefore, were deemed unsuitable for domestic work (Elvir, 1997; Velasco, 1997).

Examining the truly global aspects of international migration of domestic workers is the collection of papers from a Regional Policy Dialogue of the Asia Pacific Development Centre held in Sri Lanka in 1992 (1994), reporting on various governmental and international organizations' review of the conditions and effects of the Southeast Asian trade in domestic workers. For example, Heyzer (1994:xv) points out the increasing dependency of labour sending "low-growth" countries upon the remittances of their overseas workers, as well as the dependency on foreign domestic labour by the labour receiving, "high-growth" countries as the better educated resident women enter the work force. Abrera-Mangahas (1994:161) sets forth proposed international standards for migrant workers to redress the lack of protections and rights of migrant domestic workers, with the possible exception of Hong Kong, around the Southeast Asian region. Each of the above-referenced works, has informed my research and subsequent analysis since many of the conditions of work are also to be found in the Filipinas' Hong Kong



experience. Together these works have led me to understand the importance of treating global movements as a process, best understood at the local and individual levels – at a very human level.

### ***Domestic workers***

For the most part, domestic work is unappreciated and considered primarily women's work, thus forming a correlation between the values accorded to both. Production and reproduction of class and racial inequalities in the domestic workplace is a worldwide social phenomenon, well demonstrated in the literature (e.g. Cock, 1980; Rollins, 1985; Bakan and Stasiulis, 1997; Parrenas, 2001). Rollins (1985) has an excellent historical summary of traditional employment of servants in Europe as it reflects the social process of reshaping household organization over time and in an increasingly more technical age. Rollins worked for a short period during her research as a maid in the Boston area of the United States and noted that employers prefer their domestics to be from less educated and poor backgrounds, thus maintaining the perception that domestic helpers are from the lower social class. This has some relevance to the Filipinas in Hong Kong since several of them mentioned to me that their employers were, in fact, often less educated than they themselves. Further, that the employers rarely inquired about, or perhaps recognised, the higher education of the Filipinas. In addition, Rollins found that a higher percentage of black domestics worked in white households thus maintaining the racial stereotype of black women as domestic workers.

In South Africa, Afrikaans-speaking white households employed black women as servants. Using a questionnaire to sample the attitudes and understandings of the employers and employees about each other, Cock (1989) found their answers were almost totally at odds. In the majority of cases the white employers felt they treated their

servants well and fairly, providing two meals a day and limiting the hours. However, the black women spoke of having little to eat, often left overs, in the kitchen, sometimes even told to eat outside near the toilet, and often did not get home to take care of their own families until after 10:00 p.m. From being intimate members of their own families domestic servants become “intimate strangers” in other women’s home (ibid.) taking care of personal laundry, preparing foods, nurturing other people’s children and witnessing private emotional exchanges between and amongst their employer’s family members, whilst the employers learn little of their servants’ lives. Certainly, servants can not be considered “one of the family” (Bakan and Stasiulis, 1997).

Many of these studies are situated in the country of citizenship, either natal or naturalised. Thus, the domestic servants are dependent upon their jobs only in as much as they need to earn money. If the job becomes unbearable, or the women find a better one, they are free to leave. This is not an option for the Filipinas working in Hong Kong. Although their contract states they can give a 30-day notice, in fact, since they do have to leave the country within two weeks, it invariably means they are unable to find a new employer or one who is willing to wait 30 days until they are free.

Unlike the women working in their own country, the Filipina domestic helpers are enmeshed in a complex web of global migration patterns, local receptions, and unequal employment relationships. Like children born into an established family, the Filipinas arrive in a new locality where the meanings and signifiers are already established, and which have to be learned quickly in order to survive. As the women move between localities, both geophysical and imagined, what can we learn about the cultural processes of the receiving society? For example, like so many of the foreign migrants working as domestic helpers, the Filipinas in Hong Kong are subject to many forms of social

restriction and abuse and the question we ask ourselves is: What is it about Hong Kong society which engenders this pervasive social practice?

Abuse is a very personal experience based on unequal power relationships. The question which has been unanswered thus far is in what way does the dominant community enable the continuation of abuse? What is it about the local cultural practices which ignores the evidence of over thirty years of abuse of foreign domestic helpers in Hong Kong? At the heart of this inquiry is the question of social constructions of womanhood, who is human, who belongs and who does not. In what way do local values, ascribed to women's status in Chinese traditions, impinge upon the contemporary relationships toward the foreign domestic helpers? Through the lens of the personal experiences of the Filipina domestic helpers, and their interactions with the social and official infrastructure of Hong Kong, it is anticipated that a deeper level of analysis can evolve that will help us to understand the influences of globalization on the reshaping of local cultures -- one local story in the global labour market.

### ***The Settings***

Hong Kong is located on the southeastern seaboard of China, northwest of the Philippine Islands. Its geopolitical boundaries include Hong Kong Island, and two areas on the mainland known as Kowloon and the New Territories, as well as a number of outer islands. Hong Kong Island was administered as a British colony from 1841 (Welsh, 1997) and was returned to Chinese sovereignty on July 1, 1997, when it became a Special Administrative Region (SAR) of China.

Hong Kong has become an affluent society. With the development of rapidly improving communications through computer and internet transfers of knowledge, information, ideas and, above all, socio-economic systems, Hong Kong has moved from

a dependency on the manufacturing industry to become a leading financial centre with a major stock exchange. Since its beginnings as a British Crown Colony it has attracted immigrants from mainland China escaping the exigencies of civil war, famine and economic downturns as well as professionals with expertise in shipping and consumer goods to banking and finance from Western nations. It continues to attract highly skilled foreign professionals from the new environment of computer-based economic flows.

Although this study's overall setting is the city-state of Hong Kong, the investigations separate into distinct urban localities. Each is a site of specific social interaction for the Filipinas in which they work, relax, or seek justice. The Filipina domestic helpers are to be found in all neighbourhoods of Hong Kong. From low income Kowloon to middle class Chi Fu Fa Yuen, and from public spaces of Statue Square in the Central District to private spaces (such as a guesthouse, safe houses and hired halls), as well as the in-between places of government offices and juridical venues, and imagined localities created in the imagination of individual Filipinas. Each locality offers a distinct context of social interaction and, therefore, is an important environment for the women's narratives. All these sites, in fact, combine to form a transcendent, transnational world occupied by the Filipina domestic helpers.

### ***The Study Group***

There are approximately 216,000 foreign domestic workers in Hong Kong, of which 151,000 are from the Philippines (Hong Kong 2000, 2001). They arrive from the length and breadth of the Philippine archipelago to work in the homes of Chinese and expatriate families and individuals as domestic helpers and nannies. They are forbidden to work in hospitals as nurses or to drive a car as a chauffeur, unless the latter is a

necessary condition of their job to get children to and from school, as these jobs are specifically reserved for local citizens.

Migrant domestic workers are often stereotypically portrayed as being young, single and poorly educated. In contrast, many of the women working in Hong Kong are well educated, with, at minimum, high school diplomas and many with college diplomas and degrees, and mature, of whom a large percentage are married with children. They represent the upper working and middle classes from both the urban and rural areas of the Philippines. Their wages in Hong Kong are considered low by local standards, but as high as eight times more than they can earn in the Philippines. Many High School teachers with Master's degrees earn approximately £100 a month at home. Most of their wages in Hong Kong are remitted back to the Philippines to support their children's education, to buy land on which to build houses, and to pay off the loans incurred to pay the fees charged by government and private agencies to find and process overseas jobs (CIIR, 1987; SMC, 1989). The single women, also send money home to their families to help with the family expenses, but often have more personal disposable money than their parents.

### ***Local-Global Connections***

Transnational communities which have established ethnic centres of action in new countries, whilst maintaining their affiliations and rights in their native country, have become an important part of the discourse of flows of global labour. Ulf Hannerz suggests, that the meanings of transnational cultural flows are in the "eye of the beholder" and further suggests that little is known about how the individual at the local level perceives them (1992:243). In this study, it is anticipated that by examining the everyday experiences of the Filipina migrant contract workers in Hong Kong, we can learn not only

how the women themselves perceive their situation but also Hong Kong's responses as a local city-state to a potential global threat to its cultural integrity.

A necessary condition of the global process is that there be active participation by multiple locals. Somewhere in the global flow there is a local source, a centre, which is determined by individuals in the board rooms of corporations, computer and internet operators, media writers and disseminators, and government bureaucrats, amongst others. Hong Kong, for example, has become a quintessential labour receiving city-state in the global flow of migrants. It also sits at the centre of a vast trading network, shipping consumer goods around the world.

### ***Local law in the global ecumene***

When we think about the law, we tend to consider its coercive or punitive aspects which act as a social control against unacceptable social actions. Such social actions are embedded within the cultural norms of each society, e.g., a thief may be put in jail in one society, required to pay a fine in another, whilst yet another may cut off the offending hand. All these punishments have been arrived at by a consensus of that society, informed by its values, be they grounded in ideological, political or economic values. Similarly, the labour receiving nations try to protect their own social values by drawing up the conditions under which foreign domestic helpers can be imported. Several Filipinas who had worked in Taiwan told me they were only allowed one three-year contract, and the day it ended their employer took them to the airport and put them on a plane back to the Philippines. Additionally, the Taiwan government required employers to withhold a percentage of the Helper's wages and give it to her in a lump sum as she left. In Singapore, there is little or no access to the judicial system in the event of abuse and foreign Helpers are prohibited from marrying Singaporeans (Raj-Hashim, 1994). Whilst in Hong Kong, despite its short-

comings, a comprehensive employment contract provides Helpers with civil protections and access to the judicial system to resolve disputes. Drawn up specifically with foreign domestic temporary migrants in mind, the Contract is intertwined with the existing employment laws, using exceptions where special controls are considered necessary to control the movements of the foreign domestic helpers. What then can we learn about the values of Hong Kong from the terms of the employment contract?

Such special considerations include the protection of a nation's sovereign rights to say who may or who may not enter the country, who may work and who may visit. In the global discourse of "flows" it would be wrong to assume porous, geopolitical borders. The macro-theoretical positions of Featherstone's "exchange of goods, information, knowledge" and people (1991:1), Hannerz's concept of the interrelatedness of "global flows" of culture (1992), and Appadurai's "ethnoscapes, mediascapes, technoscapes, financescapes, and ideoscapes" (1996:33), all connote transcendent borders. However, whilst knowledge may transcend borders, no object or person can legally cross the geopolitical borders of a sovereign nation without the authorized paperwork, nor can transnational corporations, such as McDonald's, establish itself in another country without legal registration of the company and licenses to conduct business in each country. Although the advent of the internet (approximately only 15 years ago) has made information and exchange of ideas more available to peoples around the globe, it is still subject to and is dependent upon the appropriate licenses and permission of the State. North Korea and China are examples of sovereign states limiting access to and controlling content of internet networks.

International Treaties are negotiated and signed by each nation's government, with the matter of human rights being entered into by sovereign nations (e.g. the United States

of America has never signed the International Human Rights Treaty). When Hong Kong needed people to work as servants, the Philippine and Hong Kong governments negotiated an agreement to permit the movement of female domestic helpers into Hong Kong. The Philippine government has also introduced exit visas and various taxes and fees which are required before permitting the women to leave their own country. Indeed, when a Filipina Helper wants to go back to the Philippines for her holiday in the middle of her Contract, she must go to the Consulate and request a re-entry letter so that she may return to Hong Kong. One more fee to be paid to the Philippines. In the early years of the new wave of global migration, President Marcos required that 80% of the Filipinas wages be remitted back through the Philippine National Bank, this requirement has since been rescinded.

As stated above, Hong Kong has turned to foreign domestic helpers to maintain their tradition of house servants, and introduced a restrictive employment contract in response to the influx of foreign labour. A question arises as to why they feel it necessary to impose harsh employment conditions on the foreign domestic helpers. Do these measures conform to their own long-held traditions, or embedded social practices, in order to maintain the integrity of their geopolitical, national boundaries and local cultural practices?

### ***Local responses to the global migrant labour flows***

Cross-border migration has its antecedents in a long history which certainly predates the colonial era and, as Eades contends (1987), is at any rate a universal process. The archaeological and historical records are replete with evidence of early movements associated with people trading goods and services, fleeing natural disasters and invading armies. The early open borders have closed to easy crossing, however, and current



migrations involve more geopolitical boundaries to be negotiated, legally or illegally. Migration has been viewed as an aberration to the notion of the sedentary community. The migrant is always treated as the one who does not conform to the notion of community and must, therefore, be controlled at the local level.

Immigrations and emigrations are decisions taken at both the individual and the national levels. As mentioned above, the Philippine government, for example, has actively been involved in recruiting and exporting under- and unemployed men and women to meet the global labour demands of wealthier countries. This has resulted in a dependency on the remittances of the overseas migrants to shore up the national economy and foreign exchange. Additionally, the Third World countries of India, Sri Lanka, Bangladesh, Indonesia, along with the Philippines, with large underemployed labour pools, have become the major exporting countries supplying labour to the Gulf States and the four tiger economies of Southeast Asia—Hong Kong, Singapore, Taiwan and South Korea, as well as Japan and Malaysia. All these countries have also brought in foreign labourers on a contract basis and imposed very restrictive measures to control and prohibit the settlement of the foreign migrants, similar to the German “guestworker” programme introduced in the post-World War II reconstruction period. However, this programme was discontinued in 1973 (Castle and Miller, 2003). Countries such as the United States, Canada and Australia, have more liberal immigration laws, permitting work, residency and family reunion. Canada, however, has introduced specific laws adding several years to the waiting period before resident foreign domestic helpers can apply for landed immigrant status (Bakan and Stasiulis, 1997).

### ***Feminisation and domestication of the global labour market***

Much of the early literature on migration has referenced women in passing in relationship to their husbands and families (Brydon,1987; Buijs, 1993). Whilst not disputing the fact that many women do follow or accompany their male households, especially in the contexts of major natural disasters, warfare, and family reunification, it must be noted that the migration of independent women is not a new social phenomenon. Indeed, Brydon notes (1987) that the absence of independent women in the African record is probably due to the fact that women were ignored in many of the official records as independent migrants except for reference to prostitution. Additionally, Buijs's study (1993) in the Transkei region found that after first migrating alone and working on the sugar plantations, women sometimes stayed after the harvest and set themselves up in business brewing and selling beer.

Over the past thirty years more studies have been conducted on earlier female migration in southeast Asia (Trager,1988; Jaschok,1988; Stockard, 1989; Gaw, 1991; Chiang, 1994). Young, single women in the Philippines have a long history of rural to urban movement to work as maids in order to earn money to help their families and attend college in the large urban centres (Trager,1988). As we will see from the women in this study, these internal migrations continue, especially to work in the international corporate factories as well as shops. Additionally, several studies indicate an earlier migration of single, independent women migrated from the Canton Province of mainland China to Hong Kong, Singapore and Malaysia with the collapse of the silk industry in the 1920s and 1930s (Jaschok, 1988; Stockard, 1989). Once established in the new countries, they continued to fulfil their familial obligations by sending remittances back to their families. Moreover, many of the women who moved to Singapore during this downturn in the silk

industry organised themselves as construction workers and set up rules of conduct to enhance their reputations as reliable, hard workers (Chiang, 1994). Those who moved to Hong Kong became the “*sohei*” or “superior” black and white amahs (servants) and maintained their independence through sisterhoods (Gaw, 1991; Stockard, 1989), thus avoiding the fate of the “*mui jai*” or bonded servants (slaves). However, these migrations were relatively small and were mainly across borders of neighbouring nations in contrast to the current larger migrations over longer distances. Moreover, the women found work in a variety of fields to support themselves and often those left at home.

Some of the reshaping of social traditions in the global era, however, are quite subtle as women are channelled into the domestic areas or “women’s work”. The affluence experienced throughout Asia since the 1980s has encouraged the importation of foreign women, for example, to “assist” Taiwanese daughters-in-law fulfill their familial obligations, child rearing, and domestic housework (Lan, 2002). In fact, Taiwan has limited immigrant quotas of foreign domestic helpers to that of Carers, but employers will use the so-called carer as a domestic helper or nanny to circumvent this restriction. In the older, traditional patrilineal Chinese household the mother-in-law held sway over all the women. In addition, in her old age, she was cared for by her eldest son’s wife. With the smaller nuclear families, the mother-in-law now often lives separately but this does not diminish the responsibilities of her son and duties of her daughter-in-law. However, with more educational advantages the younger women find work outside the home and are unable to undertake the care of their mothers-in-law. “The filial duty of serving aging parents is transferred first from the son to the daughter-in-law (a gender transfer); later, it is out-sourced to migrant care workers (a market transfer)” (Lan, 2002:188), thus wives alleviate potential interference by her mother-in-law in her marital home. Such shifting

of generational responsibilities, whilst fulfilling the role of dutiful daughter-in-law and obedient wife, also occurs in Singapore and Hong Kong.

In Sri Lanka, families are experiencing problems with gender role reversal as the women go overseas to work as domestics. They leave their husbands to care for the children. However, as Gamburd notes (2002), with no employment at home, the men often “feel a loss of self-respect and dignity when their wives become breadwinners” and delegate the “woman’s work” of child care to a female relative (2002:190). It is quite common for a wife, returning home after working overseas for several years to find that her husband has drunk all the money she sent home. Drinking excessively is seen as a male status symbol, and compensates for having to look after children and the home (ibid:2002)

In the 1960s and 1970s Hong Kong’s manufacturing and electronic industries grew rapidly to meet the global demand for consumer goods. Taking advantage of the large pool of cheap migrant labour, Hong Kong was able to compete with other Third World countries for these consumer goods demanded by the West (Welsh,1997; Rafferty,1989). Job opportunities for women in the factories opened up as women were considered more suited to the tedious, repetitive yet delicate and detailed work of the factory belt and sewing machines. Many women left their jobs as amahs (servants), where they worked long, hard hours for minimum pay, for the shorter hours (approximately ten hours) and better pay in the factories. Hong Kong has a long tradition of house servants and with this exodus the government was forced to look overseas to find women willing to fill the void.

### ***Ambiguities and Complexities of Women’s Status in Two Cultures***

As foreigners and domestic helpers, the Filipinas experience being marginalised at the bottom of the social hierarchy in Hong Kong, whilst they are lauded as national

heroes by their country's presidents for contributing to the nation's economy (Raphael, 1997). The tensions between modernity and tradition are manifest as the global process reshapes the traditional gender relations that are played out in the everyday lives of both the Hong Kong employers and the foreign domestic helpers. In both societies higher status is accorded to women who are married and, in particular, to mothers. However, cultural differences are reflected in the values associated with women's social status. For example, all children of both sexes are valued equally in the Philippines, which could well be due to the matrifocal nature of the family. In the Chinese tradition, women have not been valued for themselves but rather for their reproductive capabilities of bearing male children and, again, this could well be due to the patriarchal values of the lineage.

### ***Status of Hong Kong chinese women***

The overriding social organization in Hong Kong continues to be patrifocal but not as rigid as the historical Confucian tradition (Leung, 1995; Jones, 1995; Watson, 1991; Wolf, 1968, 1972). In the older male dominated lineage households, women were expected to devote themselves to the service of and obedience to the male members of her household. A woman's status was dependent on "her father before marriage, her husband during marriage, and her son in widowhood." (Fei, 1992:85: fn6). Indeed, in the Chinese tradition "womanhood is largely defined by qualities of submissiveness, dependence, and self sacrifice. Encapsulating these virtues is "the Chinese character for woman (*funü*) that depicts a kneeling woman holding a broomstick" (Tang, et al., 2000:189). These Confucian teachings were followed for over two thousand years. Daughters were considered "temporary members" who were "precluded from inheriting within and to gain nothing from the lineage" (Baker, 1966: 47-50). Although such lineages are not as powerful as they once were, they now act as trustees to maintain their

claims to land gained and maintained under the British land ownership system. However, women were still not allowed to inherit land in the lineage holdings until 1992.

As mentioned above, daughters were considered of little value since they were married off, leaving their natal lineages to join their husband's household where the mother-in-law had absolute control over the younger women (Wolf, 1968; Croll, 1978). Women of such households could include "concubines, slaves, indentured menials, and servants" (Watson, 1991:231; Baker, 1966). Although the men had absolute control of the public sphere of lineage and property, and household members, the senior wife exercised control over the women within the household (Watson, 1991), limited only by obedience to her husband's wishes. As the Hong Kong Chinese households became less determined by lineage and more Westernized as a nuclear family of parents and children, such control by the wife of the household still has relevance to the contemporary relationship between employers and servants.

Leung (1995) argues that the continuation of the patriarchal system (albeit more benign) can in part be traced back to when the British acquired Hong Kong. The Chinese inhabitants occupied the mainland side of Victoria Harbour and the British settled on the Island of Hong Kong. Leung suggests that the segregation of the two communities enabled the Chinese to maintain, within the colony, their traditional class values and patriarchal practices (1995). Indeed, Jaschok points out that at the time of the British possession of Hong Kong in 1841:

"the Chief Magistrate was authorized and required:

to exercise authority according to the laws, customs, and usages of China,  
as near as may be (every description of torture excepted), for the  
preservation of the peace and the protection of life and property, over all

the native inhabitants, in the said island and the harbors thereof and over other persons according to British law.” (Jaschok, 1988 quoting Hong Kong Directory & Chronicle, 1923:965, Hong Kong.)

Thus a laissez-faire administrative style of British government was established that encouraged the Chinese character, language and traditions to flourish in the colony. The British and Chinese communities remained segregated which Leung argues enabled successive Chinese migrants to maintain the values and patriarchal practices “they brought with them from their homeland to the colony” (1995:23). Thus, in the contemporary flows of global migration, Hong Kong continues to protect its cultural integrity through control on the movements of certain immigrants, especially the foreign domestic helpers.

Similarly, Jones, (1995) in her analysis of women and the law in Hong Kong, suggests that the British policy of non-intervention supported the Chinese elite in their interpretation of Chinese customary law and indirectly helped to maintain the low status of women and their subjugation as property of their fathers and husbands. Indeed, Jones insightfully points out that during the early period of the colony both Britain and China had:

“patriarchal values deeply embedded in their laws. If we look, for example, at the legal status of women in Victorian society and that of a woman in Hong Kong, we find that both were defined by their relationship to men (daughter, wife, mother). Women in both jurisdictions were regarded as chattels; rights over them were transferred on marriage from the father to the husband....” (ibid. 1995:171).

Another area of traditional social organization which has the potential for explaining much of the difficulties encountered by the Filipinas is that of education. In

Hong Kong it was not considered necessary to educate girls beyond the first level. Only in 1972 was primary education made compulsory for all children, and secondary education in 1978, resulting in larger numbers of women attending university (Choi 1995). However, in her study of 28 working girls in Hong Kong, Salaff (1981) found that although the young women did gain more autonomy in personal decisions, no longer being totally reliant on their fathers for support, they were still raised within patriarchal traditions. As daughters they were expected to devote themselves to the welfare of the family unit. In the event there was little household money the daughters left school at an early age so that the sons could be educated, eliminating any opportunity for the young women to continue with higher education (ibid: 259-260).

This negative value attached to the 'worthlessness' of daughters is very apparent in the older practice of *mui jai* and may well influence some of the attitudes of the present Chinese employers toward their Filipina domestic helpers. Daughters of wealthy and comparatively powerful families were married off to form alliances, but until early in the twentieth century one of the values a daughter had for a poor family was the price she could fetch when sold off to a richer household as a *mui jai* (slave or bonded servant, or euphemistically 'little sister'), or a concubine or prostitute (Jaschok, 1988; Leung, 1995; Salaff, 1981; Croll, 1978; Watson, 1991).

The sale of young girls as *mui jai* was a common practice in Hong Kong at the turn of the 20<sup>th</sup> century, and although some *mui jai* received relatively good treatment, doing only light housework, and sometimes raised in status to that of concubine to a member of the family, many of them were subjected to brutal punishment for the slightest infraction of rules, or at the whim of her owner (Jaschok, 1998; Sankar, 1984). Ostensibly under the contract terms the *mui jai* were to be married off when they reached a marriageable age,



but as Jaschok notes, many were resold for a profit as concubines or prostitutes (Jaschok, 1988; Stockard, 1989). Rubie Watson (1991) also notes that it is unclear from the records if the parents “signed contracts that turned over full rights to their daughter once they accepted the master’s payment” and that the “local officials clearly felt they were dealing with a deeply entrenched customary practice” and were thus reluctant to outlaw the practice (Watson, 1991:245 referencing Report 1937:162). The practice was outlawed in 1922. However, under the guise of adopting a “little sister or daughter” from a poor family as an act of charity, the practice was continued for a number of years, although it is not clear if they still bought the young girl. Constable suggests that the practice lives on in the historical memory of the older generation (1997). There are uncomfortable similarities to these older traditions and the treatment experienced by the contemporary Filipina domestic helpers, as demonstrated later in this thesis.

### ***Status of Filipino women in the Philippines***

The Philippines has a strong matrifocal orientation, with mothers being the most important figure in the family unit. With marriage both Filipino men and women are recognized as being “fully socially mature and responsible” (Jacobson, 1974:356). Daughters who do not marry and take care of their ageing parents are also respected (Tiongson, 1981:146), however, the most prestigious role for women is that of mother as she is considered to be the “architect” of the next generation (Hollnsteiner, 1979:70). Chant & McIlwain write that a “strong thread running through much writing on gender and the family-based household in the Philippines is that of egalitarianism in domestic relations and democratic consultations between spouses on matters of expenditure and labor allocations” (1995:7; see Jacobson, 1974; Dolan, 1993; Fox, 1963). Jacobson in particular stresses that women are equal but different. She argues that “[i]t is important

to recognize that many kinds of activity are cooperative, and the fact that men and women make different contributions to society does not automatically provide for higher status of men” (1974:349).

One powerful reshaping of the Filipino family dynamics in the global age is found in the control of the family income. Women are often seen as co-managers in family affairs, as they hold the purse strings. Traditionally men hand over their wages to the wife-mother who then uses it to manage the family finances. However, as Chant & McIlwaine point out, “wives are not really in a position to refuse a demand for drinking and gambling money” (1995:8). Aguilar also argues (1989) that in the poor households there may only be enough money to take care of basic needs and thus does not offer many opportunities for the exercise of personal power and autonomy. Now, with so many of the men having difficulty in finding work, the wives are becoming the breadwinners, or certainly bringing in the larger percentage of the family income. It is the wife-mother who sends her money back to the Philippines to her husband for household expenses. However, in the event of an unfaithful husband, or one who neglects the children, the wife now has the power to refuse to give him the money and will arrange to send it to a female relative, or elder daughter, looking after the family, to manage the household budget.

### ***Reversals in status and traditional gender roles***

Hong Kong women have acquired more independence and higher status in the past three decades since secondary education became compulsory. Choi suggests (1995) that women occupy more administrative and management jobs than in previous decades but still at a much lower percentage compared to men. Although women have joined the work place and now hold key government positions, they are still under represented in the overall workforce (Tang, 2000). Pearson and Leung found (1995) that “[t]he availability

of Filipina domestic workers has freed middle-class women for the labor market, but it has done little to change the traditional structure of the family or work place” (Pearson and Leung,1995:9). The wife and mother is still expected to continue her domestic responsibilities albeit alleviated from performing the household tasks herself: she still has to supervise the domestic helper and organise the home (ibid 1995:8). However, younger Hong Kong women continue to strive for equality in the workplace and in the home.

Filipinas take pride in their ability to provide a better standard of living for their families. However, a report of the Scalabrini Migration Center (SMC) casts some doubts on the women’s new roles and notes that they have:

begun to shift away from traditional modes, toward...more person-oriented patterns...a more diversified role leading to greater space for self-determination and freer decision-making process toward *autonomy and transcendence*....[Emphasis in the original] (SMC,1989:101)

This SMC report reflects a perception of a traditional society in which all women are self-less, devoted to family, because the above quote posits that it is only recently that women seek “self-determination” and “autonomy and transcendence”. A move away from “traditional” roles does not, however, necessarily mean a move away from responsibility and obligation towards their families. As found in the following ethnography, most of the women wrestle with the conflict between tradition and modernity in that they are becoming the breadwinners and their husbands are looking after the children, but their integral role as mother is being fulfilled in a different way. Obligations to kinship relationships are still the focus of the Filipinas in Hong Kong. For the majority of the middle class Filipinas, they justify their lower status and tolerate the bad working conditions as domestic helpers, as a means of providing for the health, education, and well

being of their children and the family, even if they are not present on a daily basis to guide and nurture them. As the middle class Chinese women gain in status, the middle class Filipinas face the conundrum of lower status in Hong Kong, and mixed perceptions of their status in the Philippines -- on the one hand gaining respect and status through earning money and providing for their families but losing respect by working in the lower status job as a domestic helper.

## ***Research Methods***

### ***Fieldwork preparation***

My fieldwork was conducted over the period July 1999 to March 2001. With the change of government in Hong Kong from British to Chinese in 1997, I wanted to clarify the visa requirements for tourists and researchers. The Hong Kong government office in London informed me that, as a British citizen, I would be allowed to stay in Hong Kong for six months on a visitor's visa. If I wished to stay for a longer period I could apply for a research visa and work under the sponsorship of a local university. Based on these verbal conditions, it was my decision not to apply for a 12-month research visa but to enter on a six-month visa, which is simply stamped in one's passport on arrival in Hong Kong. I had not wanted to delay the start of my fieldwork whilst the visa was processed through the London office, nor become "attached" to a local Hong Kong university as a researcher (see below). Nor did I wish to pay unnecessary visa fees, being on a very tight budget. Since there was no illegality involved in simply arriving and staying in Hong Kong for six months to gather independent research data, I chose to enter the field informally as a tourist and get a new visa each time I re-entered.

Using the six-month-stay restriction I initially decided to divide my proposed 12-month research period into two phases and to work in two separate locations, firstly in Kowloon and on Hong Kong Island, which are urban areas, and, secondly, in the New Territories, the more rural area. However, Hong Kong is one of the most expensive city-states in the world in which to live and conduct research and without any financial assistance, other than limited student loans, it was necessary for me to break the research period into three phases to allow me to work outside Hong Kong and earn supplemental funds. I, therefore, extended my fieldwork over 18-months which I divided into the three phases discussed more fully below. In fact, the breaks gave me the opportunity to review my notes and to outline the next phase. As noted by Bernard (1995), perhaps my friends and acquaintances in Hong Kong also needed a break from me and my incessant questions because on my return they greeted me with warmth and enthusiasm, anxious to tell me what had been happening in my absence.

### ***Going it alone***

Whilst I concur in principle with Bernard's position that one should not "...try to wing it"(1995:143) but establish local contacts to help ease the entry into the field, my decision to begin my research without any contacts was based on several personal experiences. Firstly, as a mature student, I have experienced arriving in strange, foreign locations without connections and settling in. Secondly, I felt it was important to establish myself as an independent researcher in the Filipino community without any "political" affiliation and, especially, as Westerners are seen as "authority figures", they can be treated with a certain amount of reserve which might prove a barrier to sensitive information. Thirdly, during prior contact with a number of Filipinos over many years, I was aware not only of their spontaneous kindness and generosity but also their informal

possessiveness as one becomes adopted into their fictive kinship world. Thus, I wished to avoid offending future friends and informants by associating with groups outside their own immediate sphere of influence. One of the interesting facets of my relationships with the different groups discussed below, was that no one enquired about my activities outside their field of knowledge and interaction. Thus I was able to enter and leave separate groups without friction or suspicion. This enabled me to cross-reference information related to Philippine practices and processes with an “independent” source without violating any personal or private sensitivities. Equally important, working with a highly educated group of women, I wanted to minimize the Filipino tendency of anticipating answers to my questions.

### ***Language***

An important consideration in preparing for my field research was in which language should I conduct my interviews. The first language of Hong Kong is Cantonese and that of the Philippines is Tagalog (Pilipin). However, in each country the second official language is English. Rather than struggle to learn two languages, poorly, I decided to conduct my interviews in English. From the two earlier seminal studies conducted by French (1986) and Constable (1997), I was aware that the women working in Hong Kong were well educated, often with college degrees, and in most cases spoke English well, as English is the language of communication with most employers--expatriate Westerners and Hong Kong Chinese--and Hong Kong officials. Frequently, too, the domestic helpers are expected to teach English to the children in their care.

Another important consideration was that as an island nation, the Filipinos speak multiple local and regional languages in their everyday communication. In fact, there are seven major Philippine languages, 39 dialectal languages and 75 language groups (Yu

and Liu, 1980:17). The domestic helpers in Hong Kong come from every region and province of the Philippine Islands and often, when individuals are less than fluent in Tagalog, they use English as the lingua franca amongst themselves as well as with their employers. When they are unable to find an appropriate Tagalog word, the Filipinas resort to a creole incorporating English words and phrases into their general conversations in Tagalog or regional language. As I expected, the Filipinas had severe time constraints, and much of my research was conducted through quick, casual conversations and quasi-structured interviews. It was imperative, therefore, that I be able to question or to clarify comments quickly rather than stumble through a foreign language as a neophyte linguist. Thus I decided English would reduce the potential for misconceptions and misapprehensions for all of us.

### ***Gaining access to the Filipino community***

On a pre-fieldwork, ten-day exploratory trip to Hong Kong, when I had first determined to conduct my study there, I had realised that the initial major hurdle to overcome would be gaining access to individual Filipinas as they moved like shadows along the interstices of Hong Kong society. My first inclination was to prepare a standard questionnaire similar to that used by French in her PhD research (1986) to gather preliminary demographic data within the expected time restraints. Her method solved the problem of lack of access to the Helpers but limited the sample group to those women who had official business with the Consulate on a particular day. For my research, therefore, I decided to rely upon the classic participant-observation method conducting semi-structured, quick, repetitive interviews over the length of the fieldwork and gather demographic information at that time. In addition, I anticipated being able to conduct in-depth interviews with those Filipinas who had more free time and were willing to meet

with me, in order to learn more about their views and lives in Hong Kong. These pre-field assumptions proved to be accurate in practice.

Using the snowball sampling method<sup>2</sup>, is a recommended method of locating individuals in a situation where there is difficulty in gaining access to the study group (Jorgensen, 1989; Bernard, 1995). Although the Filipinas were very visible each Sunday when they gathered together in their tens of thousands around Hong Kong, they were virtually invisible during the rest of the week. However, as Jorgensen suggests, in larger populations the snowball technique is not particularly successful as one is often directed to a few central individuals (1989:50) and this was indeed the case in Hong Kong. I found that not only were the women, themselves, reluctant to introduce me to others (which I suspect was a way of protecting their friends from a potential vulnerability from an unknown Westerner) but sometimes their circle of friends and kin was very small. However, as Bernard suggests, I found that the snowball method was better suited to networks (1995:97). The staff and volunteers of the official charitable and political organizations were very helpful not only in providing information but also in setting up meetings with other Filipino associations and groups.

At the beginning of my fieldwork, I was fortunate to develop friendships with the women working at the guesthouse where I stayed for half of my fieldwork. They became my core group of informants with whom I could seek additional clarification on information I had gathered from other Filipinas, whom they did not know, and learn more

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The snowball sampling method is useful when it is difficult to gain entry to a particular group. By asking one interviewee for introductions to other individuals, friends or family, the number of participants in a study can be increased quickly. Another advantage is that the researcher is then validated by the person doing the introduction.



about their own views about their lives as well as the socio-economic and political influences underpinning their need to work in Hong Kong.

Any form of recording, such as written notes or tape recorders, intimidated many of the interviewees. When I asked if they would mind my recording or taking notes, most of the women showed reluctance and many indicated they would prefer I not do so. Thus, most of the early interviews were conducted in a one-on-one informal manner, simply chatting together and exploring a wide range of subjects. Although I interviewed some women in groups, I found that the conversation was frequently dominated by one or two individuals which silenced the voices of the majority. When I was better known and vouched for by mutual friends or respected members of the professional organizations, I was able to tape some interviews and openly jot down notes. My research, therefore, depended upon Geertz' concept of thick description (1993). Immediately after most conversations I would find a quiet place and, like Sanjeck, jot down "scratch notes" (1990:96) recording the most important phrases and concepts and then later spend many hours writing up more detailed notes of anything and everything I observed and heard. I did have a laptop computer with me but found that handwritten notes were more natural, provoking an image of the individual and a better recall of the information. Handwriting seemed to provide a physical connection between the women and me.

### ***Field research organization***

As mentioned above, I found that dividing the field time into three phases proved to be the most productive. However, although I did move to two different locations, a guesthouse in Kowloon and a flat-share on Hong Kong Island, I did no more than visit the New Territories. Instead, as my research progressed, I was able to move into different contexts of the Filipino community, each providing some unique perspectives whilst

overlapping many others. The first context was with the women working at and passing through the guesthouse in Kowloon, the second was with the professional and volunteer staffs at the Filipino organizations, the third was with the local Filipino associations, the fourth was with the women at a safe house, the fifth was with unaffiliated women I met casually, and the sixth was when I accompanied the Filipinas to the government and judicial venues of Hong Kong. My freedom to follow the leads presented in this rapidly shifting population, reinforced my initial decision to be a free agent rather than organizing a specific contact-based, time-restricted study. In other words, had I pre-arranged to be in the New Territories to stay with a particular contact on a certain date, I do not believe I would have gained such a multi-layered view of the lives, activities and living conditions of the Filipinas, as well as the roles the Philippine Islands and Hong Kong governments play in the globalization of the labour market.

**Phase I** – During this initial phase my first priority was to find a safe and cheap place to live. After taking a quick tour around Hong Kong Island, where most expatriates and upper class Chinese live, and telephoning several tourist-oriented organizations, which provided accommodations, such as the YMCA, I decided the prices were beyond my means and turned my attention to Kowloon on the mainland side of the harbour. Kowloon has retained more of its older Chinese character and offers a broader range of short-term, low-cost tourist accommodations. After looking at some rather grim rooms, I found a suitable guesthouse through an internet advertisement (see Chapter II for a fuller description and discussion of the guesthouse community).

My walk-about seeking accommodation were an excellent way of gaining a quick orientation to Hong Kong, the people and the transportation system since I explored many nooks and crannies of the city which I would probably not have entered otherwise. The

first few weeks were full of new and strange experiences. Hong Kong assails all one's senses with its abundance of sounds, sights, colours, smells and tropical weather. To learn the rhythm of the city I got up early and around 6:00 a.m. walked around the almost deserted streets of Kowloon. I found that the street markets, selling fresh produce, and supermarkets were the first to open. This is when most Filipinas can be seen rushing to the markets to buy the day's fresh food. The city bustled with activity until 10:00 p.m. when, except for the expensive, tourist restaurants, everything would shut down and relative quiet would settle once more over this restless city.

Dropping by the office of the guesthouse where Marissa worked, I was able to meet and chat with the Helpers for a few minutes on a regular basis. They were, however, always conscious of time and the possibility their employer could return at any moment. During the first two weeks I could feel the women weighing me up and trying to place me in some socially acceptable category. I explained that I was researching the lives of Filipina domestic helpers in Hong Kong for my PhD degree in anthropology. Whilst they gave the impression that this was a somewhat strange thing to study, as they did not consider their lives to be at all interesting, Marissa immediately became enthusiastic and offered to talk with me whenever possible.

During this phase, I continued to familiarize myself with Hong Kong, to discover the areas where the Filipinas were most likely to be found during the week, such as in the parks, walking toddlers and pushing prams with babies and to observe the gatherings each Sunday and note their activities. To access public documents, I received "researcher" access to The Hong Kong University library and obtained a deposit-free membership to the Hong Kong public library system, courtesy of one of my new Filipina friend's sponsorship. **Phase II** – Returning from my first working break in the United States, I

initially returned to the guesthouse and found my friends welcoming and caring. Several changes had taken place and I met several new Helpers who were either staying at the guesthouse between jobs or were working as part time Helpers. Because of lack of funds, I was unable to afford eating out and the room only provided a refrigerator and kettle so I decided to move to a new location with a kitchen where I could cook for myself. I found a flat-share with a professional Chinese woman on the south side of Hong Kong Island. This change of location was in line with my initial research design and gave me access to a different population.

Although Hong Kong Island is regarded as a Western expatriate area, most of the residents are Chinese and the enclave in which I stayed was primarily occupied by middle-class families. Once again, I was delighted to find that a large number of Filipinas worked in the buildings, but here they were employed in the traditional role of a domestic helper taking care of families. Many of them were confined to their employer's home and rarely seen until their day off. I was often only able to talk in brief segments of about 5 to 15 minutes as they hurried to do the marketing in the shopping mall beneath the complex. Sometimes, we walked along the isles chatting as we shopped or grabbed a quick cup of coffee<sup>3</sup>. However, over the next five months I was able to gather my data. I also continued to maintain contact with my friends at the guesthouse and visit with them.

It was in this phase that I was able to contact several of the charitable organizations devoted to assisting Filipino domestic helpers. My first contact was with the Catholic Charities in the Central District on Hong Kong Island. However, during our initial interview one of the nuns asked if I had been in touch with any of the other organizations

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These short spurts of contact are probably more common in the field than conducting long interviews, especially when working with women since they are usually very busy taking care of children, their domestic chores, gardens, etc.

such as the Mission. I told her not at that time but that I wanted to try to work with as many organizations as possible. When I found the Mission for Filipino Migrant Workers tucked away in an office block behind St. John's Cathedral, the Director graciously granted me an interview during which time I outlined my research efforts and requested permission to talk with the staff and the Filipinas who came seeking help. In the past I have worked on the staff of several not-for-profit organizations and knew there was always a need for additional volunteer help so I offered my services in any capacity that might be of help to their work. I began working twice a week abstracting articles from the news media and entering them into the computer data base. I was given access to the files of the Filipinas who had encountered problems with their employers, incurred financial difficulties, experienced family traumas and had complications with their visas and contract. All the time I was able to chat to the professional staff members and volunteers, the majority of whom were themselves domestic helpers, and learn more about their political efforts to change the harsh employment conditions of the Helpers. In addition, I met officers and members of other organizations working for the benefit of the Filipinas in Hong Kong. Everyone was generous with their time and information, frequently advising me of some street fairs, meetings, demonstrations, or events which would be of interest. I graduated to assisting the Helpers who came to the Mission with filing complaints against their employers in the various legal venues, learning more about the limitations and restrictions of the employment contract and its pitfalls for the women as we worked through their claims and filings with the Labour Department.

After a month the Director asked if I would be interested in talking to the women at one of the safe houses. Needless to say, I accepted the invitation immediately. I realized I had in fact been vetted during my work as the location of the safe houses are

kept anonymous to guard the safety of the residents. After an initial interview with the Director of one of the safe houses, having been escorted by the Director of the Mission, I was granted permission to visit and talk to the residents. I was admonished to be cautious as most of the women had suffered trauma and were vulnerable. It was at this point, however, that my fieldwork took a turn from the general to the specific. I was able to participate in extended conversations and conduct interviews, as well as participate in the activities of the safe house. Because of my own experiences as a temporary legal secretary, paying my way through university, I was able to help the domestic helpers prepare their statements for filing with the Labour Tribunal, Immigration, and other government agencies. I also accompanied a number of the women to their hearings at the various legal and government venues and attended two major criminal trials against employers. It was through the Mission and the safe house that I became involved with the legal aspects of the contract which governed the everyday lives of the Helpers in Hong Kong. Towards the end of this Phase, the Chair of UNIFIL, an NGO involved in the political aspects of contract migration, introduced me to a number of Filipino associations. I conducted a number of in-depth interviews with a representative sample of the associations and gained additional insight into the network of support and resources the Filipino community have established and some of the fun activities in which many of the Filipinas participate on their day off. Despite the difficulties incurred by the Filipinas, they have a huge capacity for enjoying a good joke, teasing each other, and bursting into spontaneously laughter at some ridiculous incident.

**Phase III** - Once again, returning from a working break, I returned to the guesthouse as I felt it was important to keep in close contact with my friends and original informants not only for data input but also for their support and friendship. Staying on the

Kowloon side of the Harbour was more convenient to one of the safe houses. I continued to prepare statements for filing with the Labour Tribunal, accompany the Filipinas to the various hearings, and attend various events organized by the Filipinas. By now I had become fairly well known and trusted in the Mission's sphere of influence and my association as a volunteer opened many doors allowing me to conduct several longer, in-depth, taped interviews and note-taking at shorter interviews. Toward the end of this Phase most of the information and stories became repetitive, so I felt it was time to leave the field.

### ***The research results***

This research is not set in grand theory, rather it is the story (ethnography) of Filipino women working overseas to support their families at home. As we explore the lives and experiences of the Filipinas, however, it becomes obvious that there is more than appears on the surface. The widespread incidents of abuse enacted by the employers are enabled through the inaction of Hong Kong's overall community and, in particular, the governing bodies. Thus, as we follow the Filipinas into different spheres of social action we learn about Hong Kong's cultural mores as it responds to these temporary migrant women.

## *CHAPTER II*

### *Living in The Shadows*

Despite the ever increasing numbers of foreign domestic helpers working in Hong Kong, 216,760 total in 2000 – of whom 151,732 are from the Philippines (Hong Kong 2000, 2001) -- on weekdays their presence goes almost unnoticed. As live-in domestic helpers, they work long hours and are rarely seen on the streets, except for an occasional glimpse as they flit like shadows amidst the hustle and bustle of the daily activities of the residents and tourists. In the early morning they hurry to the markets for the day's shopping. Later, as the majority of the Hong Kong residents begin to emerge for work, they escort children to the school bus or to school. In the late morning, before it gets too hot, they can be seen pushing babies in strollers in the parks or walking arm in arm with their elderly charges for a daily constitutional. Most Helpers, however, are confined to their employers' homes 24-hours a day, except for their one day off each week.

Few of the Filipinas have travelled to Hong Kong for fun or adventure. The majority leave the Philippines reluctantly and with great trepidation, seeking higher wages to support their children and families. They have left the security of family and friends in the Philippines for the relative insecurity of working in other women's homes. Most of them arrive in Hong Kong alone, taking comfort in the knowledge of a job and a place to live, in their employer's home. Some do have a relative or friend already working as



a domestic helper in Hong Kong, few of whom are free to meet the newcomer at the airport. The majority of the newly arriving Filipinas, however, know no one and their only contact is the agency representative who meets them at the airport, or sometimes their new employer will meet them. Hurried off to either the employment agency boarding house overnight, or sometimes immediately to their employers' homes, the newcomers find themselves suddenly isolated from the community at large and the Filipino community in particular.

The experiences of the Filipinas vary with the moral character of their employer. With a comparatively good employer the women find their new lives tolerable, although the job is boring, repetitive, and tiring. However, new Filipinas are unprepared for the frequent abusive criticism, yelling and screaming, the long hours of heavy, repetitive work and being totally subject to the whims of their employers. The long-term and more experienced Filipinas try to find ways to negotiate these conditions and the Contract restriction of living in the employers' homes. The women I met at the guesthouse in Kowloon, for example, were willing to risk arrest, imprisonment and deportation by circumventing legal contract restrictions such as not working in an employer's business or freelance for two households, rather than tolerate the isolation of an employer's home. Typical of the majority of the Helpers, however, the women in Chi Fu Fa Yuen on Hong Kong Island, discussed below, tolerate the poor conditions and find moments in the day to reinforce their self esteem through brief moments of socialisation with other Filipinas.

### ***Kowloon***

Located on the mainland opposite Hong Kong Island and popular with tourists seeking inexpensive accommodations, Kowloon offers a mix of contemporary edifices,

such as the modern City Hall and the Art Museum, as well as the old colonial clock tower, retained from the relocated railway station, and the Peninsular Hotel, popular for its English Tea,. Stretching back behind this facade, lies a more modest neighbourhood which has retained much of its Chinese character, and is home to millions of the low income population. It is popular for its open street markets, jade market, and temple. Traditional Chinese markets intermingle with modern tourist shops in a maze of narrow streets and high rise, multipurpose buildings. Amongst the hustle and bustle of Kowloon, are the faces of the world and it is hard to discern the presence of the Filipina domestic helpers.

### ***The Guesthouse***

The seclusion and isolation of the Filipina domestic helpers presented me with a major dilemma as to how to interact with them and learn about their experiences, hopes and dreams. However, serendipity must be a large part of fieldwork. I awoke the first morning at the guesthouse I had found in Kowloon, to the chatter of two Filipina Helpers as they cleaned the rooms off the courtyard outside my window – not as dramatic an entrance to my field as Geertz’ tumble into the courtyard in Bali (1992 [1973]) but nevertheless unexpected and very reassuring. As mentioned above, I had been concerned about how to enter the quasi-invisible Filipino community in Hong Kong, thus finding the guesthouse where several Filipinas worked offered a unique opportunity to become involved in the daily lives of a small group of Filipina domestic helpers, Marissa, Aileen and Dolores, who became good friends and willing assistants in my research, as did several temporary Helpers at the guesthouse. After searching for an affordable place to stay, and looking at a few somewhat grim tourist rooms, I found the guesthouse tucked

into the back streets of Kowloon, a rather gloomy and tatty world of narrow, wet streets lined with decaying concrete, multi-purpose high rise blocks. It was a world apart from the tourist postcard glitter and glamour of Hong Kong Island and the Harbour. My first impressions of the guesthouse complex were mixed as it seemed somewhat neglected and mysterious. Red lanterns hung over the bright red, iron gate guarding the entrance from the street. The front courtyard was reached by a short flight of mosaic-covered steps and an elderly watchman sat outside a small hut next to a dry pond filled with ailing plants. A further set of steps led to another pair of heavy, locked red and black iron doors at the back of the entrance courtyard leading to yet another inner courtyard. The complex was comprised of three separate nine-storey buildings all joined together in a townhouse fashion. The residents were predominantly Chinese from the lower economic working class and a few Filipinos who were permanent Hong Kong residents. There were a number of guesthouses scattered throughout the buildings, although none were marked as such. Probably built in the 1950s, the green mosaic tiled exteriors of the buildings bespoke some former status but now looked tired and dirty. Originally, each floor had consisted of two flats which had now been divided into smaller units, often up to 7 individual rooms. The guesthouse rooms I was shown on my exploratory visit appeared to be well kept and clean, each with a shower/toilet closet, a small refrigerator, an electric kettle, a TV and a private direct line telephone and, of course, a bed, a table, a chair, a set of drawers and a bookcase. Above all, with the enclosed entrance and watchman, I felt it would be a safe place to stay for a while and just affordable.

The guesthouse had approximately 50 rooms, scattered on six separate floors and the inner courtyard. The majority of the rooms were doubles but usually had single occupancy. My first room was better than most of the others on the ground floor, which

were very dark and gloomy, as it was located on a corner with windows on two sides. It overlooked a shaded inner courtyard with a small green Chinese pagoda where guests could sit and talk. A raised border held some pathetic looking tropical plants in drunken terra cotta pots. Growing out of the mosaic courtyard floor, two emaciated trees struggled for sunlight amongst the tall buildings, their straggly branches providing a convenient walkway for the neighbourhood's lean and mean-looking cats. High on a barbed-wire-topped wall, sat a small stone figure of the garden god overseeing his handiwork -- which was less than impressive. After the frequent monsoon and typhoon rains the Helpers swept the courtyard floor of the standing water, often disturbing clouds of mosquitos. Despite the screens on my decoratively barred windows, a few of the mosquitos found their way into the room and made me thankful for the presence of my shy room mate, a gecko.

During the time I was at the guesthouse in that particular room, I was able to carry on conversations with the Filipinas through the window as they came and went, cleaning rooms off the courtyard and doing the laundry in the outside washing machines, or joining them if their Employer, Mr. C. was not about. Aileen particularly liked these somewhat clandestine meetings. Later I was told that they continued to refer to that room as "Estelle's room" despite the fact that I stayed in several others on different occasions.

### ***The Guesthouse Owner-Employer***

The owner of the guesthouse was a Chinese man in his late 50s, whom I shall call Mr. C in this discussion to maintain to some degree the anonymity of the Filipinas working for him. Sometimes the Helpers would refer to their Employer by his formal name, at other times, when talking with those guests with whom they felt most

comfortable, they used his English first name, but always when speaking with him directly it was “Sir”. Mr. C was typically slim and of a comparatively tall stature, he certainly stood head and shoulders above the Filipina Helpers. He also owned another business, the nature of which was never clear to the Filipinas, and he went to his office on most weekdays. He occasionally travelled overseas leaving the Helpers to take care of the guesthouse although he telephoned regularly to find out what was happening, and his adult son would sometimes stay and nominally supervise the business during his absence. Mr. C did not oversee the Filipinas’ daily work, but during the week might turn up unexpectedly at lunch time or in the afternoon, keeping the Filipinas off balance and in fear of being scolded for some minor infraction of his rules. He would walk around the courtyards of the guesthouse in the evenings and during the weekends checking on everything, but he rarely entered the guestrooms, relying on the Filipinas to tell him what needed attention, such as a broken TV, a plumbing problem, or replacement pillows.

Mr. C’s relationship with the Helpers was authoritarian and although he was away for most of the day he constantly telephoned from his office to check on what was happening and to resolve any problems or questions the Helpers might have. These constant calls caused the Filipinas a great deal of aggravation because if they were slow in answering the telephone he would yell at them and demand to know exactly what they were doing. He also demanded to know what work had been done and what still needed to be completed. They resented the implication that they could not be trusted to complete all their tasks. Mr. C’s attitude towards the Helpers could change from that of a strict disciplinarian to a fatherly, teasing one. He was prompt in paying their monthly wages and at Chinese New Year gave them each the traditional red envelope containing a bonus.

This gift is usually given to children and employees, but is not a requirement of the Helper's Contract.

His attitude towards his guests was businesslike and he was always willing to haggle over the price of a room rather than lose a guest, as he did with me on one occasion when I returned from my last working break and found that he had raised the price of his rooms to more than I was willing to pay. As part of his final offer and argument for me to stay he said "...but your friends are here," pointing towards the three Filipinas standing in silence to one side of the room. This comment flew in the face of his constant admonition that they not talk to the guests. His primary concern, however, was money and his business affairs, even to the extent of risking the health and safety of the Filipina Helpers, discussed more fully in Chapter III. He was generally fair compared to some of the stories I heard about other employers. Like Dicken's Scrooge and Shakespeare's Shylock, however, he demanded full measure for his money and observed the letter of the Contract and Employment Ordinance when it suited him. However, he was willing to use part-time off-contract Filipina Helpers when needed, which potentially jeopardized their legal status in Hong Kong.

Mr. C supported the Filipino community by distributing one of their newspapers, *The Sun*, in which he advertised his guesthouse. He also offered a special price for those Filipinas who needed a bed space (i.e. a bunk bed in a multiple occupancy room) when they had finished their contracts and were on their way home, were between contracts, or simply did not wish to go home for their holiday. The normal price charged to backpacker tourists for the bunk bed was HK\$100 a night but for Filipinos he only charged

HK\$50<sup>4</sup>. I also learned that he used to be a money lender to Filipinos and charged a reasonable interest rate, lower than the banks. However, he was not doing this during my fieldwork.

Always looking for a bargain, Mr. C would use the talents of his foreign guests whenever possible. Marissa told me that shortly before I arrived, one of the Western guests had found them painting one of the rooms. He had told Mr. C that the Helpers worked too hard and it was not right that they should be made to paint the rooms as well and that Mr. C should hire someone else to do it. Mr. C had apparently responded that if he, the guest, felt so bad about it then perhaps he should do the painting himself. The guest did paint the ceiling for the Helpers -- his 6'2" height being a great advantage over their average 5'1" height. Marissa's eyes had sparkled with glee and she giggled as she recounted this story. I witnessed one or two occasions when Mr. C argued with a guest and the Helpers would stand very still with no expression on their faces, adopting a domestic's mask of passivity and non-involvement, separating themselves from the conflict. However, later when describing such incidents to me, their expressions were filled with animation and humour, and sometimes concern. It seemed that the Western European and North American guests were often defending the Helpers and telling Mr. C he should change his ways, much to the delight of the Filipinas! However he simply ignored any such comments and nothing changed for them.

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The exchange rate in 1999-2001 was approximately HK\$10 to £1 or HK\$8 to US\$1. In this thesis I will refer to any monetary issues in Hong Kong dollars as to convert them into British Pounds or American Dollars has the potential of misrepresenting or distorting the actual value of money to the Filipinos.

## ***The Contract Filipina Helpers***

There were normally two full time Contract Filipina Helpers working at the guesthouse but with the volume of work, Mr. C. employed a third Helper on a freelance, off-contract basis. Even though the two Contract Helpers were legitimately working for the employer named in their Contract, they were in fact in breach of its terms by working in their employer's business. The third Helper was in violation of two of the terms of their working visas and the Contract since she was also working for another employer as a part-time employee. In some instances a Helper has a "nominal" employer who signs the Contract but does not use the services of the Helper, discussed below. One of the Helpers, Dolores, was on holiday in the Philippines when I first arrived at the guesthouse, leaving just two Helpers to do all the work. Normally two Helpers would clean the rooms and do the laundry and the third would take care of the reception, telephone, ironing and guests checking in and out. Before Dolores returned from the Philippines, a series of freelance Helpers came and went to fill in for her. Despite the long hours, they all found time, and patience, to share with me their experiences of living and working in Hong Kong and stories of home and family

### ***All work and no play***

The Filipinas' day started at 6:30 a.m. to get themselves ready and prepare breakfast. They reported to Mr. C by 8:00 a.m. when he would go over the details of the rooms to be cleaned and any other tasks that needed to be done. Their day rarely ended before 9:30 p.m. and often extended to 11:00 p.m. At least 25 daily guest rooms needed to be cleaned each day, which involved sweeping and mopping the floors, washing down the shower/toilet rooms (including the wall and floor tiles, toilet and sink), dusting, and



changing the bed linens and towels. For the dozen or so monthly guests, the rooms were cleaned on a weekly basis and fresh towels provided mid-week. As most of the rooms had double beds, just changing the sheets became a chore. Kneeling on the immovable, iron framed beds, pushed up against the walls, the Helpers had to clamber on top of them to reach the other side and ensure the sheets and covers were smooth and straight. Fresh linens were carried upstairs in plastic bags and as each flat was completed, the corridor floor was swept and washed, the dirty linens were put in another large plastic bag, then the heavy loads were carried down the stairs to be washed. Even though the guesthouse flats were on six different floors, the Helpers rarely used the old, slow lift as it also served the residents of the building and time could be wasted waiting for it.

The laundry was taken to the outdoor washing machines in the back courtyard. It was first placed in a large tub of bleach to soak whilst other chores around the guesthouse were completed. Then the heavy wet sheets and towels were manually wrung out and transferred to the two washing machines. When finished, the clean linens were hung up to dry on long, red painted, bamboo poles which were placed against the high back wall of the adjoining building under a corrugated plastic sheet roof. Because of the volume, washing the linens took most of the day, and the Helpers ran back and forth to the courtyard to complete it all. Day after day this scene was repeated. Since all the daily rooms had to be completed and ready for guests by midday and the monthly rooms by late afternoon, the Helpers were exhausted by the end of the day. In addition to the guesthouse rooms, Mr. C.'s flat had to be cleaned daily and food prepared for him and any family members staying with him. Also, under "other" duties, the Helpers would paint rooms, fix TVs, cook, take the rent money (cash only) and issue receipts, answer the phone, make bookings, as well as patiently answer the incessant questions from the

international guests, and any other jobs Mr. C. decided needed to be done. The heavy work load only lightened when there was a seasonal downturn in the tourist trade or, as during the Asian economic crisis, there were fewer business travellers staying at the guesthouse. During these brief respites we were able to visit for longer spells supplementing our courtyard visits, or chats whilst cleaning my room and those in my area, and the Filipinas shared their experiences in Hong Kong and their hopes and dreams for their families and themselves.

### ***Marissa's story***

We met Marissa in the Introduction as her Filipina mother persona, but life had changed once she arrived in Hong Kong. She had been working for Mr. C for approximately 8 months when I first arrived. Her primary responsibilities at the guesthouse were to clean Mr. C's flat, cooking and do his family's laundry, the ironing for the guesthouse, as well as acting as receptionist greeting his customers. As "receptionist" she also had to be available for guests arriving from overseas at all times of the day or night, thus either waiting up until the early hours of the morning for an expected guest or being awakened by the telephone. She enjoyed the distractions of greeting guests, however, especially as they came from all over the world. She gained a sense of self worth as most of the guests were friendly and treated her with kindness and respect. However, when the need arose, such as when one of the other Helpers had their day off, she also had to clean the rooms in addition to her normal duties. As with all the Helpers, Marissa was very tired all the time but she was never too tired to talk about her family and answer my incessant questions. One day, in response to a question as to why she had come to work in Hong Kong as her children missed her so much, Marissa said

“The most important thing is to educate the children so they won’t have to live the way I am here. I know they are safe with my mother.”

“Do you think education can ensure a better future?” I asked. “I have heard many of the Filipinas working in Hong Kong have degrees and were teachers, nurses and other professionals at home but they couldn’t get jobs or earn enough money to support their families.”

“Yes!” Marissa was quite adamant that her daughters would be better off, but she agreed that many people could not get well-paid jobs even with college degrees.

“If I worked in the Philippines, I could earn only enough money to pay for travel, for lunch, for working clothes, and there would be nothing left for school fees and family. School is free but we have to buy uniforms, lunch and, if they go on a school trip we have to pay. College is not free we have to pay for everything.... So I work here [in Hong Kong]. It is not so expensive here, we can wear jeans and T-shirts and we get food.... We should get our food but some employers, like Mr. C, don’t give us enough. It doesn’t cost so much to work here and we earn more money.”

“How did you find your first job here? Did you have any family or friends who could help you?” I asked.

“No -- an advertisement on the radio. I went to Manila in the north for an interview and they [an employment agency] found the job for me.”

The Philippine government actively recruits their citizens to work overseas and sponsors the radio advertisements. After undergoing the medical examination required of all applicants for overseas contract workers to ensure they do not have infectious diseases, or TB, and are not pregnant, Marissa waited for her Contract to be processed. She also had to go through “domestic training” so that she could learn the different cooking styles, customs and demands of the Chinese employers, despite the fact she had already worked for a Chinese family in Singapore. Typically, the applicants have to pay for the “training”, accommodations and food in the Agency’s boarding house, so, once again, they borrow money from their family members and take out a loan to pay all these incidental fees trusting that their employer would reimburse them later. Marissa was fortunate in that the agency had not charged her more than the legal employment fees set by the Philippine government, as so many others do. After paying an initial down payment on the employment fees, she was required to take a loan with three monthly payments to pay off the balance.

Her first job in Hong Kong had been for a family with two young children and a baby. They lived in the New Territories and Marissa had liked working for them as the father worked and the mother went out most of the day visiting family and friends. Thus Marissa was in charge and could pace herself and the work, as she had with her own children at home, but she had to be on call 24 hours a day with the baby. Unfortunately, after about 14 months into her 2-year Contract her employer told her that because of the then Asian economic crisis, they were having financial problems and asked her if she would take a reduction in wages from HK\$3,670, the legal monthly minimum wage set

by the Hong Kong Government, to HK\$3,000. Whilst some employers actually pay more than the minimum wage, all too frequently others cheat their Helpers out of their full wages and benefits with various ploys such as this. With all her personal financial commitments Marissa refused to take the lower wage and her employer had said she would take care of her children herself and terminated the Contract nine months early on the grounds of financial hardship. This left Marissa owing money for loans and without an income. The employer did, however, give Marissa 30-days notice, all her wages, holiday pay, and a return air ticket, in accordance with the Contract terms, as well as a good Release Letter. Unfortunately, she had given Marissa a non-refundable air ticket home and since Marissa found another job quickly she had not used it, ultimately losing the equivalent money.

Upon her termination, Marissa heard through her network of friends that Mr. C was looking for a new Helper. Normally she would have had to return to the Philippines and apply for a new job from there, incurring the employment fees and expenses once again. At the interview Mr. C had assured Marissa that she would be free when she finished her work each day, probably by 4:30 p.m. This sounded wonderful to her after the 24-hour care of the children in her last position. Also, as there were two other Filipinas working at the guesthouse at the time, Kathy and Dolores, she felt the work would not be too hard and she liked the idea that she would be with her compatriots rather than isolated in her employer's home as before. However, after signing the Contract, Mr. C told her that she must help Kathy clean the guestrooms, do the daily laundry and iron the guesthouse linens whilst Dolores looked after Mr. C's household and did the lighter work of shopping and reception. When the guesthouse was busy Marissa often found she

could not start the ironing until after dinner so her day sometimes did not finish until 11:00 p.m.

The work was mostly repetitive and boring punctuated only by the arrival and departure of guests, but during the mechanical chores of cleaning there was plenty of time for escape into daydreams about returning home to a world where she was loved and respected, and planning for the future. When Marissa was not engaged in helping guests and answering the telephone, her thoughts turned to the latest news from home. She was constantly worrying about her children's progress at school, how to pay for the new shoes and uniforms as the children grew. News about her husband's efforts to find a job was usually disappointing. She wanted him to find a good job and keep it so she could return home. Missing her children so much, she sometimes would talk about how a letter from home had made her cry from loneliness and frustration. Interspersed with laughter and teasing, our conversations reflected her thoughts, dreams and concerns about her children. She just wanted to be at home.

On one of her days off Marissa had stayed in her room and had talked to her children on the mobile phone she had recently bought. She called me to join her and I found her looking sad sitting on the bottom bunk in her shared room. She said:

“Now I have a mobile phone I can talk to my children more often as I don't need Talk Talk [prepaid telephone] cards to use the office phone. Mr. C doesn't like us to use the phone. I like their letters and it is important for them to write because my mother makes them write in English. It is good practice, but I miss their voices and their stories of what they have been doing at school. They always say they want me to come home. I am missing them so much,” she added with a sigh.

Marissa had been in Hong Kong for nearly three years and had not been home in all that time. Like so many of the Filipina mothers in Hong Kong she tried to remain involved and in charge of her family from a long distance. Most of her thoughts involved planning activities with her daughters when she finally went home for her holiday. Her private time was often reflective, trying to plan for the future but caught up in the past. She talked nostalgically about missing the township's saint's day celebrations, baking the traditional St. Catherine cakes, the beach picnics or the local dance. Traditional forms of entertainment continued to be the primary source of local social activity as there was no cinema on her island. Also, she worried about where to live when she returned home for good. Her house was now abandoned. After nearly three years it would not be suitable to live in, she said. It was a traditional bamboo house and although she had tenants for a while she felt they had not taken care of it. Now, she said, it was empty and must be returning to the land, she did not want to see it when she went home for her holiday as it would upset her. She said she would build a new house when she returned home. It, too, would be made of bamboo "because it stays cool even in the hot summers. There are spaces between the bamboo which allows the air to circulate in the humid air". She said she did not like the new concrete houses so many of the Helpers were building at home with their remittances. She wanted a traditional house. Nostalgia for home and the past played an important part in her daydreams.

Marissa also spent her time thinking of ways to start a business so she could make money and return home for good. She would talk about getting 100,000 Pesos to build and set up a kindergarten on the family land, or, now that she had learned to use the

computer for e-mails, perhaps establish an internet café in the two towns on her island. Perhaps she could get a digital camera and use her new computer skills to make photographs of weddings and special occasions. At other times she would plan to buy a house on Cebu Island near the university and convert it into study bedrooms for students and have her children with her. Marissa's dreams wandered from one scheme to another. She wanted to be in control of her own destiny and not be answerable to anyone. Above all she wanted to be with and to support her children. However, she had no training or background in business or financial management and several of her earlier attempts to earn money, such as money lending, had ended up in disaster and the loss of all her hard earned capital. So the days passed in a haze of exhaustion and optimism but always with pragmatism. She knew she was doing the best for her daughters to ensure they had a better future than hers.

### ***Dolores' story***

The other full-time Helper, Dolores, had worked for Mr. C for over 12 years. She was Mr. C's eyes and ears and reported the comings and goings in the guesthouse to him. She was in her early-30s, married with two children, a 13-year-old son and a new baby. She had become pregnant on her last holiday at home but had chosen to give birth in Hong Kong. The medical facilities in Hong Kong are world ranking and with the required medical insurance paid by an employer, it is cheaper than going home to the Philippines. Her husband had a job and looked after the children with the help of both their mothers but, according to her co-workers Dolores's husband was putting pressure on her to go home. When she returned from the Philippines she resumed her duties of marketing each morning and running errands so she was able to go out several times a day. She also



cleaned rooms and took care of the reception on Marissa's day off. She was a reserved and somewhat distant person with a rather inflexible attitude toward sharing benefits. For example she insisted on always having Saturday off, the day for her church services, and refused to take alternate Saturdays to allow the other Helpers a choice of a weekend day, even though she did not always go to church, staying in their room to catch up with sleep.

As Dolores moved around cleaning the guestrooms, she spent most of her time on her mobile phone or a room phone, which were free local calls, talking with friends. She would also call home to talk to her family and ask about her new baby. The other Helpers complained that Dolores was constantly talking on the telephone and not doing as much work as she should so they had to do more. Whilst she was working, Dolores would also turn on the T.V. in whichever room she was cleaning to watch the Filipino Hour and laughed when one day I popped my head around the door shaking my finger at her in the Chinese fashion in mock disapproval since she was aware that I too watched the programme. It was not until the end of my fieldwork, however, that she relaxed a little and chatted more. Perhaps my friendship with Marissa had made her cautious as she did not really like her. However, a few weeks before I finally left the field, she had become more friendly when she learned I was volunteering at a safe house and helping Filipinas in trouble. She began asking advice on some of the Contract provisions, such as if it was correct that the amount of annual holiday increased with the number of years served. Apparently some of her friends at her church had commented on this and as she had never received more than the two basic weeks per contract over her 12 years with Mr. C she wanted to know how much time she was entitled to take. However, Dolores remained reticent about her personal life.

Both Marissa and Dolores had legal employment contracts with Mr. C, although

working in his guesthouse was considered illegal as the Contract specified that foreign domestic helpers must only be employed in domestic work. They were both aware of the potential for arrest and deportation but preferred to work at the guesthouse than with a family, which was more restrictive and isolated. The work involved at the guesthouse was more than the two full-time Helpers could manage each day so Mr. C. employed a third Helper on a full-time, but off-contract basis, and several part-time or temporary Filipina Helpers to fill in for holidays or sickness as necessary.

### ***Off-Contract Helpers***

Without a legal Contract and a work visa, foreign helpers are not allowed to stay in Hong Kong. When I first arrived, I was not aware that quite a few Filipina Helpers, given the opportunity, worked off-contract, that is, they worked for employers who did not need them full-time and allowed their Helpers to work second, and sometimes third, jobs. The Contract Employer usually pays the basic contract wages, or negotiates a lower wage for fewer hours, and allows the Helper to use her free time as she wishes—volunteering in a Filipino organization or working for another employer. When the Employer prefers that the Helper live outside the home, she is free to move around Hong Kong to earn additional money. Alternatively, a Filipina will find an “employer” who is willing to sign a contract but not use her services nor pay her wages, thus allowing her to find an independent employer who will pay her but not enter into a contract. Both “freelance” options are fraught with danger of arrest. Most off-contract helpers with whom I spoke found the independence and freedom to leave a job at will worth the risk of arrest.

### ***Kathy's story***

Kathy was working full time when I first arrived at the guesthouse. However she had stormed out when she and Mr. C had an argument. As a freelance Helper she could leave whenever she wanted without notice. She was from a rural area on Luzon and her family were farmers. She had left home when she was 16 to work in the city and earn enough money to go to college, following the long established tradition of rural to urban migration patterns. Kathy was a self-confident woman. When I asked to talk with her when she had some free time, she said the coming Sunday she had the afternoon off, but she would be going to the airport to see her sister off to the Philippines and that when she had free time she mostly rested or slept as the work was so hard and tiring. Over the following two weeks, however, she would stop for a few minutes for a quick, friendly chat. On one of my visits to the office to check my e-mails, she asked me to help her set up an e-mail account and show her how to use the internet, presenting an opportunity to learn more about her. Marissa too was eager to learn the computer and set up an email address.

When Kathy disappeared from the guesthouse, I asked Marissa what had happened. She simply said: "She was told to leave. She had an argument with Mr. C." I learned later from Richard, one of the British guests, that Kathy had a big fight with Mr. C about having HK\$100 deducted from her wages for a broken plate. The Employment Ordinance, to which all the Helpers are subject, specifies an employer's right to deduct money from a Helper's wages for any broken or damaged item of up to HK\$300, but not more than one-quarter of the monthly wages in that pay period. Richard also said that Kathy was an independent employee working outside the Contract and suggested that

Kathy had probably felt that she should not be penalized for accidentally breaking an old plate, so she had quit and stormed out. He also commented that Kathy had very high standards and ideals and that she had a degree in medical pharmacology. She had told him she objected to being treated like a maid and that Mr. C showed them no respect.

After Kathy left Marissa confirmed that Kathy was not a contract Helper even though she worked full time for Mr. C. There appears to be a code of silence amongst the Filipinas about giving out information that could potentially get someone into trouble. Apparently Kathy had a “nominal” employer signing her Contract to permit her to stay in Hong Kong. When Kathy left the guesthouse without giving notice, Marissa had to work alone as Dolores had not yet returned from the Philippines. It was nearly two weeks before Mr. C hired another temporary off-Contract Helper locally.

### ***Lilly's story***

I met Lilly when she was cleaning the rooms in the various guesthouse flats. She was hired to fill in for Kathy on a part time basis until Dolores returned from the Philippines. Lilly was in her late 20s and was an unusually taciturn woman who gave short, sharp answers to any questions. She never seemed to relax, even with her co-workers. Lilly said she had worked at the guesthouse before, helping out when someone went on holiday. When I asked how long she worked each day, she said she started at 8:30 in the morning and finished at 2:00 p.m Lilly said she had another job and I got the feeling she regretted saying this as she turned away abruptly and left the area. There was always a strong sense of caution in Lilly's answers. One day whilst she was working in the courtyard, her mobile phone rang and it was obviously Mr. C calling since she was

giving the familiar details of where she was, what she was doing and how much more there was to do. When she finished talking to Mr. C, she said:

“He calls a lot to check up on us,” adding with an indignant tone, “He calls me on my mobile. It costs me HK\$1 each time he calls. That’s not right! He doesn’t respect us!” She added, “My Employer doesn’t watch me like he does. She trusts me.”

Lilly could have turned her mobile phone off but I suspected she kept it on so her friends could call as I had frequently heard her talking on her mobile whilst she went around doing her work. This connection to friends outside the job is very important to the Filipinas and helps them to tolerate the boredom, hard work and isolation.

In subsequent conversations Lilly said that normally she worked in a house and that her Contract Employer was “O.K.” Since she was not needed full time, she was free to take part-time jobs and organize her day to finish all her work. She worked in the morning for Mr. C and in the afternoons and evenings for her Contract Employer, preparing dinner, cleaning and doing the laundry. She did not sleep at her Employer’s house, sharing a room in a boarding house with two other Filipinas. Lilly said she worked two jobs so she could send more money to her family. Many of the Helpers in Hong Kong are married with children, but those who are unmarried work for their siblings’ education or, as in Lilly’s case, to support their parents.

“My father is a farmer on Luzon, you know in the north, and needs to rest,” Lilly explained one day. “I told him ‘You stop work. I will send you money. I am not married and I can give you money so you don’t work any more.’”

She added as an aside that, even if she did marry, she would still try to find money to send him. Continuing with her work, Lilly suddenly said:

“Mr. C asked me to work tomorrow, but I said ‘No!’ Sunday is my day off, and I meet friends and have a good time. He doesn’t like us to talk to the customers or other Filipinos but I like to talk with my friends.”

I asked her if she belonged to any of the Filipino organizations in Hong Kong. “No!” she responded, then added, somewhat sharply:

“You shouldn’t give them money, no matter who asks because the money is supposed to be for the Filipinos but it never gets to them.”

Lilly would not explain further but she was obviously distrustful of the Filipino organizations. She continued to work part time at the guesthouse until Dolores returned from the Philippines, by which time I had moved to a flat-share on Hong Kong Island and lost touch with her.

### ***Aileen’s story***

Aileen also joined the team as an off-contract Helper shortly after Lilly. She worked full time and shared the Helpers’ tiny room. Lilly introduced us as we were passing and pausing on the stairs for a quick chat. A few days after we met, I saw Aileen doing the laundry in the courtyard and called to her through my window to ask if we could talk as she worked. At first she seemed nervous about talking to a guest and getting into trouble with Mr. C. but Marissa “vouched” for me so she gradually relaxed and became very friendly. She eventually looked forward to our chats through the window and talked about her family and her work in Hong Kong. Aileen was an attractive, elegant older woman and quite shy. She admitted she was in her early-50s and said she had taken the

job with Mr. C. to be independent and because she thought she was too old to get another employer. "Employers want young, pretty Helpers," she said. Indeed, a number of older Filipinas expressed the same belief. It is true that the employment agencies seemed to be more willing to place the younger women. Although some employers do prefer to hire younger women, especially when recommended by a friend's Helper, there are opportunities for the older women.

Aileen was from the same island as Dolores and they knew each other from home. She had two sons in their 20s, one of whom was working in the computer industry and the other was finishing college. She was legally separated from her husband because he was an abusive alcoholic who used to hit her when he came home drunk. She was still technically married as her husband refused to get an annulment. However, now Aileen controlled her own life and money. She had a 3-year college diploma in fisheries but did not have any work experience as the only job available when she graduated was on the large neighbouring island of Cebu which was too far away and she was married at the time. It took approximately two hours by fast ferry to travel between the islands. A number of other Helpers subsequently told me that jobs in the Philippines were often away from home as most of the Philippines is considered rural, being comprised of many thousands of small islands with only a few large cities on the larger islands. They would have to travel to the nearest city, which may be on a neighbouring island or a long way across a big island. The cost of commuting would take most of their wages. In some instances they would have to live with relatives to be near their job and only go home on weekends or once a month, so to work in Hong Kong, Singapore or Taiwan for just two or three years as a domestic helper and earn five or more times the money was a better solution to their financial problems and for the family's welfare.

Aileen had first arrived in Hong Kong in 1988. She had liked her first employer and got on well with the family, as she had with the second family, both of which she worked for four years. She had received good Release Letters from each of these employers, so she had no problem getting a working visa or finding employers. Unfortunately her third employer had constantly yelled at her, criticising her work and watching her every move. She had terminated Aileen after a few months saying Aileen did not know how to take care of babies, and that she was terminating her on the grounds that her work was unsatisfactory. Having raised two sons successfully, Aileen was especially incensed and deeply hurt, particularly as motherhood is viewed as an almost sacred status in the Philippines. At the time she lost her job in Hong Kong her oldest son was in college and her youngest was in his third year of high school. She still owed her sister HK\$4,000 for her employment fees and needed the job. Unable to find a new employer quickly, she was forced to return to the Philippines. Aileen said she was so angry with her employer that when she arrived home she went to a known witch on her island and asked her to cast a bad spell on the woman. Unfortunately the witch's eldest son had recently become very involved with his church and had begged his mother to give up her practice of witchcraft as it made him look bad in the eyes of his congregation. His mother had acquiesced and told Aileen that she could not help her, much to Aileen's chagrin.

After a year at home working in a local store and unable to earn enough money for her youngest son's college and to repay her sister, Aileen decided to return to Hong Kong. To avoid paying employment fees again, and possibly to circumvent the bad release from her last employer, she asked her sister to help her find a job. Her sister spoke with her elderly Chinese Employer whose wife had recently become ill. He had already decided



to find someone to look after her as there was too much work for Aileen's sister and he suggested Aileen come and take care of his wife. Aileen had quite liked her work as she preferred looking after older people and she also had the benefit of being with her sister.

When the old lady died Aileen had continued to help with the general household work but after a few months her Employer told her he could no longer afford to keep two Helpers. He found her a job with friends of his, also an older couple, and agreed to allow their existing Contract to remain in force, thus acting as her nominal Contract Employer whilst she worked in and was paid by a separate household. However, after a few months the old couple decided they did not need a full time Helper and, rather than let Aileen return to the Philippines, her nominal Employer agreed to let her look for another job for the remaining months on their Contract. Through her network Aileen heard that Mr. C needed help and interviewed for the job. Aileen rather enjoyed the independence this arrangement gave her and she agreed to work with Mr. C for a few months until her contract term expired. In fact she already knew Mr. C because she had taken out a loan with him a few years before. However, she did not want to sign a contract with him and be tied to the guesthouse for two years as the work was much harder than she had expected.

Aileen moved quietly about the guesthouse cleaning the rooms and doing the laundry. She did not want to learn the receptionist's job as it involved being responsible for quite a lot of money. Aileen, spent most of her time thinking and worrying about money -- how to pay for her youngest son's college and planning the next phase in building her new house. She also had the entrepreneurial spirit which is such an integral part of the Filipino character. She dreamed of opening up a bakery when she finally returned home. Aileen said she knew how to bake bread and make donuts and cakes as

her aunt, who had looked after her and her sister when they were young, had owned a bakery and they had helped her. However, that, too, would take capital to start. Her thoughts also turned to planning her next day off, perhaps with her admirer, perhaps at church, perhaps with her local association, or with her sister and niece, depending on which day off she had that week, as she and Marissa alternated a Sunday and a weekday.

The threat of an employer terminating a contract early, or not renewing a contract, caused the Filipinas constant worry. In addition, events at home often put more pressure on them and involved changing plans for staying in Hong Kong or returning home. For example, a few months before her nominal Contract ended, Aileen received news that her eldest son planned to get married which added to her financial worries. Aileen had hoped to return to the Philippines permanently when her Contract expired. She had told her son she would give them the money to start their married life but his bride wanted a showy wedding and kept making additional monetary demands. Traditionally, the groom's family pays for the wedding, including the dresses and flowers for the bride and bridesmaids. For a kind and gentle person Aileen surprisingly admitted to having some unflattering thoughts about her future daughter-in-law's extravagance. When I asked Aileen why she didn't put a limit on the amount she just shook her head and said, "No, that is not our way. It would not be good for my son." Unable to earn enough money before the wedding, Aileen eventually got a loan from her "nominal" Employer which she planned to repay from her wages.

The loan and wedding costs meant that Aileen would have to work longer at the guesthouse. She felt very insecure in her job and worried constantly about being fired, and whether or not her nominal Employer would sign a new contract for her since her current one would expire before the wedding and before she had paid her debts. Perhaps because

her husband had been so abusive, she constantly worried about Mr. C's bad temper and was afraid of him. Despite being a free agent, she depended on the job. To be terminated without notice or recourse would put her in an untenable position. In fact, Mr. C always treated Aileen well, probably because she always obeyed him and never did anything to make him angry with her. He, on the other hand, found her to be a very good worker and did not want to lose her. Further, he knew she could walk away at any time she chose since she was not tied by a contract to him. Thus, there was a more equitable working relationship between them compared to that between Marissa and Mr. C.

Talking through the window of my room when she was doing the laundry, alleviated the isolation Aileen felt working alone during the day. Despite having three Helpers, they all worked independently in different areas of the guesthouse and rarely had an opportunity to get together during the day. After she discovered me watching the Filipino Hour on television one day, Aileen made an effort to organize her schedule to do the weekly cleaning of my room around 1:00 p.m. when the programme was aired so she could join me for a break. The programme was in Tagalog with English subtitles and shown Mondays, Wednesdays and Fridays on the Pearl channel (the English language channel). One could image thousands of Filipinas turning on the T.V. all over Hong Kong, escaping for a few moments into Filipino culture, listening to their favourite soap opera or "moral" play. The soap operas invariably reflected the economic class distinctions of the Philippines with a wealthy woman dominating her family and the local people dependent upon her largesse for their livelihoods. The stories were filled with tempestuous love, rejection, anger, pride, revenge and tragedy. Aileen would get very upset at the bad treatment the young "hero" couple received at the hands of the "evil" (Aileen's word) woman.

Aileen enjoyed the distraction of our quiet moments sipping a cold drink and chatting about the programmes as well as memories of “home” and the Filipino way of life. Another of Aileen’s distractions was the garden. To alleviate some of the monotony of her work, she had adopted the garden in the inner courtyard and gradually the plants began to show signs of recovery. On a return visit a year later, I commented on how nice the garden looked and she told me Mr. C had given her some money to buy new plants to replace those that were dying off. Aileen took a great pleasure tending the garden -- it was her special time.

After nearly three months at the guesthouse it was with reluctance that I decided to leave the small, enclosed world of the courtyard complex and my friends to find alternate accommodations with a kitchen as with only a kettle, and not enough money to eat out, my diet left a lot to be desired. However, I visited as often as possible and each time I returned from my working breaks I returned to the guesthouse.

### ***Hong Kong Island***

After searching the English language papers and magazines and making a number of phone calls, I found a room in a flat with a professional single Chinese woman in Chi Fu Fa Yuen, on the south side of Hong Kong Island. It was a strikingly different area from that of Kowloon. There were fourteen modern 20-storey buildings standing tall and bright on a green hillside overlooking Lamma Island. All the buildings were multi-storey, purpose-built residential units. From my room I could watch the dramatic approach of the typhoons and monsoons, feeling extremely vulnerable perched on the hillside. It was with horror, therefore, when, on several occasions, I watched a Filipina leaning far out of the windows to clean the outside some 15 floors up, and on a separate occasion, another

Helper leaning far over the edge of a balcony cleaning the outside panels in the high winds of an approaching storm. This was extremely dangerous and, in my view, totally unnecessary. There have been a number of deaths of Filipina domestic helpers in Hong Kong involving a fall from a high rise building. Such falls have been attributed to suicide by the police and the media, but members of the Filipino community believed these deaths were due to a fall whilst cleaning windows. One Helper told me she had refused to clean the outside windows in her employer's flat because she was afraid of heights and they were ten floors up. Her employer yelled at her and threatened to terminate her if she did not clean the windows outside, but she said, "I told her 'I have children and I might fall.'" Her employer became very angry with her, but never again insisted she clean the outside windows, nor was she terminated.

The flat was small, typical of the Hong Kong lifestyle, with two bedrooms, a living room, a bathroom and a kitchen. My room was light and bright, a stark contrast to the room in the guesthouse and, knowing about my research, my landlady wryly commented that it would normally be the children-cum-maid's room. It was barely 9' x 9' with fitted wardrobes, drawers, a desk and some shelves. A fixed, narrow wooden platform with a thin foam mattress served as a single bed with a second platform tucked underneath which could be slid out under the well of the desk, on which the Helper would normally sleep. If a family had two children, the Helper would be expected to sleep in the small living room.

There was a wonderful view from my window of Lamma Island and the outer islands beyond, where many Europeans lived. Huge container ships and cruise liners quietly slipped in and out of Hong Kong on the tides through the Lamma Island Channel, sometimes signalling their presence with the haunting sound of fog horns in a dense sea

mist. When the weather permitted, small sailing yachts played in the wind on weekends. My window also overlooked a central plaza. Even 14 floors up I would be awoken at 6:00 o'clock each morning to the sound of an instructor rhythmically counting “*yat, yi, sam, sei...*” (One, two, three, four) to an early morning exercise class. There were never any Filipinas in the exercise or tai chi classes. Set in the main area of the plaza were two ponds filled with gold and black fish symbolizing good luck and prosperity. A few trees provided shade during the day for the old men sitting chatting with friends, their pet song birds in cages decorating the branches. Taking a song bird for a walk is a traditional activity for the old Chinese men and when I stopped to take a closer look at the birds my landlady nervously said we should move on.

### ***The Shopping Mall***

Chi Fu Fa Yuen residents were primarily from the professional middle-class Chinese socioeconomic section of Hong Kong society, many with young families. One indication of the affluence of the residents was the large number of Filipina Helpers working in the enclave. They walked babies and supervised toddlers in the well-equipped playgrounds. Catering to the immediate needs of the community was a shopping mall under the central plaza area which consisted of three floors of small shops, and Western- and Chinese-style fast food restaurants as well as a large supermarket. This shopping mall was not visible from outside and was reached by a lift and escalator from the plaza. In the large open central well of the shopping mall were tables and chairs which serviced the fast food take-away restaurants. Hidden from the watchful eyes of their employers, it was here that some of the Filipina Helpers met with friends from the surrounding buildings during the week or those visiting from other areas of Hong Kong on their day off. Moving to

Hong Kong Island, however, meant I was only able to meet with the Filipinas for quick chats, sometimes just minutes and occasionally a quarter of an hour, as they worked in private homes and we could only meet outside their employers' homes during their "stolen" or free time or marketing excursions.

### ***Isolation and alienation***

Unlike the Helpers in the guesthouse who had support from each other and could talk together in their own language on a daily basis, the Filipinas in Chi Fu Fa Yuen more typically worked alone, isolated in their employers' homes. Those who were in charge of babies or whose employers worked outside the home, could find an excuse to go outside and arrange to meet with other Helpers as they walked the babies. However, those Filipinas who worked for employers who stayed home all day experienced isolation and alienation from any support groups and from friends. It was in this latter environment that much of the abuse experienced by so many of the Helpers occurred.

One morning on my way to the supermarket, I saw one of the Helpers from my building sitting by herself at a table in the food court looking very sad and depressed. Normally I saw her in the lift of our building with her employer and although I usually greeted them with "*Jo san*" ("Good morning") the employer would ignore me and glance sharply at Christina, as I later learned her name to be, as if to make sure she was not engaging in any conversation. The employer always positioned herself at the front of the lift, in the middle, and seemed annoyed when she had to move aside for me to enter. Christina typically stood behind her Employer against the back wall and I would move beside her. She always looked nervous so I did no more than smile and nod my head and get a quick smile from her in return but she never spoke. Going over to her in the food

court I introduced myself. Christina still seemed nervous and I asked if her employer was about but she said “No!” She had taken the children to the school bus and her employer had told her to buy some food on her way back. She was taking advantage of a five minute rest before going back upstairs. Sometimes, she said, one or two of the other Filipinas would be there and they could talk for a few minutes but she could not stay long as her employer timed her and would get angry if she took too long. Over the next few months we were able to have further quick chats when we met coming and going to the supermarket, but rarely for more than a few minutes unless we were actually shopping.

Christina’s employer had forbidden her to speak to anyone outside the house, especially other Filipinas. Christina said she had to be careful but sometimes at the school bus stop a few of the Helpers would talk quietly together.

“I am afraid the children will tell Ma’am I am talking to another Filipina. She will get angry and shout at me. The children watch me and tell Ma’am what I do. Sometimes I wait until the bus has gone, waving to the children, before I talk but some of the other Helpers are also told not to talk, so we can’t stay long.”

Other Filipinas told me similar stories about their employers forbidding them to talk to anyone when they were outside. Many of the Helpers working alone in their employers’ homes, without even brief contacts with friends or family, can easily become depressed when they are forbidden to speak to anyone or use the telephone. This situation was even harder on newly-arrived Filipinas without a relative or friend to contact. It took time to establish connections with other Filipinas. Those who are more free to spend some time outside, perhaps to shop unsupervised or walk with babies and toddlers, find opportunities out of sight of any prying eyes to make friends in the building or at the grocery store, but



they still feel alienated from the dominant society. On days when the heavy monsoon rains kept even the most foolhardy at home the Helpers would still be required to do the marketing and thus were able to take advantage of meeting at the supermarket in the food court. Some would simply stop for a quick exchange as they did the marketing then rush on, others would order a coffee or a meal and sit for a while chatting but always keeping one eye on the time.

This sense of isolation was experienced by many of the Filipinas throughout Hong Kong due to their employers' house rules of "do's and don'ts". The Helpers also felt alienated from the Hong Kong society at large as there was little opportunity to interface with the local community and little or no effort was made by the public to contact them. At best the locals would ignore them and at other times the locals would get up from a seat and move away if a Filipina sat too close. When Marissa and I went to Lamma Island one day, an old Chinese lady moved away from us when we sat down near her to wait for the return ferry. When I commented on this to Marissa, she shrugged her shoulders and said "They do that a lot. We are used to it." In fast-food restaurants and in grocery stores the staff would sometimes ignore a Filipina in favour of serving a Chinese or Western customer behind them. One British expatriate said she noticed on Sunday at her church how the Filipinas would arrive en masse just before the service began and occupy the periphery of the congregation, almost never seeking to sit amongst the other worshippers. They also, she said, left as soon as the service finished and before the main congregation dispersed. As the British expatriate woman had no explanation for this it would be a total speculation to offer any for this phenomenon and might well have been unique to that church. However, being relegated to the periphery of the dominant society can well manifest itself in many subtle, yet obvious, ways.

### *Uneasy working relationships*

One afternoon I joined Marianne and Connie in the Food Court along with a small group of Filipinas as they enjoyed a snack and a quick cup of coffee before going back to their employers' homes. Most conversations in the Food Court concerned news from home but frequently were interspersed with comments about how their employers showed a lack of respect for them with their constant criticism and checking on their work. Nina recounted how her first employer was always checking her work, especially for dust. Her second employer would "supervise" the ironing of her husband's doctor's coats. Her next employer was a very wealthy man and she supervised four Filipina domestic helpers and two male employees. Her current employer did not need her all day, so she was free to leave when her work was completed and return in time to cook dinner and clear up. Nina's husband was also working as a domestic helper and both their employers allowed them to live out, so they were able to live together. They were one of the very few married couples living and working in Hong Kong together.

Despite the critical scrutiny the Helpers were subjected to, they would sometimes find humour in such situations, as Winnie had. She said her first employer had told her to sweep the floors and had taken the broom out and proceeded to show her how to sweep. She added, laughing "I let her do most of it before I said I would do the rest!" However, many were irked when their employers treated them as mindless or children needing to be taught the most basic of household chores and personal cleanliness.

For their part, many of the Filipinas felt their education was of a higher level than that of their employers. Since universal secondary education had not become available for Chinese Hong Kong women until 1978, many of the middle-aged and older female

employers were not as well educated as many of the Filipinas. This disparity in the educational levels of the employers and the Helpers added to the tensions and complex relationships between them.

“We are better educated than our employers. They treat us like children. I have a BA. in social work but my employer doesn’t know that. She isn’t interested in me only that I do the work. They treat us like objects, not people,” Marianne said.

“Yes, I am a qualified nurse. They use my experience to look after their children but my employer never asks me about my children. She is not interested.” Connie added.

“But you are respected back at home, aren’t you? You are giving up a lot to help your families,” I said.

“By who...? Neighbours don’t respect us. They say all we do is clean other women’s toilets, and ‘Why don’t you stay home and take care of your children,’” one of the women retorted.

“Are they jealous, perhaps? What about your families?” I asked.

“Oh, yes, I think they are [jealous]. But my children get used to getting presents and want more. My husband and I are building a house on my

family land. There is always something.... It is difficult to go home,” another of the Filipinas interjected.

“ I left my home 20 years ago to come here, I was the first one on my island to work as an overseas worker. Soon after another woman from my town came. We were talked about as prostitutes. People said we were involved in sex. It was difficult for my family but I had no choice. There were no jobs for my husband or me. Now a lot of women have left our island to work here and in other countries as domestic helpers. The neighbours don’t call us sex workers any more, but it is still difficult,” Gloria said.

The Filipinas often spoke about the bad working conditions and lack of opportunities in the Philippines which forced so many of them to work overseas to earn a decent wage, adding that the lack of jobs at home probably contributed to the poor working conditions in Hong Kong. As Connie expressed it:

“Our employers think that we are so dependent on our jobs we will tolerate bad working conditions. They don’t want to pay the local Chinese amahs the higher wages. The amahs wouldn’t put up with the bad conditions we have to.”

### ***Family relationships***

Meeting with various groups of Filipinas on and around Hong Kong Island the conversations invariably included some good news about their children’s progress in school or bad news about needing extra money for some family emergency. Like the

Filipinas in the Food Court and at the guesthouse, many women talked about all the family and community events they were missing, yet justifying their absence by all they were accomplishing in providing a better life for their children and their families.

However, there is an emotional price to pay for the material rewards. Reminiscing, Marianne said she had bought a really pretty dress for her youngest daughter when she went home for her holiday the previous year. Her daughter had been 9 when she last saw her and was then 11. When her daughter tried on the dress it was obviously too small and the style was far too young. Marianne said sadly:

“They grow up so quickly. I am missing so much. I had a picture of her in my mind but I forgot she was growing up.”

“Yes,” another of the Filipinas added. “My daughter is graduating from High School and I won’t be there. It is hard to be away.”

Husbands, too, were often the subject of discussion. There was a sense of pride and affection for the husbands who were taking care of their children and forced to work at low-paying jobs but they sometimes provided a source of amusement. One day when talk among several women turned to the latest news from home, Angie said her husband still had not found a job and he had asked her for more money to pay a friend who said he could get him into one of the factories in Manila.

“I think he wants it for gambling and drinking with his friends. He is worthless. He smokes too much and won’t listen to me. I told him he must work and earn money to look after the children but he prefers to be with his friends. He won’t take my advice. I stopped sending him the

money as he was spending it on the wrong things, so I send it to my mother instead. Now he lives with his mother.”

She giggled:

“He is unreliable so I gave him back to his mother. I told her ‘Here! Here is your son back. He is worthless.’ His mother said ‘No! No! I gave him to you, he’s yours!’”

The other women were laughing with her as she recounted this story.

“He prefers to have fun, drink and go to festivals with his friends and he has lost his job. He is a spoiled child and his parents keep giving him money and let him do what he wants” she concluded.

Apparently Angie’s husband was about 43 years old and Angie intimated he was too old to behave like a teenager. I asked if this was a problem in the Philippines -- if many men were like this. “Yes!” Angie replied, but several of the other women simultaneously said “No!” They looked at each other, laughed, and compromised with “A lot, yes, but not all.”

Winnie added that she had a good husband but she had been working in Hong Kong for 12 years. She used to send her money home to her husband. He had a job but it only paid for little more than basic necessities and they wanted to send the children to college, build a house and save towards their retirement. One day her mother had telephoned to say that her husband was having an affair and that the children were very upset. Winnie telephoned her husband and asked if it was true and he had admitted it. She looked around, shrugged and said

“Well, I have been away a long time and men have their needs. I told him I would accept the situation but that he must never bring the woman into the house -- My home!”

Winnie had talked to her children who were now young teenagers and told them she had accepted the situation. However, about six months later her oldest daughter had called to say that her father had brought the other woman into the house and she had stayed overnight. Her daughter was very upset and wanted her mother to tell her father to leave. However, Winnie said it was important that their father stay with them as they were too young to live by themselves and she didn't want to burden her eldest daughter with looking after the younger children. Instead she immediately stopped sending her husband money and sent it to her mother, who then took care of the household expenses and school costs.

### ***Tradition and modernity***

Globalisation is beginning to reshape family relationships, the very fabric of social constructions of womanhood is changing. Social boundaries between tradition and modernity, victim and agent, mother and breadwinner, have become blurred (Roces 2000).

As Marissa at the guesthouse said, when she gave up a job opportunity, her husband “should be the breadwinner!” Many of the Filipinas are thankful that they have good husbands who are willing to take on the responsibilities of taking care of their children, with the help of other female members of the family. The new levels of control women exercise over money causes many of them embarrassment and they express ambivalence as they become the primary source of family income.

Marriage itself is no longer inviolate. All too often a pragmatic view of the changing marital relationship is expressed. In one conversation, one Filipina commented “My husband’s wife is expecting a baby” and when I asked, surprised, “but aren’t you his wife?” She responded “Yes, but I am not there. I have been away for a long time and he needs someone.” Quite a few of the women spoke of being legally separated or, a smaller number, having their marriages annulled, before they left to work overseas and considered themselves to be single mothers, solely responsible for providing for their children. Being overseas can be seen as a blessing by some Filipinas as it relieves the tensions between spouses, the potential for violence, and reduces the gossip which threatens their personal reputation in the community.

Whenever these social changes came up in the conversation, the Filipinas showed conflicting emotions of embarrassment and pragmatism, yet with a touch of pride in their accomplishments and empowerment through being able to provide for their families. It is still difficult, however, for the women to refuse the demands of children, husbands and kin for more money, perhaps for school expenses, building a house, some new electronics and clothes, and they have become trapped into renewing contracts to stay overseas, even with difficult employers, as long as possible to provide those material things.

### ***No choice***

With a long tradition of motherhood being the quintessential status for Filipino women, the Helpers find it difficult to go away from their children to fulfill their obligations to raise them and give them more opportunities for a better future. Talking with a small group of Filipinas one Sunday, the conversation turned, as it often did, to some of the reasons why they had left home and had come to work in Hong Kong as



domestic helpers. They make the best of their situation when it is tolerable, and even when it is bad. Making a choice presumes freedom to choose between alternative options, accepting one and rejection another. When basic survival, such as during major droughts or warfare, is at stake, seeking better survival options cannot be considered a choice. Similarly, the lack of opportunity to earn enough money beyond the struggle to provide more than the basic survival for the children, leaves little room for choice. To work overseas becomes a family decision, not a choice. Other women in the group also talked of their bad experiences in Hong Kong and spoke of their education and training, fully aware of lowering of their social status. However, they were willing to tolerate the poor conditions for the sake of their children and families. They know the employment conditions have not changed in the Philippines and that they will not be able to find a job at home and that their husbands do not earn enough to put the children through college -- a priority for most families. For the majority of the women, the idea that working overseas is a choice is laughable. They would prefer to be at home with their families and they take their responsibilities to their family very seriously, especially as a mother.

### ***Negotiating the Hostile Environment***

The first few weeks and months after arrival are the most distressing for many of the Filipinas. They are separated from their network of family and friends and, confined as most of them are to their employers' homes, they have difficulty in contacting other Filipinas. If the Helper is not terminated within the first few weeks or months of arrival, she gradually finds ways to make contact with other Filipinas working in her area and join in the Filipino community on their day off at Statue Square in Central on Hong Kong Island or one of the smaller gatherings scattered through the region creating multiple small

worlds of sociality. Those who do have opportunities to establish a relationship with their compatriots, such as at the guesthouse or in the Food Court, are more able to tolerate the difficult conditions of their working environment. However, for those, such as Christina at Chi Fu Fa Yuen, who are closely watched and supervised, they often become depressed and lonely.

Re-signing every two years with a “good” employer brings some stability and the opportunity to form long term friendships and networks to help alleviate the boredom and loneliness of being a domestic helper. The Filipinas at the guesthouse were not so isolated as they had the opportunity to talk with guests. Despite the long hours of hard work and the bad accommodations, they have the companionship of their compatriots, as did those working in large households with multiple Helpers.

In addition, as discussed above, some of the more adventurous and strong-willed Filipinas find ways to circumvent the Employment Contract restriction on working for one employer by finding someone willing to sign the Contract but who only needs part time help leaving them free to do freelance work for one or more employers. Or, alternatively, find an employer willing to sign the Contract and let them work full time for someone else, as in Aileen’s case at the guesthouse. Even with the potential for being caught, imprisoned and deported the women usually earn more money than the official wages and, above all, have a sense of freedom and control in their lives.

For those Helpers isolated in their employers’ homes, one avenue to restore their sense of self worth is staying in close contact with their families by writing letters, recording tapes, taking photographs, and making their weekly phone calls home. However, for some, the only escape from the hostile environment is to retreat into their own personal imagined locality of memories as mothers and valued family members and

to make plans for the future. They rely on communication with their families and sharing problems with friends on their day off each week to restore their dignity and self respect.

### ***Private moments in public places***

Stolen, brief meetings in the nooks and crannies of Hong Kong during the week help the Filipinas tolerate the many indignities perpetrated against them by their employers. The Filipinas in Chi Fu Fa Yuen were typical of the domestic helpers throughout Hong Kong. They came from the many different provinces of the Philippines archipelago, and many different socio-economic backgrounds, but found friendship and support amongst their compatriots who shared the same cultural values and working experiences. Their common bonds went beyond being foreign domestic helpers, their concerns about their families were ever present in their conversations. Allowed one day off each week the Filipinas emerge from the shadows of Hong Kong's society and the confines of their employers' homes but from under the oppressive terms of the Contract -- an illusion, perhaps, but the women gained a sense of freedom for a few hours.

## ***CHAPTER III***

### ***Experiential Realities of the Contract***

When the Filipinas leave home to work abroad for the first time they often have a sense of adventure and of excitement about going overseas, mingled with sadness at leaving their families for at least two years. With an employment contract in hand they are secure in the knowledge of a job, a place to live, and an assured wage between five and eight times higher than they could earn in the Philippines. Women in particular are concerned about having a safe place to stay and, therefore, willingly accept the live-in condition of the employment contract. Many employers, however, interpret the requirement of “live-in” as a permission to incarcerate the Helpers in their homes for 24 hours a day as the Contract makes no reference to a set number of working hours per day, or to allow a Helper free time when her work is finished. Without such specified restriction, employers often feel free to act in a dictatorial and autocratic manner, as I witnessed one evening when Marissa visited me in my room at the guesthouse.

It was about 10:00 p.m. Marissa had come to pick up various items of food and kitchen supplies I would not be using before I left Hong Kong. We were continuing our ongoing conversations about her life in the Philippines and experiences as a domestic helper in Hong Kong. Suddenly she stopped talking and signalled for me to listen. We were silent for a moment when I asked softly what she had heard. She said “Mr. C is

outside in the courtyard.” I listened again but could hear nothing. “What do you mean he’s outside?” She responded in a whisper that he would walk around and listen at the doors, especially those in the courtyard, which my room overlooked. It was a slightly unreal moment and I was tempted to think Marissa was being melodramatic, if not paranoid. I had seen Mr. C bullying her on several occasions so I stayed quiet, listening. We heard nothing and after a few minutes continued to chat together. Suddenly there was a loud, insistent banging on my door and we heard Mr. C’s voice yelling “Marissa! Marissa! Open the door! You are in there!” I was startled not only by the sudden violent intrusion into the quiet evening but also by the obvious aggression in Mr. C’s voice. He started banging on the door again. At first I wanted to ignore him but realised it would serve no useful purpose and would probably get Marissa into further trouble.

When I opened the door, Mr. C stood there. He started to shout at Marissa. “What are you doing here? Why aren’t you in your room? Go upstairs!” Even though I stood right in front of him he yelled at Marissa as if I did not even exist, looking right through me. He showed no embarrassment or self-consciousness about yelling in front of a paying guest. Marissa was standing behind me, slightly to one side. He continued “You have been here for over an hour! I have been looking for you! Why did you leave your room? I need to know where you are!” Marissa had become very quiet and seemed to shrink back under this verbal attack, her head slightly lowered and eyes cast down, adopting her domestic mask. When he paused in his shouting Marissa looked up and responded “I have finished my work. I finished at nine thirty and I have been here only a short time. What is it you want me to do?” Her voice was polite but there was an air of quiet defiance and stubbornness about her.

At this point I intervened and explained to Mr. C that Marissa had come at my invitation to collect items I did not wish to throw away when I left. However, he continued his tirade, shouting she must always let him know where she was and that she should leave immediately. As Marissa started to walk toward the door, picking up the plastic bag of things I had given her, I stopped her saying “Hold on, there are a few more things I want to give you,” and grabbed the rest of the items to put in her bag. Mr. C watched for a moment and suddenly seemed to mollify his anger. Somewhat sullenly he said “Oh stay if you want to! Just let me know where you are. I wanted you to do something.” Marissa continued towards the door but I signalled her to stop and as Mr. C left I closed the door. We looked at each other and Marissa said she should go. “He does not like us to talk to people. You will get into trouble” she said. I was surprised by this statement. “There is nothing he can do to me. I am leaving anyway. Don’t worry.” I suggested she wait just a few minutes longer to let him get clear, which she did but left soon after.

Under normal circumstances, being treated as a child being ordered to her room by an employer would probably have resulted with an employee leaving the job or in a violent verbal argument. Although Marissa had shown some defiance to Mr. C, she was really concerned about not jeopardising her job by showing too much anger. Had she provoked him she could have been terminated and have had to leave Hong Kong within two weeks. Tied by the terms of the Contract, most of the foreign domestic helpers tolerate poor working conditions and being treated more like an indentured servant, or even a slave, being ordered “to her room” by her autocratic employer. If the conditions are marginally tolerable, Helpers will often sign a new two-year Contract with the same employer to avoid returning to the Philippines and paying additional fees to sign with

another employer, or risk being unable to find a new position. What had appeared to be a fair document was in reality a trap and the Contract hangs over the heads of the foreign domestic helpers like the sword of Damocles determining their behaviour in ways frequently not to their personal benefit or self respect.

Working through employment agencies in the Philippines most newly arriving Filipinas have never met their new employers and have no way of checking their reputation, but they were prepared to work hard and do a good job. They want their employers to like them and be pleased with their work as they do not want to jeopardise their income, ever conscious that their families were relying on them financially. For many, the relationship is, as they say, “O.K.” or “good” but usually add that the job itself is not. However, for others, the relationship is abusive with the employers taking advantage of the Filipinas’ dependency on their wages and using the threat of termination as a means of controlling them.

As noted earlier, because of the live-in provision of the Contract, many of the Helpers experience a sense of isolation and alienation, particularly for those who are not allowed outside their employers’ homes for any reason or have limited outside duties. This is particularly true for those Helpers who arrive in Hong Kong for the first time. The longer term Helpers have found ways to negotiate their employers’ indifference to their welfare, and the language of the Contract restricting their freedom to choose where to live or for whom to work. Working part time for employers (such as Lilly at the guesthouse) or with nominal employers (such as Aileen), a Filipina can find freelance work and have more control of her life. If, like Kathy, she finds the working conditions unacceptable, the freelance Helper can leave, whilst those tied by a Contract have to endure the conditions imposed by the employer. Even being a full-time freelance Helper, however, does not

diminish the drudgery of the work, it only enables her to choose her employer and establish a more equitable relationship between them, such as Aileen's experience.

Negotiating the restrictive terms of the Immigration Department's Contract and Visa rules carries the risk of being caught and deported but the potential for increased earnings and the sense of personal control, are thought by some to justify the risk. The small size of the average flat in Hong Kong encourages some Westerners and professional Hong Kong residents, uncomfortable with a close live-in situation, to pay their Helper's live-out expenses, as required by the Contract, thus alleviating some of the tensions which arise from close living conditions. However, only the Employer can make this choice, the Helper cannot. Most employers with children or elderly parents prefer to have the Helpers take care of them 24-hours a day. The widespread restrictive and abusive treatment is invariably on an individual level between Helper and employer, or a member of the family.

In cases of abuse reported in the media, a number of Chinese Hong Kongers, expressed or inferred the opinion to me that "the Helper must have done something wrong" and deserved to be punished. Whilst there are cases of Helpers stealing or having what might be considered a threatening manner, the general public rarely explore the conditions or show any interest in understanding the nature of the alleged "crime" nor the punishment administered. They make a presumption of guilt on the part of the Helper, preferring to ignore any inference of abuse as unimportant -- reflecting a general malaise and indifference to the bad conditions which many Helpers endure.

Such indifference is inferred in the language of the Employment Contract and the Employment Ordinance, upon which it rests, as the drafters show little concern for the potential misapplication of the rights of and duties towards the Helpers. Thus individual employers treat their Helpers according to their own ethical character and mood, despite



the potential penalties for breaches of the Contract terms since such penalties are rarely enforced against the employers.

***The Employment Contract*** -- (see Appendix A)

Every foreign domestic helper and employer must sign an Employment Contract and the Helper must present it at the airport on arrival before a restricted two-year visa is stamped in her passport, permitting her entry into Hong Kong to work. Most of the terms and conditions of employment for foreign domestic helpers, as well as the obligations of employers, are incorporated into the Contract. It is a deceptively simple document stating name and address of the employer, where the Helper is required to live, the Helper's place of origin, the limited period of employment, the nature of the employment and duties as a domestic helper, a restriction against working for more than one employer, the wages to be paid, and fees and monetary obligations of the employer, including medical care. However, nowhere in any of the employment documents is there a specific reference to the treatment of the Helpers. All penalties for infractions of the terms and conditions of the Contract by an employer are strictly related to a breach of the Contract not for a breach of the implied fiduciary nature of the employer-employee relationship. Any remedies for abuses have to be sought by the Helper in the Labour Department or the courts after the fact (see Chapter VI). Nor is there any system of supervision or inspection by the authorities to ensure that any and all of the Contract terms are observed, such as sleeping accommodations, food, working hours, or working conditions. Thus, some Helpers find themselves with an employer who might forbid them to sit down during the working day and yet others might only be allowed to sit during their meals in the kitchen. Some employers might make them work 20 hours a day. Other

abusive conditions often occur when the employer stays at home and can enforce petty “house rules.” The majority of Employers are not quite so strict and allow their Helpers brief rest breaks or have them sit with the family for meals. If the employer is out during the day, the Helper will find moments to sit and rest in between the household chores, or to meet friends for a quick chat whilst performing their outside duties, as did the Filipinas in Chi Fu Fa Yuen. As discussed below, however, the everyday reality of the Contract provisions can be extremely harsh and come as a shock to many of the Helpers.

### ***The Contract’s Ambiguous Language***

As mentioned above, the Contract leaves a lot to the discretion, interpretation and personal character of the employers. Newly-arrived Helpers often find themselves at a loss as to what to do or where to go for help when the reality of harsh working conditions sets in. The very title of the Contract indicates a special category of immigrant with specific employment conditions, as discussed below.

### **“Employment Contract**

#### **(For A Domestic Helper recruited from outside Hong Kong)”**

From the Helper’s perspective, the Contract terms lead them to believe themselves secure in a job for two years as their working visa is also issued for that period. The duties listed such as “household chores, cooking, looking after aged persons in the household, baby-sitting, child-minding”, do not seem too onerous, as the work described are normal chores in their own households.

***“The Helper shall be employed by the Employer as a domestic helper for  
a period of two years commencing on the date on which the Helper***

*arrives in Hong Kong”. (Contract (2.A)) “Domestic duties include the duties listed below....” (Schedule (4))*

Whilst the specific duties are listed in the Contract by each employer, an important omission from the Contract language is any mention of a maximum (or even recommended) number of hours a Helper should work per day. When child care is part of the job, the Helpers are expected to attend to them night and day, including feeding small babies when the mother is not breast feeding. Even if the Helper works for an average of 14 hours a day, many employers feel free to call upon her to perform nonessential tasks after she has retired.

An extreme example of excessively long working hours demanded by an employer is the case of Sati, a recently-arrived Indonesian Helper. After a few months of constant criticism and shouting, her employer kept finding chores to be done and redone and redone which Sati was told had to be completed before she could go to bed. Eventually there were so many chores that Sati was not able to go to bed before she had to start her morning duties. This continued for four consecutive days. In the early hours of the fifth morning she collapsed into an exhausted sleep whilst ironing. Her employer, who would get up in the night to make sure that Sati was doing her work, found her collapsed across the ironing board. The Employer took the hot iron and pressed it against Sati’s neck, burning her so badly that she will have the scars for the rest of her life. Taken to hospital, Sati was rescued from her employer and terminated herself on constructive grounds. This case was later brought to the criminal court and the employer was found guilty and sentenced to imprisonment. Her crime was burning Sati, not for forcing her to work for four days without sleep or rest, a form of slavery.

Sati's case is an extreme example of how some employers abuse their fiduciary duty to care for employees. There are many examples of overwork and long workdays, up to 20 hours a day, which are never brought to the attention of the law unless some other charge is involved. Many Filipina Helpers spoke of the repetitive nature of their work and how boring it was doing the same chores each and every day, quite unnecessarily. Some said their Employers would complain that they had not done the work properly and make them redo it all. There seems to be a view that a Helper must be kept working constantly otherwise the employer would not receive value for money, but there is also an element of control and power relations underlying the behaviour of the employers (see also Constable, 1996).

In addition to the long hours, another common complaint was that despite having a washing machine in the flat, employers would not allow their Helpers to use it, making them hand wash all the laundry, including heavy bedcovers and curtains. I might add that when I moved into the flat of a professional Chinese woman in Chi Fu Fa Yuen, who had a washing machine, she only used it for household cleaning cloths. I asked her why she did her laundry by hand in the bath when she had the washing machine and she said her clothes would shrink and the colour would fade in the washing machine. When I pointed out that I always used the washing machine and my clothes were fine, she was not convinced, most probably because they were well-washed and had lost their crispness! However, she took her linens out to a laundry. In addition to cleaning, cooking is a sensitive area and leads to verbal abuse on the part of the employer. However, in those households where the employer cooked the food and directed the Helper in the initial preparation of the ingredients conflicts in the kitchen were considerably reduced.

### ***Accommodations***

***“The Helper shall ... reside in the Employer’s residence at \_\_\_\_\_”***

***(Contract 3) “... the Employer should provide accommodation with reasonable privacy. Examples of unsuitable accommodation are: The Helper having to sleep on made-up beds in the corridor with little privacy and sharing a room with an adult of opposite sex.” (Schedule 3-A)***

Most people travelling abroad, or away from home, like to know where they will be staying and the tradition in the Philippines is to arrange to stay with a relative or known distant kin in the new area. Women, in particular, feel more secure if they have the address of where they will be staying. Also having live-in maids is a common practice in the Philippines, even in the less affluent households, thus the provision in the Contract that the Helper live-in is very reassuring to her and her family. However, this requirement is a double-edged sword. It is this provision which enables employers to confine their Helpers to their home for 24-hours; allowing them to go out only to do the marketing, or accompany a child or older person on a walk -- all strictly timed and controlled. For women who are used to freedom to visit with family and friends during the day or in the evening, confinement to the home often leads to a feeling of isolation and depression. Also this provision often results in the Helpers finding themselves on 24-hour call, as mentioned above, and at the mercy of their Employer’s sporadic demands.

### ***Sleeping arrangements***

The accommodations are often less than adequate, barely meeting the minimal standards mentioned in the Contract, such as “reasonable privacy.” The sleeping

accommodations at the guesthouse, for example, left much to be desired. One Tuesday Marissa telephoned to invite me to visit her in her room at the guesthouse. It was her day off and being a weekday her friends did not have time off. She did not want to go out but obviously nor did she want to spend the whole day alone. The room was shared by all three of the Helpers at the guesthouse, and occasionally a fourth, and was located in an interior area. It was a dark, grim room. The dirty, louvred window, set high in the interior corridor wall, was grimed shut, making the atmosphere hot and stuffy. The only light in the room was provided by a central ceiling bulb. The door was made of plywood and barely closed. The room was tiny, little more than a large walk-in closet or store room, with two double bunk beds occupying one half of the room, the ends fitting tightly against the walls. Some rough shelves, a chest of drawers and a small refrigerator were placed on the opposite side with barely enough space between the beds and the shelves in which to turn around.

Neatly folded quilts were placed at one end of the bunks with the pillows on top. Mismatched pieces of material, strung on wire, were drawn back to each end of the bunks against the walls. These curtains could be drawn across to provide a modicum of privacy, but privacy was an illusion in such cramped quarters. The Helpers shared the two bunks and their belongings were kept in boxes and suitcases underneath. They had pinned a collage of photographs of family and friends, and tropical island sea views on the walls giving the room a touch of home, with a few tired plastic flowers adding a whimsical air. A shelf which ran across the back of the top bunk was piled high with toys and parcels in preparation for Marissa's upcoming holiday. Perched on the chest of drawers was a T.V. set. They often did not finish their work until 9:30 or 10:00 at night and would watch T.V.

for an hour, escaping briefly into a fantasy world far removed from the reality of their daily lives.

The lack of privacy was emphasized when on one occasion Mr. C had burst into the Helpers' room just when Marissa had returned from the shower. She said she only had a towel wrapped around herself and was shocked at his intrusion. Mr. C had backed out saying he needed to talk to her. Later, he told the other Helpers that Marissa should be more careful on how she dressed. Obviously he was embarrassed but that did not diminish his presumption that he could enter their room without knocking nor did he apologise for his intrusion. Variations of accommodation infractions are rife throughout Hong Kong.

The Schedule of Accommodation attached to the Contract states that "... the average flat size in Hong Kong is relatively small and the availability of separate servant room [sic] is not common...." (SADD 3.A) Occasionally a Filipina would tell me, with an envious tone, of a friend who had a room to herself, or a couple, working for another household, who had their own one-bedroom flat in a wing of the house. Indeed, Marissa's friend on Hong Kong Island was provided with a small flat which was owned by her employer in the building where she worked. In the context that accommodations should have reasonable privacy, a "partitioned" area, one Helper said she felt lucky because her employer's home had large recessed windows in the living room and she made up her bed in the well each night. Another requirement is that accommodations should not be "unsuitable" such as sleeping on "made-do [sic] beds in the corridor" but many Helpers slept in the living room on a cot and could not go to bed until their employers had retired or came home in the early hours of the morning from mahjong parties. A further "unsuitable" condition is "sharing a room with an adult of opposite sex". However, I met one Helper who had to share a room with the aging father of her employer, and many other

Helpers who had to share with children. They did not seem to object to this latter situation, other than the fact that they had to tend to the children during the night. An American woman, recently arrived with her husband, told me that when she was looking for a flat to rent the agent would point out the “maid’s room,” and was horrified to see nothing more than a windowless closet barely large enough for someone to lie down. One of the worst situations occurred when one Filipina, newly arrived from the Philippines to work in the rural New Territories, found that her employer had rented out her “maid’s” room to another Filipina who did not work for her so she, the new Helper, was told to sleep outside on a mat on the concrete path where she was prey to poisonous snakes and dangerous night creatures. She told me she hardly slept at all as she was so scared. However, a few days later the other Filipina learned what was happening and left. The new Helper was able to sleep in the room but the employer was very angry at the loss of income.

A small number of employers prefer that their Helper live-out, such as Marissa’s friend’s employer and Nina at Chi Fu Fa Yuen. In such instances the Contact Employer must advise the Immigration Department of the Helper’s address. In addition, the employer is required to pay for the accommodation. A number of the Filipinas said their employers only paid HK\$1,000 to HK\$1,500 a month which barely paid for a bed space in a shared flat with other Helpers, plus they often had to pay their own travel expenses. Even though they preferred to have a measure of independence, living out often meant they had to leave early in the morning, about 6:00 a.m, to get to work in time to feed the children and get them dressed and off to school. In addition, the live-out Helpers got home after 10:00 p.m., as they had to cook the evening meal and clean up the kitchen or finish ironing and prepare the children’s clothes for school the next morning before they



left. However, once they were outside, their employers could not call on them to work and they felt a small degree of freedom.

### ***Illegal work***

***“(a)The Helper shall only perform domestic duties as per the attached Schedule of Accommodation and Domestic Duties for the Employer....***

***(b)The Helper shall not take up, and shall not be required by the Employer to take up, any other employment with any other person.***

***(c)...a breach of one or both of the said conditions of stay will render the Helper and/or any aider and abettor liable to criminal prosecution.”***

***(Contract 4) “The Helper should only perform domestic duties at the Employer’s residence....” (Schedule 4)***

The Contract, Schedule and Ordinance make it very clear that working at any job outside an Employer’s home, in a business, or in any capacity other than as a domestic helper is forbidden. The penalty is arrest, imprisonment, deportation and forfeiture of any right to work in Hong Kong again for the domestic helper, and the employer is subject to a fine, which is rarely levied. Despite these conditions, there are numerous instances of abuse of these provisions by both employers and domestic helpers. All the temporary off-contract Helpers at the guesthouse were working illegally. There was, therefore, a moment of high drama on one occasion when the doorbell at the guesthouse rang and Marissa answered it expecting to see potential new guests. Instead, two well-dressed Chinese men stood at the door.

Speaking through the heavy iron grill, the men asked Marissa whether or not she knew of a certain man by name and when she claimed no, they described him and added

that there were two others with him. She again said “No.” They then asked if this was a guesthouse and Marissa said no it was a residence. After a few more questions the men left and Marissa walked back toward the table where I was sitting. I asked what was going on and Marissa whispered that they were the police looking for someone. At that moment Aileen started to walk into the room and Marissa immediately spoke low and urgently in Tagalog for her to go back as the police were outside. Aileen quickly retreated back into the kitchen. Marissa was very nervous and excited. Although she was technically legal – supposedly only cleaning the house and doing cooking and household laundry rather than cleaning the guesthouse rooms on a regular basis -- she did in fact still work in the business by processing arriving and departing guests which is part of her employer’s business. I asked Marissa why she had said this was a residence since it was a guesthouse, albeit Mr. C’s home. “Shhhh” she hissed, nervously walking to the doorway and over to the window. Returning, she said the part time Helpers could get into trouble if the police came in and found them. There was no sign outside advertising the guesthouse and the office looked like a living room so it was not obvious that a business was being conducted in the flat. Marissa continued to check through the window to see where the policemen were. We had seen them going up the stairs to check in other flats and when they came down Marissa said they were waiting outside in the courtyard, but when I left shortly after there was no sign of them.

The men had not produced any identification and later Marissa said she thought they might have been Immigration officers rather than police because she had sent a letter to the Immigration Department to file a complaint against Mr. C about the illegal work she was forced to do in the guesthouse. Although the Helpers at the guesthouse fully understood the illegal nature of their situation, as did Mr. C, there were numerous

instances of Helpers being forced to work in their employer's business or "rented" to an employer's relative at a different address. Such instances usually occur immediately upon arrival in Hong Kong before the Helper has established a network of friends and resources to help them. Invariably indebted to family, friends, and banks or loan companies, for their employment fees, to refuse to do the illegal work would mean they would be terminated or have to quit and to return to the Philippines in debt and without an income. The only recourse is to either keep quiet or leave and file a complaint against their employer for termination for cause. Such legal remedies take time and proof, and without money to pay for housing and food most Helpers prefer to do the work and say nothing. They make decisions under the cloud of fear of termination, and are constantly looking over their shoulders anxious not to be caught.

***Please Sir, Ma'am may I have more?***

***"The Employer shall provide the Helper with...food free of charge. If no food is provided, a food allowance of HK\$ \_\_\_\_ a month shall be paid to the Helper." (Contract 5(a))***

Although the guesthouse Helpers took a break in the middle of the day for lunch, they did not eat in the evenings until after Mr. C and his family had finished their meal at around 9:00 p.m. They then were expected to eat whatever was left over. As Melissa had mentioned, Mr. C did not provide enough food for the Helpers. He gave the shopper little more than enough money to buy food for his family. Although he did provide rice for the Helpers, they had to pay for their own gas to cook any food they bought themselves and prepared independent of his meals. When I asked why they did not speak to Mr. C about giving them some money to buy more food, or just buy additional food for themselves

from the shopping money, they just shook their heads saying variously, “We can’t! He will get angry.” “I don’t want to lose my job.” “He might terminate me!” It is this constant fear of losing their jobs which keeps the Helpers silent in any situation of potential conflict.

Similarly, when meeting with a family group and asking if they had good employers or if there were any problems, they responded, almost unanimously, that they had good employers. Suddenly one of the Filipinas laughed and pointing to one of the youngest women said: “Her employer doesn’t give her breakfast.” The other women also laughed, but kindly, as the individual looked embarrassed. I asked her if she had asked her employer what she could eat in the mornings. She shook her head and another of the group said, “She’s afraid to.” When I suggested she might ask her employer just once, then if the employer got cross to leave it, but perhaps her employer had not thought about it. The young woman shook her head slightly and looked down. The others stayed quiet for a moment and I felt they had sympathy for her.

. The lack of food and eating the family leftovers was a common complaint from many of the Helpers in Hong Kong, as well as with having to buy food out of their own money. Another problem for the Filipinas was that of being told to eat their employer’s left overs, an idea they found disgusting because their employers used their eating chopsticks to help themselves from the communal bowls, a common Chinese family practice. Indeed, joining a Chinese friend for Dim Sum one morning she asked the waitress specifically for chopsticks for the serving bowls as a consideration to those of us who were foreigners. As Marissa explained, “We often eat with our fingers at home, it is our way, but we use spoons in our [serving] bowls.” If an employer does not provide any food they are required to pay a Helper about HK\$300 a month for food, but they rarely

do, considering left overs sufficient for a servant. There is no coercive provision in the Contract or Ordinance to enforce this provision when an employer fails to provide an adequate quantity of food, or pay for additional food.

Complaining about lack of food can be used as an excuse for termination so most Helpers keep quiet. In the case of Cindy, her employer told her she should drink water for breakfast and lunch and when she asked if perhaps she could cook some rice her employer had become angry and screamed at her “No!” She was given leftovers from her Employer’s dinner which rarely consisted of more than a small amount of rice with a few vegetables and sometimes a bit of chicken. After four days of very little to eat Cindy was so hungry she was beginning to feel faint and one day, after seeing the children off to school, she had cooked herself some rice. However, she had a guilty conscious and waited until her employer got up at 11:00 a.m. to ask her permission to eat it. When she did so, her employer started screaming again and grabbing the rice cooker dumped the rice into the garbage. She then terminated Cindy immediately, telling her to pack her suitcase, and took her back to the Agency. The employer could easily have given Cindy 30-days notice or paid her one-month’s wages in lieu of notice but instead chose to terminate her immediately without her wages.

There are many stories concerning the lack of food, particularly that no rice is provided for breakfast, a traditional breakfast in the Philippines, and several women said they felt ill when they did not get any rice. Part of the problem arises from the Hong Kong practice of eating out during the day and only eating lightly in the evenings when they are at home. Thus, whilst the employers themselves usually eat enough food each day, the Filipinas might be allowed only noodles or soup and can become malnourished. If allowed to eat breakfast and lunch there is usually no problem. Since most Helpers work

long hours of heavy, physical work, these employers show an extraordinary indifference to the health and welfare of the Helpers, not even considering the fact that workers need adequate food to keep up their strength and health to carry out their work efficiently.

### ***Record keeping***

***“The Employer shall provide a receipt for payment of wages and food allowance and the Helper shall acknowledge receipt of the amount under his/her\* signature” (Contract 5(c))***

Although most of the Helpers receive their wages in a timely manner, such as the Filipinas at the guesthouse, there are unscrupulous employers who will cheat them out of their wages. One common ploy of such employers is to take the passport of the Helper “for safekeeping” and then tell them to sign several blank pieces of paper, as discussed more fully in Chapter VI, they then compare the signature on the receipt to that in the passport to assure themselves it is the same. If a Helper questions the reason for signing the blank pages or refuses to sign a receipt for wages she has not yet received, an employer might threaten to terminate her and send her back to the Philippines immediately. Once the receipt has been signed, the employer can then, and often does, pay less than the legal monthly minimum wage. One Indonesian Helper adroitly found a way to circumvent this latter practice. Since the Indonesian script is not similar to either the romanized alphabet nor Chinese characters, her employer could not easily read it. Thus, when she was told to sign for the full amount but only received partial payments, she incorporated the words for “two thousand only” into her signature. Later when she filed a complaint against her Employer for unpaid wages, the interpreter at the Hearing pointed this out to the Adjudicating Officer, and the Employer was ordered to reimburse the full amount owing.

This tactic has become much harder since dishonest employers closely compare the Helper's signature in her passport with that on the "receipt". It is very hard for a Helper to prove she has not been paid since, despite telling her friends there are no witnesses, and having signed a receipt, it is her word against her Employer's. In one unusual case, one Helper said her employer went with her to the bank and had her open an account, which in and of itself did not seem out of the ordinary at the time. Then, each month the Employer would write a cheque for the full amount of her wages, make her sign a receipt, and then take her to the bank. There the employer made the Filipina deposit the cheque into her bank account and then withdraw most of it in cash and give it back to the Employer. Thus, the employer set up a paper trail of payments in the event of a complaint being filed against her. Yet another Filipina said her Employer would not give her enough money for the marketing or expenses for the children so she would have to use her own money to make up the difference. Since her Employer never reimbursed her she was, in effect, subsidising the family from her wages.

### ***Medical help***

***"When the Helper is ill, or suffers personal injury, whether or not it is attributable to his/her employment, the Employer shall provide free medical treatment to the Helper. Free medical treatment includes maintenance in hospital...." (Contract 9(a))***

A few days after Kathy left the guesthouse, Marissa was in the courtyard doing the laundry. She looked ill. I asked her what was wrong and she said she was not feeling well.

“I have been working all alone since Kathy is gone, doing all the work.

I am so tired.” She added, “Mr. C won’t get another Helper. He said I can do all the work and I am lazy. Yesterday there were seven checkouts as well as the daily rooms, the office and the house to clean, and the laundry.

I finished at eleven o’clock last night. I was too tired to eat.”

She was close to tears and looked exhausted, with dark circles under her eyes. She was also very angry at being treated so badly. The Helpers at the guesthouse often looked tired from the long hours of hard work, but the extra work Marissa was doing by herself was taking a serious toll on her health and strength, especially given her already exhausted state. We walked back into the office as the phone rang. Marissa reluctantly went to answer it. As usual, it was Mr. C and I could hear Marissa defending herself, saying she had been checking the rooms to be changed, her voice echoing her frustration and anger. She said with no one to help her she had to leave the office to clean the rooms. There was always a hint of resentment and defiance in Marissa’s voice and manner and it could well be that attitude which made her employer get angry with her more than with the other Helpers. The others would stand quietly and take Mr. C’s reprimands. If one of them made a mistake he would say he would pin a note to their forehead to help them remember instructions, while at the same time pushing their heads back roughly with his thumb. They usually did not defend themselves or contradict him. On this occasion, as she put the phone down, Marissa said, “He was asking why I didn’t answer the phone when he called 20 minutes ago.” She commented that the Chinese had different attitudes to Westerners. “He doesn’t care how hard we work. He only cares that the rooms are ready for the customers, not how tired we are.”



A few days later Marissa was cleaning rooms in my area. She looked even more ill than before and I told her she must go to the doctor. She said:

“I asked Mr. C if I go to the doctor but he said No! He said I am not really ill and just trying to get out of work.” Close to tears she added, “Mr. C doesn’t want to get another Helper. He doesn’t want me to see a doctor.”

Marissa looked so ill I was worried about her, and said she should just go to the doctor anyway on her next day off.

“I haven’t had my rest day. There is no one else to do the work,” she responded, fighting back tears.

Shortly after this conversation, Mr. C hired Lilly and Aileen as temporary Helpers. Despite Mr. C’s harsh and critical attitude, Marissa still felt her first duty was to make sure the work was done before she could take care of herself. Her sense of duty was partly because she felt honour bound to do her job and partly because she was afraid Mr. C would terminate her as soon as he found additional Helpers.

Once the part-time Helpers arrived, Marissa went to the Emergency Room at the hospital on her day off. The doctor who had taken care of her told her he had seen a lot of cases like hers. Helpers who were suffering from total exhaustion and malnutrition. She said he had told her: “You must take care of yourself for your children’s sake. You should leave your employer and find a better job.” Obviously, despite “seeing lots of cases” he had paid little attention to understanding the conditions and Contract restrictions under which the women were working. He gave her a medical certificate for three days’ rest. When she returned to the guesthouse, and gave Mr. C the medical certificate he was furious that she had defied him and gone to the hospital, but with the medical certificate he had to let her rest. Mr. C then told her to go to her room and stay there and that she

was not to leave the room or go out for the three days of her sick leave. When I asked why she had not called me as I would have come by to help her or do some food shopping, she said Mr. C had removed the phone from their sleeping room, saying that if Marissa was that sick she should not be talking to her friends. She said he had told her “I know you Marissa!” once again inferring she was not really ill. He obviously was more obsessed with punishing Marissa than concerned about her welfare or even considering how removing the telephone also penalised the other Helpers sharing the room. Mr. C obviously felt he had the right to confine Marissa to her room, which as mentioned above, being an interior room was dank and dark. He also deducted the three days’ sick leave from her wages.

Had the doctor given Marissa a certificate for four days she would have been paid sick leave. The Ordinance states “An employee shall be entitled to sickness allowance if ... the sick leave taken is not less than four consecutive days....” Sickness allowance is granted at “2 days per month during the first 12 months of employment at a rate of “four-fifths of the normal wages....” (Ordinance Ch.5:19-20). Even though Marissa had accumulated sick days, she was not entitled to be paid for this “short” three-day sick period.

Employers are required to pay medical insurance and treatment costs for their Helpers, but they often seemed reluctant to allow them to go to see a doctor or go to the hospital. A number of Helpers said their Employers did not believe they were ill and that they were trying to avoid working. Formerly employers would simply terminate a Helper who was ill but the law was changed to forbid employers from doing so whilst a Helper was on sick leave. However, this does not prevent some of them terminating the Helper soon after she returned to full time work.

## ***The Employment Ordinance***

The Employment Ordinance is the “sole authority for the provisions of the law” and underpins the Employment Contract (Ord, Foreward:2). A *Concise Guide* setting out the main provision is available to the community but most Helpers are unfamiliar with this publication. The Ordinance not only expands the terms and conditions of employment it also outlines the “*Offences and Penalties*” when an employer contravenes the provisions of the Ordinance. However, the Ordinance is applicable to any employment and exceptions are made “For A Domestic Helper recruited from outside Hong Kong”, as indicated in the title of the Contract document. For example, the minimum wage is set by the Hong Kong government rather than the employer. This does not preclude an employer from paying more than the basic wages but it should preclude them from paying less or nothing at all. Also the requirement of living-in is not applicable to other employees, nor the fixed two-year contract term of employment, nor the stricture against working for more than one employer named in the contract. Such restrictions are strictly applicable to imported foreign domestic helpers.

### ***I’ve been terminated!***

The inequality of the working conditions for foreign domestic helpers, is implied throughout the employment contract and in the language of the Employment Ordinance. One of the conditions which keeps the Filipinas most watchful and nervous is the provision concerning termination. As stated above, to be terminated, even with due notice, means the loss of income with no easy remedy of the situation, such as finding another employer whilst still in Hong Kong. The requirement to return to the Philippines incurs further expenses on the part of the Helpers for employment fees. Thus, being

terminated is perhaps one of the most threatening conditions for a Filipina, short of actual physical abuse.

***“A contract of employment may be terminated by due notice or wages in lieu of notice. ...” [By either party] (Ordinance Ch 8 p. 28)***

One afternoon Lisa burst into the guesthouse office crying “Help me! Help me!”. She sat down at the table. “I’ve been terminated! Ma’am told me to pack and leave immediately.” Lisa had been working for a couple with two children, the mother was British and the father Chinese. She had been working for them for about 8 months and they had taken her to England with them on holiday. She had quite liked the job and the family. When they hired an additional Helper, telling Lisa there was too much work for her to do with all the housework and the children, she had gratefully accepted their explanation without question or suspicion. A month after the new Helper arrived and after Lisa had trained her in her duties, the mother had called Lisa into the dining room and told her they were terminating her. Lisa said they were both crying but she was told to pack her bags and leave immediately. They paid her all monies due but had given her a letter stating her work was unsatisfactory without further explanation, which makes it very difficult to find another job. The wife had added a pencilled note to her husband’s letter indicating that Lisa got on well with the children but the damage was done as such letters are filed with the Immigration Department to justify the early termination and kept in the Helper’s file. Ordering a Helper to leave immediately is a frequent tactic of unscrupulous employers, sometimes turning them out at night and without their full wages or their return air fare and sometimes taking them back to the Employment Agency which, in turn, would send them back to the Philippines that night, denying the Helper the 14-day stay in Hong

Kong to which they are entitled upon termination . The Agencies work to the benefit of the employers rather than the domestic helpers and do not want the dismissed helper to create problems by having time to file a complaint against an abusive employer. However, Lisa was fortunate that her employer allowed her to leave and stay in Hong Kong for her 14-day stay.

A few days after her termination, Lisa called the mother to ask why she had been terminated -- what she had done wrong. It transpired that the husband had found Lisa too moody and did not want her around. She went back to her agency to get her return air ticket and see if they could find another job for her. The “unsatisfactory” category, considered a good and sufficient reason for an employer to terminate a Helper, is one of the most unfair terms of the Contract and Ordinance since the Helper has no recourse against such a subjective judgement. A Helper cannot quit her employer for being “unsatisfactory” without losing the right to stay in Hong Kong and an “unsatisfactory” release letter virtually ensures she is unable to find another job through normal channels. Indeed Lisa was unable to get a new job within the 14-day visa restriction and was forced to return to the Philippines. Lisa’s male employer had shown little or no concern for Lisa’s welfare, although the wife was very upset about letting her go, but in the end they had no compunction about terminating a two-year contract early and having Lisa unknowingly train her own replacement instead of talking to her about her “moods.”

Chris also arrived at the guesthouse after being terminated. She had been working for a family in Sheung Wan on Hong Kong Island for four years (two Contract terms), but the employer had decided she could no longer afford a Helper and told Chris she would take care of the children herself. Chris suspected it was because they did not want to sign a third contract and be liable for the long-term bonus which is paid after 5 years of

continuous service with the same Employer. However, Chris was fortunate in that unlike many other Helpers who had been signed on for a third Contract and then terminated just before the fifth anniversary, her Employer had paid her all her wages, including the 30-days in lieu of notice and allowed her to leave without working the 30-day notice, which gave her six paid weeks plus a week's paid vacation in which to find a new job. Chris had liked "her family" and said they had treated her well, providing her food, toiletries and any personal needs. She had shared the children's room but this was not a problem for her. Her employers had been generous about giving her time off. She had been taking college courses towards a Bachelor's degree in psychology, so she wanted to stay in Hong Kong until she graduated. Chris was not sure what she would do once she got her degree but said she would return to the Philippines, perhaps work in industrial psychology.

When I mentioned to Chris that I had seen a job for a domestic helper advertised on the notice board in my local supermarket in Chi Fu Fa Yuen she decided to come back with me to get the number and to call from the flat. Our bus journey took us through Sheung Wan and Chris pointed out the building where she used to work and the Park-N-Shop supermarket in the building where she would meet her friends from the same building, finding a niche of friendship similar to the women at Chi Fu Far Yuen. I asked if she was angry or upset that her employer had let her go rather than pay the five-year bonus but she said "No, not angry, just sad. I really miss the children." As the bus wound its way up the hill to the south side of the Island, Chris said she had not been in the area before, even though for the past four years she had lived just a ten minute bus ride away. She was very impressed with the newness and openness of the area and said she would like to work there. After getting the telephone number from the supermarket Chris called the potential employer. She was obviously answering questions of age, personal family

background, her experience looking after children and then the all-important question about being able to prepare Chinese food. She finished the conversation saying she would call back as she was talking from a friend's flat. When she hung up the telephone, she said the woman had said she was letting her present Helper go because she had a mobile phone and she (the employer) would not allow that! The employer had also said that Chris must not talk to her present Helper as she had not told her she would be terminating her contract. Needless to say Chris did not pursue that job. She continued to look for a new job through her agency. I learned later that Chris had not found a job and subsequently ran into money problems. Marissa eventually paid some of her rent at the guesthouse and her email bill. Mr. C told Marissa she must not allow Chris to use the computer again and that Chris must leave the guesthouse, which she did.

### ***Weekly time off***

*“An employee employed under a continuous contract is entitled to not less than one rest day in every period of seven days. A rest day is defined as a continuous period of not less than 24 hours during which an employee is entitled to abstain from working for his employer. Rest days shall be appointed by the employer. They may be granted on a regular or irregular basis....”* (Ordinance Ch. 4, p.11)

Again, the wording of the Contract is ambiguous when it states “not less than one rest day” a week. Unlike Chris's employer, most do not give more than the basic one day off per week to their Helpers. In addition, the wording “rest days shall be appointed by the employer” and can be “granted on a regular or irregular basis,” gives full control to the employer as to when the Helper can get her rest day and leaves little room for negotiation

for an alternate day off. By putting these restrictions in writing, the drafters of the Contract create a working environment filled with uncertainty for the Helper and open to abuse by some employers. Most of the foreign domestic helpers are given Sunday off, when they can meet with their friends. However, some are given another day in the week which is often interpreted by the Filipinas as a way of further isolating them by minimizing their opportunities to make friends and learn about the resources available to help with problems.

Even though they are entitled to 24 hours for their day off, most of the Helpers are not allowed to stay out overnight. The Filipinas are too concerned about losing their jobs or being harangued and subjected to abusive language to disobey. Thus, they rarely show outright defiance. Ordering the helpers to return early on their day off is explained by the employers' concern about their Helper's safety, but as most of the women in Hong Kong are mature women surrounded by friends the explanation rings hollow and is more about control and their lack of concern about the Helper's need for companionship and rest. In the multi-helper households, days off were usually organized amongst the Helpers themselves. They also negotiated the national (statutory) holidays amongst themselves. The Employment Ordinance prohibits payment in lieu of a statutory holiday, but allows an alternate day to be given. At the guesthouse none of the Helpers were required to work on their rest day without being given compensatory time off. They all had the 24-hours off, even if they took it in two separate 12-hour increments, and usually returned not much later than 10:00 p.m. Except towards the end of her Contract, Marissa became more defiant and began to stay out overnight.

When her rest day was on Sunday, Marissa would usually join her friends on Hong Kong Island. They would go to church activities or some friend's celebration or pay bills



and shop. Mostly, however, a small group of friends would sit and talk, enjoying each other's company after a week of isolation. Marissa's uncle was captain of a container ship which would sometimes dock in Hong Kong and she would spend her rest day on the ship. All the crew members were Filipino so she felt safe and would relax by herself in the crew's common room listening to music. Laughingly she recounted how she was waited on by the crew, making her feel like a princess in contrast to her day-to-day existence at the guesthouse (an unconscious allusion to Cinderella's plight, perhaps). She also enjoyed the Filipino food they prepared. If the ship laid over for a few days unloading and loading cargo, she sometimes invited her friends on board for a party but she was adamant that there was nothing immoral going on, although her co-workers (who were not invited) sometimes inferred that there was.

Aileen invariably went out on her rest day after sleeping late. On Sundays she usually went to church and then joined in association activities or met her sister or niece. If her rest day fell on a week day, she would try to meet her nominal Contract Employer. He was very kind to Aileen and they had developed a mutually affectionate relationship. He often took her to lovely places on her day off – to the Jockey Club to swim or to the Tea Dances at the expensive hotels. He had renewed her Contract so she could continue working at the guesthouse, which enabled her to pay off her bills and the loan he had given her for her son's wedding.

### ***Annual leave***

***“An employee is entitled to annual leave with pay after having been employed under a continuous contract for every 12 months. An employee's entitlement to paid annual leave increases progressively from***

*seven days to a maximum of 14 days according to his length of service.*

*...” (Ordinance Ch. 4, p15)*

Many Helpers save their annual seven days leave to the end of the two-year Contract term and if not renewing with that employer might opt to be paid in lieu of taking the time. An additional seven days of leave is granted between Contracts, if entering into a new contract with the same employer, to be paid or unpaid at the discretion of the Employer. Thus, a Helper can accumulate up to three weeks between Contracts. The cost of travel back to the Philippines for a holiday is too expensive for most Helpers and a week is too short, so to accumulate the leave and be paid is better for them. Their return fare must be paid by the employer at the end of the Contract so the Helper does not incur this expense but sometimes a Helper will ask for the fare in cash if she has a new employer to go to. If, however, the Contract is not renewed with the same employer, then some Helpers use the annual week(s), plus the allowed 14 days stay upon termination, to find a new Employer rather than return immediately to the Philippines.

Marissa and Aileen were at a disadvantage working and living in a business situation when trying to coordinate annual holidays, not only for the weekly rest day but also for holidays at home. The caveat that any leave is at the discretion of the Employer led to a potential rift between them. Aileen had planned to return to the Philippines in late April, at the end of her original contract period with her nominal Contract Employer. Mr. C had already told Marissa she could take her holiday in the last week of May and early June. Her daughters were excited about her coming home as they had not seen her for three years. They kept writing telling her about all the things they planned to do when she came home. With the date of her son's wedding set in early June, Aileen delayed her return to the Philippines and Mr. C told Marissa she could not go on holiday at the same

time. Marissa became very upset saying he had made her change her plans 3 times and her children were expecting her. Mr. C told her that he had no control over Aileen as she was an independent employee and thus Marissa was the one who had to change. Tensions arose between the two friends, each saying they needed to go home at that specific time.

Marissa was so angry she wrote a formal letter to Mr. C protesting the change. He returned it to her saying she had changed her mind twice already and that she should rewrite the letter reflecting the facts. Marissa admitted that she had cancelled once because she had not had enough money, but it was he who had cancelled the first time and now again. A constant battle of wills raged between them. However, Marissa and Aileen being firm friends, resolved their differences by placing the blame on Aileen's future daughter-in-law and Mr. C, respectively, for putting them in this difficult position. Eventually Mr. C agreed to hire some temporary Helpers for the overlapping weeks Aileen and Marissa would be away.

The foregoing serves to demonstrate the many violations by employers of other Contract provisions but are not discussed in their entirety here. Being dependent upon their job to provide for their families' welfare curtails the Filipinas' freedom of choice or action. In an already unequal power relationship, the Contract leaves a disproportionate amount of decision making to the discretion of the Employers and for those exemplified above, the latitude provided by the ambiguous language pushes the boundaries of service, slavery and indentured servitude to their limits.

### ***Indentured Servitude in the Global Age***

As discussed earlier, for centuries women have been accorded a negative value in the social organization of the Hong Kong society. Considered of little or no importance

to the society outside their reproductive ability to produce a son for the continuation of the lineage, or for sale as a concubine or servant, women have occupied a low status. These patriarchal values are embedded within the language of the Contract in that domestic helpers are relegated to the bottom of the female hierarchy. Also, the treatment of the foreign domestic helpers is reminiscent of the older practice of *mui jai* when daughters of the poor were sold under contract by parents to wealthier families, as discussed in the Introduction hereto.

The fact that a Helper's passage is paid and accommodations and food are to be provided by the employer, has resulted in many employers acting as if he or she has "bought" the Helper with the right to treat her as property, as a consumable and disposable object – less than human. They seem to feel they can simply "throw the Helper out" whenever they wish, without regard to the consequences to the Helper. This "ownership" is reminiscent not only of the former Hong Kong practice of *mui jai*, but also of the 17<sup>th</sup> and 18<sup>th</sup> Centuries European practice of indentured servitude, when an individual would contract him- or herself to an employer for passage overseas, accommodations, food and a job for a set period of between 3 and 7 years to repay the costs. Certainly the harsh working conditions so many of the Helpers endure are nothing less than indentured servitude, a "subjugation to the necessity of excessive labour" and an "absence of personal freedom." (OED 1971:2743:522). The contractual nature of the work weakens, if not actually removes, the human quality from the employer-employee relationship and turns it into a business arrangement.

Thus, the contract migrant domestic workers are little more than indentured servants existing at the periphery of an employer's social conscience and considered easily replaced. The helpers can be "leased" and "dismissed" at the whim of the employers and

occasionally treated as a slave as defined by excessive control, work, and no or token amounts of wages, (see chapters V and VI for more details). Although many Filipinas do have reasonable employers, certainly within the individual's tolerance levels, the Contract terms do leave their fate to the moral character of the employers.

As demonstrated above, despite the apparent mutual obligations and responsibilities contained in the Contract language, the overriding requirement of living in the homes of the employers effectively means that any violation of the human rights of individual Helpers, or any of its other provisions, become a private matter. Without witnesses, the Helpers are virtually powerless to complain about their treatment, as to do so would mean termination, being sent back to the Philippines, or worse, arrested and deported. Even if a complaint is filed with the Immigration Department, as in Marissa's case, there is usually no constructive response and the letter in which she is acknowledging that she is doing illegal work is placed in her file. The Filipinas are held hostage by their own financial needs and the moral character of their employers, their only recourse being to quit with 30-days notice or run away. In both instances, she will lose her income unless she is successful in a Labour Department hearing for any unpaid monies.

None of the migrant Filipina domestic helpers is prepared for the reality of the aggressively critical attitudes of many employers, the lack of freedom, and the indifference to their welfare which the ambiguous language of the Contract engenders. In the brief, more casual conversations with the Filipinas on Hong Kong Island, many of them talked about how their lives were made miserable by obsessively strict supervision, being on duty 24 hours a day, lack of food, and the constant verbal tirade. The Helpers considered their employers' attitudes and actions, such as angry accusations that they were lazy, not doing

their work properly or taking too long at the market, to be extremely demeaning and demoralizing. They felt that it showed their employers did not trust or respect them.

To combat the indifference incorporated into the language of the Contract and its inequities, the Filipinos have organized their own community support system to assist those Filipinas in need of pastoral care, legal advice and assistance. Most newly-arriving Helpers, without kin or friends already working in Hong Kong, are often unaware of these support systems which the Filipino community has established over the past two decades to help their compatriots seek legal remedies for violations of the Contract. These Filipino support systems are primarily available and accessible on Sunday in the gatherings in the Central District on Hong Kong Island, as discussed more fully in the following chapter.

## *CHAPTER IV*

### *Emerging From the Shadows*

It is Sunday again! A day of freedom! The “sparrows”<sup>5</sup> of Hong Kong gather in Statue Square and Chater Gardens in the Central District (“Central”) on Hong Kong Island. Tens of thousands of Filipinas escape for a few hours the daily drudgery of domestic chores, child minding and elder care, and the uncompromising gaze of their employers. During the week, Statue Square is the domain of older local Chinese residents sitting quietly amongst the raised gardens, business people hurrying through to keep appointments in the encircling glass office buildings, and tourists thankfully finding one of the rare places to sit down for a while in the midst of their shopping sprees in the surrounding glamorous international boutiques and malls. The dense, noisy traffic harmonizes with the clanging trams running up and down the harbour’s border. Each Sunday one of the main thoroughfares and several cross streets around Statue Square are closed to traffic enlarging the pedestrian area and allowing the Filipina Helpers to wander around freely – only the clanging of the trams punctuating their constant noisy chatter. This street closure can be seen as an attempt to keep pedestrians safe and to avoid traffic

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The nickname of “sparrows” comes from the twittering sounds of multiple Filipino languages that fill the air. “Chinese threat to silence the ‘sparrows’ in Hong Kong Handover” Constable 1997 quoting The Independent, Friday 28 March 1997).

accidents, but it also defines a geophysically bounded space which temporarily contains the Filipinos and keeps the local residents and tourists at bay. Sitting with friends and family each Sunday, each Filipina sheds the trappings of her working persona and for a few hours enjoys life on her own terms where she is no longer an outsider and where she gains an emotional sense of belonging. Emerging from the shadows once a week, the women gather to form a locality in the global flows of migrant labour.

### ***Creating the Local in the Global Migrant Labour Flow***

Caught in the web of the global migrant labour trade, the Filipinas leave their own familiar communities throughout the Philippine Islands to arrive in a country with different cultural practices and unfamiliar values, and where they find themselves marginalised from the mainstream community. Thus on their day of rest they seek the companionship of their compatriots forming a locality, an “in-between” place, a “restless world” where roles and identities constantly shift in and out of the past (Filipina mothers and sibling) and the present (foreign domestic helpers) -- the unhomely (Bhabha 1994).

Confined to their employers homes during the week, on Sunday the Filipina Helpers boldly emerge into public places en masse.

Ostracised as the Filipinas are by the mainstream community, their presence is determined by the political and economic climate of Hong Kong. Considered disposable, temporary sojourners, their marginalization goes beyond the usual concept of people living at the periphery of an established society -- citizens living independently in their own community. Rather, the Filipinas are assigned to a combination of social categories which denote and connote stereotypes of the lower status class in the social hierarchy, as ‘foreign’, ‘migrants’, ‘female’ and ‘domestic helpers’, separate and apart from the resident



community. As foreign domestic helpers they are relegated to a liminal place, between the legitimate members of the society and those who do not belong, such as tourists, yet considered a necessary constituent by those citizens who depend upon having servants for their own status and comfort, as well as, enabling local women to move out of the domestic sphere into the workplace. Considered “out of place” by those “in place” (Cresswell 1996) the foreign domestic helpers are perceived as polluting, and a threat to the established society which must be controlled (Douglas 2000 [1966]). Thus the foreign domestic helpers are confined to being temporary sojourners, prohibited by the State from becoming full residents with the right of abode or citizenship in Hong Kong, and by their employers who do not allow them the freedom to leave their homes except on their one day off a week

With the exception of a small minority of Filipinas, whose employers allow them to live-out, they are without a home, a place to call their own. As a response, they have created their own gathering places in the public areas throughout Hong Kong -- spaces in which to meet on their day off each week providing social interaction and access to resources essential to their well being, as well as a public presence with a voice. They have created a locality which provides them with a sense of community, given meaning and defined by their presence and activities, a “created setting...for human interaction” (Soja 1989:153; see also de Certeau 1984). These localities are “inherently fragile social achievements which must be maintained carefully against various kinds of odds” (Appadurai 1996:179) especially the Hong Kong official and unofficial community. They become a visible transnational Filipino community forming what Hannerz has labelled as overlapping “habitats of meaning”, the “interpersonal connections made up of

kinships, [and] friendships”. Such habitats, Hannerz suggests (1996:25-26) provide the essential familiarity of “interpersonal connectedness” of “collegiates, ethnicities, and businesses” (see also Lewellen 2002:191). Once a week the Filipinos transform the area around Statue Square in Central where a locality is made manifest in the global process of labour movement -- a virtual, deterritorialised island of the Philippines, a cultural bubble, which dissipates again with the ending of the day to be recreated each Sunday.

### **Habitats of Meaning**

The complexity of this Filipino community is not obvious to the average observer, nor indeed to many of the Filipinas themselves. Marissa, from the guesthouse, offered to meet me one Sunday to show me around this ephemeral Filipino world. Although the Filipinos are usually hospitably casual and welcoming towards foreigners there is a sense of being invited into this community..

#### ***Meet me at the Blackman***

I had asked Marissa where we should meet and she had immediately replied: “Meet me at the Black Man!” This weather-blacken statue in Statue Square of some former British dignitary provides a convenient location for many of the Filipinas to meet friends and join in the activities offered by the churches, associations, organisations, and businesses catering to the Filipino community’s needs and which radiate out from Statue Square. In typical Filipino fashion, Marissa arrived 20 minutes late -- interpretation of time, British (punctual) and Philippine (tardy), was a constant source of amusement amongst a number of my Filipina friends. Whilst waiting for Marissa, I came under the scrutiny of thousands of Filipinas. Several local Chinese residents had commented to me previously that they did not like to cross through Central on Sunday because they could

feel ten thousand pairs of eyes, of “all those Helpers”, watching them. Few Westerners or Chinese mingle or socialize with the Filipinas and tourists walk nervously around the edges of the crowds, thus I stood out like a sore thumb and glances were thrown in my direction, some curious, some cold and some friendly. When Marissa arrived, we set off to negotiate the densely crowded streets. She was stopped several times by other Filipinas, mostly casual acquaintances, excitedly acknowledging each other in the crush of people, often being asked if I was her employer as it was so strange to see a Westerner in their midst. One of her closer friends asked if she would join them for a birthday party arranged for later that day and Marissa said she would try. Occasionally T.V. news reporters film some political event or seek opinions on new legislation affecting the foreign domestic helpers, but most of the time the Filipinas are left undisturbed in their temporary ‘home’ world.

With the ever-increasing numbers of domestic helpers over the past 30 years, the gatherings have spilled out to the surrounding gardens, and the ferry and MTR entrances. Like the weekday population, the women perch on the raised garden surrounds, but because of their numbers they also sit on the pavements in front of luxury stores, under the Hong Kong Bank, beside the library and post office, under and on the sky-walks -- anywhere that provides shelter from the blazing sun and the torrential rains -- forming inward facing circles, giving themselves a 360° view around their group. Adding to the colourful scene, many women perch on tiny, brightly coloured, portable stools, but most sit on the ground with only blankets, plastic sheets, or newspapers to keep the dirt off their clothes. Scattered throughout the Sunday gatherings, exhausted women sleep safely on the hard ground, cocooned by their friends who watch over them. The guardians catch up

with the week's events, letters, photographs, news from home, and play cards as others come and go.

As mentioned earlier, most employers give their Helpers Sunday off for their rest day as it is the most common day of Christian worship. After a week of isolation the rest day provides a time and space in which they can revive their spirits, enjoy the company of family and friends, seek advice and help with problems and, above all, be themselves. Somewhat symbolic of their day of freedom, many of the Helpers don their more colourful and attractive clothes and apply make-up, both of which are frequently forbidden by employers. Filipinas can be seen entering the public toilets when they arrive in Central, carrying a change of clothes in prestigious store shopping bags thrown away by their employers. Tightly tied back hair is loosened for the day. Maria, working at a nunnery and restaurant in the New Territories, perhaps best expressed the emotions of most of the Filipinas as, in response to my questions about what she did on her day off, she simply raised her thin arms over her head and turning around in a little dance, sang "Free! Free! I'm free!"

### ***Attending to personal affairs***

Since the majority of the Helpers have only their rest day on which to take care of their personal affairs, each Sunday from 6:00 a.m. onward, they not only meet friends and attend church services, but also shop for family presents, ship parcels of gifts home, and seek advice about their working conditions or problems at home. When the situation is considered serious, they seek help from the Filipino charitable organisations and NGOs, discussed more fully below. Most importantly, once a month they send off remittances to their families and pay instalments on their loans to the employment agencies and loan

companies. Because Hong Kong business and government offices are closed on Sunday, secluded Helpers are denied full access to banking and official services. In order to circumvent this lack of access, the Filipino community has established its own business centre in the World Wide Plaza, a few streets away from Statue Square. Open each Sunday and during the week, the lower four floors of the high rise building are devoted to multiple Filipino businesses. In addition to the banks, loan companies and remittance centres there are clothing and food shops and freight forwarders, many of which are Hong Kong branches of Philippine businesses. It is a one-stop business centre and shopping mall for those seeking Filipino services and goods. When Marissa bought a pretty dress to take home to her youngest daughter, she commented that it was cheaper than if she had bought it in the Philippines, even though it was made in the Philippines. Each Sunday two inexpensive Filipino restaurants in the area are filled with Helpers satisfying their taste for Filipino food. For some eating at the Western fast food restaurants is also a weekly treat, but others prefer to return to their group to eat food that friends have prepared at home and brought with them, but perhaps contributing a few dishes from the fast food outlets to share with the group.

### ***Interpersonal connections – family first***

Meeting friends and joining in the community activities are an important part of the Sunday gatherings. However, phoning home is a priority for those Helpers forbidden to use their employers' telephones during the week. Armed with prepaid phone cards they form long queues at every available public phone on the streets, in the foyer of the public library, in the grocery stores and in the shopping malls. Quite a few families in the rural areas of the Philippines do not have a phone, and arrangements with a neighbour are

made ahead of time for their regular Sunday phone calls. Local calls on residential phones in Hong Kong are free, the telephone service being a monthly all-inclusive charge, but some employers forbid the use of the phone. Edna, who worked for an employer who did restrict the use of the phone, said:

“I am not allowed to use the phone or receive calls -- only emergency calls. My Employer says they might disturb the baby.”

Nor was Edna allowed to use a mobile phone as, again, her employer said it might be bad for the baby. Restrictions on the use of the telephone are quite common and some of the employers who forbid the use of the phone or a mobile often keep telephoning from work to check that the Helper is not using the phone!

Mobile phones have enabled many of the Helpers to talk more frequently with their families and stay involved in their family affairs. Calling friends in Hong Kong during the week also alleviates their isolation. As mentioned in Chapter II, Chris was told by a prospective employer that she did not allow her Helper even to own a mobile phone. Such restrictions are thought by the Filipinas to be another example of distrust by the employers implying that a Helper would spend her time on the phone rather than doing her work when the employer is out of the house. It could also be interpreted as the employer feeling a loss of control if the Helper can talk to others outside her, the employer's, sphere of influence. Others said their employers did not want them to have friends, and viewed the inability to phone friends as a further loss of freedom. Such lack of means to contact friends or family during the week adds to their sense of isolation.

If the Helpers are not careful, however, the monthly mobile fees and cost of calls, especially to the Philippines, can entangle them in more financial debt and frequently one

finds a friend's mobile number has been disconnected for unpaid bills. Even though most Filipinos are dedicated letter writers, when family emergencies occur the use of the mobile phone brings quick reassurance. The voices of their children and loved ones give them comfort, drawing them back into the familiar world of home and mentally and emotionally transporting them back to their roles as mothers. By constantly talking directly with their families and checking on family matters, such as how the children are doing in school or college and what expenses need to be paid, the women negotiate their dilemma of being a traditional mother, in charge of domestic matters and the family income, and being a modern woman working overseas in the global economy as the primary breadwinner.

### ***Entrepreneurial spirit***

Traditionally Filipino women in the lower economic families have supplemented their husband's income through trading, selling produce in the local market, as entrepreneurs, and in family-related businesses (Jacobson 1997:351; Trager 1988:81). In this spirit, some of the Helpers in Hong Kong supplement their income by handing out promotional fliers along the streets leading to the World Wide Plaza for various companies' goods and services. At the entrances to alleys, too, goods are sold from suitcases and large striped plastic bags. Some of the goods reminded me of a T.V. advertisement for a "get-rich-quick scheme" shown during the Filipino Hour, but other items have been brought in from the Philippines by friends and family. Hawking is illegal without a license and if caught the Helper could be imprisoned, fined and deported. There is, however, a quiet, verbal "telegraph" that quickly sends word of an approaching policeman, so the vendors have time to close their bags and move on or act innocently. Some women who have unrestricted use of a kitchen make and sell traditional Filipino

foods and sell out very quickly. Other women sit near the tourist paths leading to and from the ferry entrances making and displaying hand-carved soap flowers and fruit, or silk floral arrangements which they offer for sale. Along the path leading up to St. John's Cathedral gardens, "beauty" corners are set up by Helpers who were beauticians in the Philippines or who have trained at one of the skills programmes offered by the local Filipino organisations. They offer manicures and pedicures, hair cutting, styling and even shampooing, as well as other personal grooming needs. The domestic helpers prefer to use their compatriots' services rather than going to the commercial establishments, not only because these services are less expensive, but because they also offer a far more sociable experience. Indeed, the women at the guesthouse arranged for one of their friends to come once a month to cut and style their hair. There is a level of trust amongst the Filipinas and it is a way to help their friends and compatriots earn a little extra income. Central is a neighbourhood turned inside out where the outside is a private domain and the public is ignored.

### ***Leisure activities***

Although there is not much fun to be found in a life of constant drudgery and limited freedom, friends provide the most constant source of entertainment, telling stories of home and sharing jokes about work and their employers. Birthdays always provide an excuse for a party. Walking in Kowloon Park one Sunday, I saw a group of Filipinas in the Chinese pavilion sitting around a decorated table with a birthday cake at the centre. A video camera was set up on a tripod to record the occasion. Music was playing from a "boom box" and a couple of the women were dancing. As I stopped, some distance away, to take a photo, a quick word passed amongst the group and most of them jumped



up and started dancing together, laughing as I took my photograph. The ever watchful circle is very aware of what is going on around them.

With little time or money, most of the Filipinas do not have much interest in sightseeing, attending concerts or visiting museums and certainly not the internationally famous horse races. Many of the women said they had gone to see the great golden Buddha on Lantau Island when they first arrived and their excitement about being overseas was high. If there is a good film in English some will go to the cinema, but little else – the tickets are thought to be too expensive. Central, however, has become the focus for many Filipino social activities which range from political rallies and street markets to prayer services held at the foot of the Black Man, as well as on the mainland side of the Harbour in Kowloon. About once a month stalls are set up in Central by the staff and volunteers of the Mission for Filipino Migrant Workers (“the Mission”) and associated charitable organisations, selling clothing, children’s toys, bric-a-brac, or personal beauty items which have been donated by individuals and businesses to raise money to support the various safe houses and legal advice services provided by the Mission, discussed in more detail below. These fairs also serve as an outreach program where the Filipinas can ask questions, gather intelligence about their rights, and discuss their problems. Anyone who needs special help is directed to the office of the Mission tucked behind St. John’s Cathedral standing high above Statue Square.

Whilst Central is the centre of the Filipino activities, other domestic helpers from different countries also occasionally use the area to promote their own political events, such as the International Migrants’ Day, organized by the Asian Migrant Centre as part of the International Labour Organisation’s programme to bring the bad working conditions

for migrant workers world-wide to the attention of the larger public. On such occasions, a stage and microphones are set up across the road closed to traffic. Posters, depicting the various abuses perpetrated on individual Helpers around the world, are stuck to the road surface -- a path of misery. Political speeches are interspersed with entertainment. Domestic helpers from Thailand, Indonesia, India, Sri Lanka and Nepal, wearing their beautiful and colourful national dress, perform national dances in front of the stage, showcasing their talents as they sing their traditional songs. Stalls are also set up by the different national self-help organisations providing information about their outreach work and offering national products and literature. As with most of the regular events, Filipinas watch from the raised gardens, but when the dancing and singing starts, hundreds of individuals throng into the area to watch, together with a few curious tourists.

On the lighter side, throughout the year various events are organized such as the Michaelmas Fare which is held each year at St. John's Episcopal Cathedral and is well attended by local resident families. The Mission volunteers participate in these fund-raising efforts. At Christmas an internationally famous Filipina singer was invited to give a concert of popular seasonal songs and favourites from musical shows at St. John's Cathedral. The organizers of the T.V. programme, "The Filipino Hour", bring major Filipino films to the Arts Centre, and organize personal appearances by famous film and television stars -- which events are always well attended. However, most of the Filipinas depend upon their friendship groups and the formal Associations for the major source of activities and companionship.

## ***Local Associations and Networks***

At first glance the tens of thousands of individual Filipinas crowding into Central and its neighbouring District of Wan Chai, present a misleadingly homogeneous group who sit around chatting and enjoying their day of rest. Indeed, it is hard to discern any organisation amongst the tightly packed groups of women and the constant comings and goings of individuals. There is, however, a tendency for women from the same major Philippine geographical region to cluster together in a particular area of Central. Women from the Visayas Region, for example, gather around the Queen's Pier at the Harbour's edge whilst the Illocanos gather in Statue Square. Each regional grouping forms smaller kinship, township or provincial affiliations. Because of their weekly seclusion many newly-arrived Helpers, who have been unable to make an initial contact with a relative or friend already working in Hong Kong, can seek out their regional and local groups on Sunday to start making inquiries about them, or if they have no contacts, simply join those who share their language and common life views, and reconnect with their compatriots. Not all the Filipinas join these public groups, however. The Filipinas from the guesthouse, for example, said they did not join any of them, preferring to meet with their church group or family and friends elsewhere, although Aileen said she usually met her sister or friends from church, she also occasionally joined her local association. Marissa on the other hand did not join her local association as she did not like the way the women gossiped behind each other's back. Every time a Filipina referred to 'gossip' there was a negative tone to her voice. Personal reputations are an important aspect of Filipino life. "If they say bad things about you, your family is shamed," Marissa explained one day. Since many of the groups are formed by women from the same township, rumours could

spread quickly back home through phone calls or letters. However, this was not the only reason why Marissa did not to join a local group. Like many others, her first job had been in the New Territories and it had taken too long and had been too expensive to travel to Central by train and ferry every week so she would only make the journey once a month when she paid an installment on her loan and sent her remittances home. She had little opportunity to get to know the few people from her home island or spend time with any of the local associations. She had made good friends in the New Territories, however, who had subsequently also found new jobs closer to Central and, when Marissa had time off, they met in a small flat provided by one friend's employer.

The informal groups first began to register as Associations in the early 1980s to provide an official profile to obtain the licenses needed to participate in public events or hire public facilities. As their numbers have grown over the following two decades more of the original informal gatherings are registering. There are now several hundred registered, local Filipino Associations with a membership of between 10 and 100 each, but with approximately 150,000 individual Filipinos working in Hong Kong these Associations include only a small percentage of the population. The Associations are usually named after their township, region or province and are thus easily identifiable. The members elect officers annually, pay membership dues to cover the costs of registration and association activities. These Associations have a positive effect upon the quality of life in Hong Kong as they provide a source of self-help, fun and a sense of belonging in the otherwise hostile, exclusionary social environment of Hong Kong. They also form a network of support and information for those who are looking for a new employer or access to those Filipino organisations which help with legal problems. In

addition they can pool their financial resources to assist each other when an emergency arises.

The Associations vary in character, emphasising different interests and activities as determined by the members. If members disagree with the activities of their Association they will sometimes leave to form an informal group of friends or join a different Association. There is a fluidity to membership created by the arrival of new domestic helpers or members returning to the Philippines because they feel it is time to return home or they have been terminated, or their Contract has ended and they cannot find a new employer. .

### *A common language*

A sense of belonging and being a part of a group often starts with shared languages, cultural values and common interests. Malette, one of the Helpers who volunteered her free time to help other Helpers in trouble, invited me to join her group one Sunday in Chater Gardens, next to Statue Square, (“...under the third tree on the right, you can’t miss us!” Yes, you can, depending upon one’s definition of a tree!). I asked Malette about the apparent variations in the sizes of the groups and if they were comprised of exclusive memberships.

“Yes,” she responded “but only because the members are from the same township or family and speak their regional language. Our members are all from the Cordilleras.”

Although the members of each group gathered in the same place each week to socialise and participate in their Association’s activities, Malette said, they were not strictly territorial about their location in Central. For example, when her group outgrew their

meeting place they decided to find another spot. They had simply wandered around and found the place in Chater Gardens between two existing groups. No one in those two groups objected and everyone simply shifted over providing space for the new group. She said a new group had begun to form alongside theirs and, again, they were simply shifting over to allow them in. However, there appeared to be little communication between the different groups, even though they were physically right next to each other. Since language plays an important part in the formation of individual associations it perhaps contributes to the lack of communication between and amongst the neighbouring groups, beyond polite questions or greetings. As the Helpers have to speak English or Cantonese with their employers during the week, they looked forward to talking in their own local language. She added,

“One day those two,” indicating two women in her group, “came and asked if they could join us. They are not from our tribal<sup>6</sup> area and when we asked them why they wanted to join us, they said they had heard our group was nice and got involved in interesting activities. They didn’t really like their own group because they didn’t do very much, but mostly sat around and gossiped. We told them they were welcome to join us, but that they had to understand that we all speak our own tribal language and did not want to have to speak Tagalog, English or Cantonese. Today is the only day we can talk together in our own language and share news from our

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Whilst anthropologists have tended to avoid the epithet “tribal” in recent literature, this term is used proudly by the Filipino women with strong tribal identity and land holdings. They talk about the Philippine government stealing their tribal lands to allow multinational and American mining companies access to their rich mineral resources.

home region and our common interests. They said they would like to learn our language so they have joined us ever since.”

“And have they learned your language?” I asked.

“They are trying and have learned quite a lot,” Malette replied.

“Come on, let’s eat.”

Among the interesting activities in which Malette’s group were involved, were political rallies and demonstrations, outreach programs, and rescue missions of Filipinas in trouble with their employers. Other activities included volley ball games and dance performances at organized events. Malette also taught dance and the previous year had invited a famous Filipino dancer to Hong Kong to give them some Master classes. Like Malette, several of the members who had free time in addition to Sunday, volunteered at the Mission.

### ***Companionship and self-help***

Vina’s Association, on the other hand, meets every Sunday in a fast food restaurant in Wan Chai, the neighbouring District to Central. The members are from the same township in the Philippines, although occasionally one of the members will invite a friend along. The majority of the members are long-term Helpers. The oldest member, for example, had been in Hong Kong for 22 years working for her current employer for most of that time, whom she said was very good to her. All the members of this Association said they had found good employers and even though the work was hard and boring they were “not unhappy.” Because of their network, and their length of employment with the same employer, most of these women earned more than the basic Contract wages, received

the long-term bonus when due, the increased holidays over the years, and generally received their full consideration under the Contract. The members made a monthly contribution to the Association which was used primarily as a savings club to fund members' emergencies, thereby avoiding getting into debt with the loan companies. Any loan given by the Association had to be approved by the members.

Vina said that in previous years they had been involved in the many different activities of the larger regional associations' community fundraising efforts, such as the annual beauty pageants.

“We tried to open a library in our home town with our share [of the pageant money], but the local government refused to provide a building so we decided that being such a small Association we would help our own members financially instead. We enjoy getting together on our day of rest.”

The members usually took care of their own personal business on Sunday mornings. Vina, for example, volunteered at St. John's Cathedral helping the clergy and was a member of the choir. She started to take computer lessons with me, but always left to meet with her group at the restaurant in the early afternoon. A few members would arrive early at the McDonalds to secure tables and create a space for other members joining them later. The women laughingly said they met there as they never had to worry about whether it was too hot or too rainy. They were always cool and dry. When I asked if the manager ever objected to them sitting there for most of the day, one of the women laughed and said “We spend enough here. They would be losing a lot of money if they told us to leave!”



### ***Political activities***

Unlike Vina's small township group, the Association of Concerned Filipinos (ACFIL), formed in 1984, takes a more active role in mediating the political and legal bodies of the larger Hong Kong-Filipino community. The members are from all over the Philippines and many of them also belong to their own local and regional associations as well as ACFIL. The Association conducts seminars concerning the current issues affecting migrant workers' rights and working conditions. On most Sundays, ACFIL offers orientation for newly arrived Helpers and paralegal training for those willing to help others with employment or contract problems. They also organize outreach and recruitment campaigns to reach Helpers in trouble. The members then take their knowledge back to their own, smaller associations and groups to help those members.

ACFIL is affiliated with the United Filipinos in Hong Kong (UNIFIL) one of the local NGOs, and the Mission, all of which provide a voice for the Filipino community, discussed more fully below. One Sunday Norman, a member of the professional staff of the Mission and an officer of UNIFIL, invited me to join the group as he was giving a talk on the current campaign to oust the then incumbent Philippine President Estrada ("Erap"). They were preparing for a series of street rallies and a demonstration at the Philippine Consulate. The members had listened silently and attentively whilst Norman was speaking, in contrast to the many other social occasions where chatter and laughter provided a continuous background noise to the events. Following the speech and questions, a rehearsal of a "marching" protest song was held in preparation for the next street rally, before everyone relaxed for lunch. Some individuals left to take care of

personal matters and visit friends in other groups, whilst others sat and chatted until it was time to go back to their employers' homes.

Edna, the newly-elected chairperson of ACFIL, told me she had belonged to her own township association before joining ACFIL in 1996. Through the political activities and outreach programmes the members gained a "sense of belonging" and "value as a person" both of which, she said, are "important to coping" with their situation in Hong Kong and why ACFIL was sponsoring a Talent Contest to restore their personal pride and dignity. Edna was the third child of nine. A younger sister was also working in Hong Kong, but her sixth sister had recently gone home in debt and Edna and the family were helping her financially. Edna had finally told her family about the conditions in Hong Kong as she did not want anyone else to come. Like many domestic helpers, Edna had not wanted to let her family know how bad the working conditions were, but she said her membership in ACFIL had helped her to gain the strength to tell her family the truth. Before she came to Hong Kong, she had not realized how bad life could be because no one had told her the facts before she left home -- the loss of freedom and bad working conditions. Several members sitting with us also expressed the view that the Association had helped them to change their outlook in life, their attitudes towards people and be part of their own Filipino cultural perspectives and values. One of the members said when she first came to Hong Kong, religion had been important to her and she had thought it was necessary to go to church, but now preferred to work with others in her Associations. She felt that her time was so limited each week it was more valuable for her to use her time to help others.

Edna's first employer, in fact, for whom she had worked for four years, or two contracts, had been good. She had been allowed to go out, have visitors, cook Filipino foods, and use the telephone as long as her work was finished and she was at home when her employer needed her. However, her new employer was bad. The family had 2 boys and a baby which she looked after from 8:00 a.m. to midnight. She had no time to eat regularly as she was tied to the baby's schedule and the demands of her female employer. Her employer's husband was unemployed so he did the shopping and she was not allowed to leave the flat except on Sunday. Her employer usually returned home from work at 9:00 p.m. and Edna was not allowed to eat until her employer had finished her own meal. The job was so demanding that Edna had little rest and she said she was always very tired. She also commented that so many of the domestic helpers put up with similar bad employment conditions because they did not want to lose their jobs. Edna added that they did not realise that in really bad situations they were probably going to be terminated anyway. ACFIL not only helped individuals with employment problems, she said, but also with some very serious personal problems. One of their new members, for example, needed help because her husband was in jail in the Philippines for a murder he did not commit and the Consulate did not seem to want to be involved on her behalf so ACFIL had referred her to the Mission for help. "If you unite, nothing is impossible!" Edna concluded.

### ***Rescue missions and outreach***

Betty of the San Vincente Association, which meets in Chater Gardens next to Statue Square in Central, expressed a similar view to Edna's. Betty said her Association was also affiliated with UNIFIL and that "three more associations have joined recently and

we expect another one to join soon. Our strength is in numbers,” she said. Betty was married with three children, aged 14, 12, and 9. She had arrived in Hong Kong in 1993 to help with the costs of their education, as so many others had. Her husband and family were looking after them. She seemed uncomfortable in her role as the family breadwinner, traditionally the man’s responsibility, and commented that the family organisation in the Philippines was changing as mothers were leaving to earn money overseas for their families, but she was reluctant to discuss this problem in more detail.

The San Vincente members have been meeting since the early 1980s and had registered as an Association in 1998. Betty said they had 29 members all of whom came from the same township in an agricultural area. She said the members were Catholics and that religion was very important to them as the Church offered a source of support. They enjoyed companionship and similar activities to most of the other groups.. The Association meetings, she said, often concerned the poor working conditions in Hong Kong and included giving advice to members about how to handle employment and personal family problems, participating in outreach programmes and obtaining signatures on various petitions to be submitted to the Philippine Consultant and their government. The members also provided financial help to individual members in need, similar to Vina’s association. Betty said the problems incurred by their members were varied, but usually involved long hours, lack of food, and termination without notice. However, more serious abuses arose occasionally such as when one of their members had been hired just before the Chinese New Year. Traditionally, Chinese homes are thoroughly cleaned to start the New Year -- the old year being swept out of the door with the dirt “including the maid, apparently” Betty added wryly. The Helper had been terminated three days later,

after all the cleaning had been completed. Betty said the Mission was helping this particular member to fight her termination and get the Immigration Department to issue a temporary visitor's visa so her Employment Agency in Hong Kong could find her a new position, which is allowed when a Helper is terminated after such a short period.

Together with other Associations affiliated with UNIFIL, the St. Vincente Association members help with emergency rescue efforts. When a Filipina finds herself on the streets after being terminated without notice and told by her employer to get out with little or no money, nowhere to stay, and few contacts, she can call an emergency number for help. For example, one day Betty received word that a Helper, who was very ill, desperately needed help. Apparently a friend of the sick Helper had called the emergency number at the Mission's office as she herself was unable to help her friend. Betty, together with two other Filipinas, had gone to the Chung King Mansions in Kowloon to visit the sick woman and to find out what was needed. They found she had a serious kidney disease and was badly swollen. She had been terminated and abandoned by her employer. Although employers are legally prohibited from terminating a Helper when she is on sick leave, they can terminate a Helper if she is deemed to be unfit to do her work, as in this case, but employers will also often wait until their Helper returns to work after sick leave before terminating her. Betty and her friends immediately took the sick woman to the nearest general hospital where the doctors said she was beyond help and would die in a matter of days. Another requirement of the Employment Ordinance and Contract is that if a Helper dies whilst employed, the employer is financially responsible to return the body to the Philippines, which could cost as much as HK\$25,000 (Torre 2000:121). Obviously, this Helper's employer had terminated her as "unfit to

work” so she would not have to take care of her or pay the transportation costs back to the Philippines if she died.

Betty left word for the members of St. Vincente, saying money was needed to help defray some of the costs of the medical care as upon termination a Helper loses her employer paid medical coverage. The rescue team went back to transfer the sick woman to Queen Elizabeth Hospital where she was put in the Intensive Care Unit on dialysis. Apparently all the members of the Association went and the doctors expressed surprise, asking “Why has she so many friends?” In fact none of them knew the sick Filipina before their rescue effort. Betty said the Consulate had been very slow processing the ticket home and arranging transportation. They took two weeks despite the urgency. However, they got her home and she was with her family in the Philippines for three weeks before she died. Had it not been for the quick intervention of the St. Vincente members in response to the emergency call to the Mission, the Filipina would have died alone in Hong Kong.

The night she had gone on the initial rescue, Betty said she had returned home late and her employers had asked her why she was so late. When she told them the circumstances, they were very supportive. Later when they learned the Helper had died and that her husband was left to raise five small children, her employers decided to send him a monthly stipend to help. Amidst the sad and dreadful stories one hears about the working conditions and treatment received by many of the Filipinas at the hands of their employers, there are also these acts of kindness, too. Mostly such acts involve the Filipinas themselves, but some employers are more flexible and understanding and offer sympathy, time off or concrete help in difficult circumstances.

In addition to helping individual members of their Association, the San Vicente members also join with others and their Regional Association to raise money for projects at home in the Philippines through fund-raising beauty pageants, discussed below. The San Vicente Association had already paid for repairs to their local church and were working with their larger provincial United Pangasinan Association to establish a rehabilitation centre offering family counselling for drug abuse and child exploitation. They hoped that with a centre they could change the lives of those already in trouble and prevent more children in their province from taking drugs. Apparently drug use has become a serious problem among the young, and the Filipinas are very concerned that the national and local governments are not doing enough to help the families. Once again the women are caught in a conundrum. The Philippine government actively promotes mothers and women to leave their families to work overseas and send back remittances, but then blame them, as absentee mothers, for the increase in drug problems amongst the young people.

### ***Fund Raising and Entertainment***

As mentioned, the Local Associations not only raise money to help their own members, they also join with their Regional Association to organize larger fund-raising beauty pageants. The proceeds are shared amongst the Local and larger Provincial or Regional Associations. Many of the pageant proceeds go to the Local Association's township or community projects, as mentioned above. However, this year they were joining with their Provincial Association to fund the drug and counselling centre. These annual events are usually held in the afternoon to allow the Filipinas to take care of personal business in the morning. The venue is usually donated by a charitable

organization and the programme costs are offset by local businesses catering to the financial and shipping needs of the Filipino community, but there are always additional costs incurred and the ticket sales help to pay these costs and the prize monies for the winners.

### ***The Pangasinan Beauty Pageant***

After a year's preparation, the Pangasinan Regional Association held their annual beauty pageant in the Caritas Community Hall in Kennedy Town on Hong Kong Island. There was a flurry of activity in the hall as the event got underway. Hanging at the back of the stage was a large banner announcing:

**United Pangasinan HK OCW  
presents Coronation of  
MS. PANGASINAN.  
Search for FACE OF THE YEAR 2001**

Betty of the St. Vincent Association and one of the organisers, had invited me to join them for the pageant and arranged for one of their members to escort me to the Hall. On arrival, after a quick word with a very harassed looking Betty backstage, I was handed over to another Filipina who took me by the hand and led me to the visitors' seats behind the panel of judges. Looking around the audience, I noted there were very few obvious employers to be seen, just a few Chinese faces and mine, the only European. Hundreds of Filipinos had filled the Hall prepared to enjoy themselves. Everyone seemed to be milling around talking animatedly with friends and moving in and out of the smaller groups representing the individual Local Associations participating in the event.

The pageant began with the singing of the Philippine national anthem, followed by welcoming opening remarks, and concluding with acknowledgement of the judges.



The panel of judges consisted of six members, the Vice Governor from their home Province in the Philippines, leaders from local Filipino organisations, and commercial businesses which cater to the financial and shipping needs of the Filipino community. The business sponsors had bought advertising space in the printed programme and were acknowledged as being valued supporters of the event. The pageant started an hour late. As often happens with amateur presentations, a few minor mishaps occurred. During the opening remarks the curtain fell and cut off the speaker and several times during the programme the music started too soon or too late contributing to candidates missing their cues -- all to the great delight of the audience. There is a marvellous sense of the ludic which emerges every so often amongst the Filipinas. They thoroughly enjoy slapstick comedy and the Filipino newspaper, *The Sun*, has a section "Pinoy Jokes", devoted to sexual, bawdy and witty jokes about human relationships. On occasions such as the pageants, when the people organizing it tend to be a little too serious about everything going right, the audience delights in mishaps. As "good laughter is essential to the health of the community" amongst the Amazonian peoples (Overing 2000), so too it is valued amongst the Filipinas as it creates a sense of sociality and solidarity in the enclosed Philippine environment of the hired hall. Outside they are ever-conscious of not being a part of the larger community, but on occasions such as the beauty pageants, they are free to be themselves and laugh, shout, stomp their feet as loudly as they wish to show appreciation for the absurd.

The event started with eight attractive contestants for the title appearing on stage wearing provocatively short, white "school" uniforms with black ties, dancing in unison to pop music and the loud approval of the audience. The contestants then appeared

individually, walking like models across the stage, pausing, pirouetting and posing to the clapping and yelling of their supporters, as the MC announced the details of each contestant's name, township association, and background. Gone were the "uniforms" of the domestic helper, the T-shirt and jeans, replaced by beautiful outfits representing the designated categories of the pageant such as a smart business suit for the "business woman," or a gorgeous, expensive designer dress for "a special evening out," amongst others. All the contestants had chosen and bought the outfits themselves, often incurring large debts to friends and loan companies in the hope of winning the title and the large monetary prize. The contestants presented themselves as confident, self-assured women, very different to their stereotypical image of docile domestic helpers. Just as the thought crossed my mind during the 'Business' category: "If their employers could only see them now..." looking so smart and professional, one of the other invited guests, herself a domestic helper, leaned over to me and whispered, "If they went home [to their employer's house] like that they would be terminated." Employers did not think it appropriate for Helpers to dress as well as they themselves did as this would publicly put them on the same social level. Once again, the Contract and potential causes for dismissal intruded into an afternoon's entertainment -- an ever-present dark cloud hanging over the consciousness of most of the Helpers. Breaking "house rules" and even dressing well could so easily be translated into the "unsatisfactory work" or "refusal to obey a reasonable request", both grounds for termination permitted under the Contract.

During the interval and between dress changes, dance groups performed traditional Filipino folk dances or lip-synced and danced to current pop hit videos. A regular feature at such events was a dance team who presented an ironic version of the colonisation and

economic domination of the Philippines by America, “Uncle Sam and the Peasant,” a particular favourite of the audience who showed their appreciation with enthusiastic clapping, stomping, yelling and laughter. Politics and economic hardship are never far from the minds of the women. As a finale to the pageant, the contestants were asked individual questions, which were less than intellectually challenging, but the audience joined in calling out possible answers whilst the MC desperately called over the din for the audience to stop. However, the jocularity was hard to control and the Filipinas happily ignored her pleas as they fully participated in the pageant.

After further minor mishaps and entertainment, the judges were asked to vote on the “Best” in each category. Conducted along the lines of the major international beauty contests, this show was a very personal experience for the organizers, the contestants and the audience. Some Filipinas called these beauty pageants “popularity contests” as the person who is crowned queen is usually the one who has raised the most money by selling the most admission tickets and, therefore, usually has the highest number of supporters in the audience. Some of the contestants take out loans to buy large numbers of tickets to increase their chances of winning, but risk further debt if they do not win. Also as the Local Associations vary in size, there is always an unequal representation for the candidates. Throughout the five hours of the pageant there was a constant hum from the on-going chatter of the audience and a shifting kaleidoscope of colour as the Filipinas, dressed in their “Sunday best” came and went during the event, joining friends in different parts of the hall, leaving to take care of some personal business or returning early to their employer’s home. Everyone not only came to enjoy the pageant, but also to see their usual

“Sunday” friends and catch up with news from home -- the flow of which was not to be interrupted even for good fun and entertainment.

Besides being an enjoyable distraction from the drudgery of their work, the pageants are a source of funding for special projects at home in the Philippines and play an important part in the continuing relationship between the individual women and their local neighbourhoods. As mentioned by Betty, the funds raised from the 2001 Pangasinan pageant, after paying the costs of the pageant, including the prizes, were going to the drug rehabilitation programme, and smaller amounts shared amongst the Local Associations which usually use the money for special provincial or township projects at home in the Philippines. It was hoped that by inviting the Provincial Vice President to be a judge he would support their venture with matching funds from the Provincial budget. When talking with Aileen at the guesthouse, she had spoken with pride about her Local Association raising funds through the beauty pageants to build a clock tower at the docks one year and public toilets another year on her island. She said they were planning to finish the building of the church where her son was married.

The pageants transcend the everyday drudgery of the Filipinas' lives. For a few hours they share an imagined world of beauty, glamour and success in a virtual Filipino space. In a subsequent conversation with one of the judges of the Pangasinan pageant, I remarked that I thought it was such a positive effort on the part of the women to continue to be so involved in their home communities by raising funds for local community projects. He commented that it was a way of “buying” respect at home, reminding me of conversations with a number of individual Filipinas about the negative gossip at home which inferred that they had abandoned their children, and were involved in “dubious”

activities or in low status jobs overseas. He also commented that often the projects being promoted by the Associations were ones that the local, provincial and national governments should be undertaking and that the women were once again being exploited.

The judge was not alone in expressing the need for a more positive self-image for the Filipinas in Hong Kong. As mentioned above, in support of this view and as part of their efforts to build self confidence and overcome the stigma of being domestic helpers, ACFIL organized a Talent Contest. Music, poetry, and literature are an important part of the Filipino culture and some felt that as a matter of Filipino pride these talents should be showcased rather than the physical attributes of the beauty pageant.

### ***The Talent Contest***

The first annual Talent Contest was held in 2000 in the Mariner's Club in Kowloon. Hundreds of Filipinas paid the small entrance fee to enjoy and support the talents of friends and compatriots, as well as an afternoon of entertainment. The programme included two competitive sections -- declamations and singing. On this occasion, too, dancers performed during the intervals. The panel of judges was drawn from the local not-for-profit leadership, professional Filipino musicians and business sponsors of the Talent Contest. As with the beauty pageant, the event started with the Philippine national anthem which was sung with gusto.

After the usual introductory remarks, the Contest began with Declamations, the theme of which was "leaving home to work overseas." The contestants chose to speak in either Tagalog or English. The performers used minimal costumes and props to support their personal theme, such as a graduation gown with smart high heels, an apron or maid's uniform with flat shoes, or an old shawl and barefoot. The performances were very

moving as the Filipinas spoke of missing their children and families, of the lack of good paying jobs at home in the Philippines, the need to educate their children and to build homes for the family, all of which had forced them to seek work overseas. They spoke, too, of arriving in Hong Kong filled with excitement, looking forward to doing a good job so they could fulfill their dreams for their children's future, but how the reality of loss of freedom in Hong Kong, being treated as less than human, exhaustion from long hours of work and lack of food, and the constant fear of termination, had brought them grief and guilt about potentially failing their children. One performer spoke of the death of her mother who returned home in a coffin after working as a domestic helper for most of her daughter's life and how she, the daughter, now regretted her childish demands for clothes and other material things, which kept her mother in Hong Kong. Another young woman reflected upon how little had changed in their living conditions and job opportunities at home and thus found herself following in her mother's footsteps despite her college education and her mother's dreams of a better life for her and her siblings. Another performer concentrated on the positive side of working in Hong Kong encouraging the women in the audience to explore new opportunities through gaining skills they could use when they eventually went home. She had been able to take college courses and had earned a degree. However, the irony of her enthusiastic endorsement was that many of the women in the audience had degrees and were, like her, working as overseas domestic helpers.

During the performances the usual buzz of conversation provided a background of sound, but Rowena's performance caught everyone's attention. She had adapted a story of a young Filipino boy who remembered how he would accompany his mother each

day to the market to sell a basket full of beans, which she had grown, so she could feed her children; how they would walk up and down hills and ford a river to reach the market, and how one day a “rich” lady had stopped them and then knocked the beans into the river with her skirt as she brushed past them. Rowena enacting how the boy’s mother, crying out “the beans, the beans,” fell to her knees trying to save them from being swept away by the current. Rowena told the story in Tagalog, but the pathos and implied abject poverty were overwhelming. When she finished there was silence in the hall and as I looked around I saw that Rebecca, who had been assigned to translate the Tagalog performances for me, had tears running down her cheeks and many other women around the hall, were wiping tears from their eyes. The empathy for a mother struggling to feed her children and the callousness of the “rich” woman to her plight struck a profound cord in the audience.

The second half of the Talent Contest showcased singers and lightened the atmosphere. A few of the songs were in Tagalog, but most were popular Western songs sung in English. Nerves got the better of one or two of the singers, but they all gave their best and the audience showed their appreciation with cheers and enthusiastic applause. At one point, the microphones and music failed and as it was taking some time to fix the problem, the two professional musicians on the judge’s panel were asked to fill in. They sang and played songs familiar to the Filipinas. One satirical song that sent ripples of laughter through the audience, accompanied by enthusiastic clapping, was about a man declaring his love to a Helper -- “I love you honey, now that you have money!” When the problem with the sound was fixed, the singing contest resumed.

The best in each category and the runners up were announced to resounding clapping and cheering. All the performances were of a high standard and reflected many hours of practice and rehearsal. I was surprised that Rowena had not taken first place in the Declamation section, but was later informed this was because it came from a famous Filipino book, based on a true story, rather than an original writing of her own. However, she was awarded second place for her adaptation and presentation. The winners were presented with awards and small monetary prizes. Unlike the winners of the beauty pageants who received a large portion of the funds raised, the winners of each section of the Talent Contest received small, set amounts for first, second and third places. Most of the money raised went towards the support of the pastoral care, safe houses, and legal assistance given by local Filipino not-for-profit Hong Kong organisations. The monetary awards to the winners are quite small and several of them donated their prizes back to their favourite charity in Hong Kong.

These annual events, organized by different Associations, provide a few hours of entertainment for the Filipinas and strengthen their sense of being an important part of their two communities -- at home and in Hong Kong. If the women had remained in the Philippines they would not have had any discretionary income to help their larger community and it is a matter of pride for them that they are in a position to do so. Largess and community support are important aspects of status in the Philippines and although the pageants engender debate about respect and the social-economic conditions in the Philippines, the women themselves gain a sense of pride and dignity through their efforts to help their communities at home. On the local Hong Kong level, the Talent Contest was held as a response to the limited scope of the beauty pageants by showcasing the talents



of the contestants rather than their physical appearance, instilling and projecting a sense of personal pride and self-confidence through their talents and those of their friends.

### ***Building A Grassroots Constituency***

The Sunday activities and resources are organized by the Filipinas themselves. The Local Associations in particular enable the individual Filipinas to unite into a larger group, to become stronger, and to fight for their rights as valued employees rather than as a consumer object in the global labour trade. Those individuals who have more free time and freedom to spend it as they wish, will often donate their time to volunteer at one of the not-for-profit organisations. They do not look to the Hong Kong society for help, rather, they work with their Local Associations, the Filipino not-for-profit organisations, and the Church affiliated pastoral services as the primary sources of support. Barely able to fight against the abusive treatment of individual employers, these organisations give the Filipinas a public voice and access to the Hong Kong government infrastructure, which they could not have as individuals.

### ***Charities and NGOs***

Many of the formal professional Filipino organisations are an integral part of the Hong Kong society being branch offices of established church affiliated institutions. In addition to their regular pastoral activities in the larger community, they now offer a mitigating influence between the individual Helper and the larger Hong Kong society. Their primary concern is to provide pastoral comfort, legal advice and aid, and temporary shelter to those Helpers who have been terminated. There are also NGOs which are non-religious. Many have their own newsletter or journal keeping the Helpers informed of their rights and the potential dangers of their employment, such as rape. They also publish

letters and case studies of those Filipinas who have faced difficult and dangerous employment conditions around the world, keeping the Helpers informed about the larger, global transnational Filipino community. Over the years, however, they have also offered services which promote a better quality of life for the Helpers in Hong Kong. Such programmes include continuing educational courses offering accreditation as nurses, teachers and other para-professional occupations and new skills training.

### ***Continuing education***

As discussed earlier, the Helpers in Hong Kong are mature, well educated women. It is not surprising, therefore, that educational opportunities are part of the Sunday community activities. The Bayanihan Centre, for example, offers extension degree courses from the University of the Philippines on Sundays and Wednesdays. Caritas, the Catholic Charities, SIS, and others, offer a variety of courses ranging from English language to more practical skills training such as food processing, fish canning, dress making, beautician training, flower arranging, soap carving and entrepreneurial business classes. The majority of these latter classes, however, only enhance skills associated with factory work or are considered transferable to low income entrepreneurial activities in anticipation of when the Filipinas return home. A number of the women expressed the view that these courses are too expensive and do not provide training which will improve their job opportunities in higher level and better paid para-professional occupations. Indeed, many of the women, especially nurses and teachers, often become de-skilled when they work overseas for a number of years and find it hard to return to their original occupations. The problem of de-skilling is of serious concern to both the individual women and to the Philippine government, but little is done to prevent the exodus of

professional and para-professional women overseas to work as domestic helpers. Once again, the women are faced with a conundrum. On the one hand their country actively encourages and enables women to leave their children to work overseas, and on the other perpetuates the de-skilling of their educated citizens.

Whilst the educational opportunities are a welcome addition to the Helpers' lives, the more important services offered by the professional not-for-profit organisations are support systems which deal with personal and employment crises. The dominant Hong Kong society has made little effort to accommodate the Helpers by making the social and legal services available on weekends. The government produces a booklet, *Your Guide to Services in Hong Kong (1999)*, which is published in English and several of the official languages of the foreign domestic helpers. It details all the public governmental agencies, such as the transportation system, Post Offices, health facilities, and other resources and also includes a chapter on Social Services with telephone numbers and addresses of the offices throughout Hong Kong, as well as details of refuge centres and temporary shelters for women (1999:89). However, those Filipinas who have sought help from these Hong Kong facilities have met with limited assistance, especially at the refuges which are either already crowded with local Chinese residents or, in some opinions, the Helpers are made to feel unwelcome. Few Helpers have free time in which to explore the Hong Kong resources, which effectively bars them from access to governmental agencies during the week and is yet another example of the effect of the restrictive terms of the Contract. Indeed, even their own Philippine Consulate closes on Sunday, which is a common complaint of the Filipinos. Thus, since the early 1980s the Filipino community has established a complex network of professional institutions and non-governmental

organisations, in addition to the church-sponsored non-for-profit organizations, which are available on Sunday and during the week to assist in processing complaints through the Hong Kong legal and governmental systems. These organisations meet the needs of the Helpers in various ways, but always offer assistance in resolving abusive situations, whether financial, emotional or physical. In addition, as the organizations have grown in expertise, they work to influence the leaders of Hong Kong to change the most restrictive employment conditions which create the conditions for abuse. However, their success is very limited against the strong Chinese employers' lobby.

### ***Spheres of influence***

When the first Filipina domestic helpers arrived in Hong Kong in the mid-1970s they were lauded as “passive and subservient” in comparison to the local Chinese *Sohei* (superior servants) (Constable, 19976:458). However, many experienced abusive treatment at the hands of their employers. As the incidents of abuse and employment problems increased, the Filipinas' first recourse was to contact their Consulate and employment agencies for help, but both these sources preferred to send the Helpers back to the Philippines as quickly as possible rather than assist them to recover unpaid wages and benefits or redress physical abuses. They found little assistance from the Hong Kong institutions and turned to their churches for support. The church leaders, having little or no knowledge of or experience with the employment laws asked members of their congregations for help and advice, such as solicitors and social workers. As the numbers of Filipinas working in Hong Kong increased so too did the frequency of abuse. The individual church members were unable to devote the amount of time needed to assist them and the Catholic Charities, the Methodist, Episcopal, and other religious affiliated

bodies, as well as the NGOs, established offices to provide counsellors, social workers and paralegal assistance in filing routine claims against employers with the various government departments and agencies. They provide a private venue where the Helpers can speak freely about their problems. The organisations also seek professional legal advice for complaints involving criminal acts. Most importantly, the charities have established shelters for those Filipinas with little or no money to care for themselves whilst they wait for their claims against their employers to be processed. This day-to-day assistance is extremely important to the welfare of individual Helpers as it provides a bridge for communication between the Hong Kong and Filipino communities.

By bringing the bad working conditions and abuses perpetrated by the employers to the attention of the official governmental agencies and the Philippines Consulate, the Filipino community leaders try to persuade the respective Legislatures to modify the stringent working conditions, as well as exert pressure on their own Consulate to work more aggressively on their behalf to provide better protection for Filipino overseas workers. For example, in 1995 The International Social Service Hong Kong Branch (ISS-HK), a non-profit, non-religious, non-political, non-governmental organisation, joined with the Philippines Department of Social Welfare and Development (DSDW) to form the Filipino Migrant Workers Project to find solutions to “inter-country” problems (Torres 2000:122). Other NGOs, such as the International Labour Organization (ILO), and the Asian Migrant Centre, which sponsored the International Migrants’ Day in Central, referred to above, also try to improve the working conditions of Asian migrant workers. This latter organisation has also worked with the Hong Kong government to translate the *Guide to Services* into several of the native Asian languages as well as Tagalog. They

also offer advice and training on savings and financial schemes to improve the foreign domestic helpers' entrepreneurial business skills in anticipation of returning home. These schemes have limited appeal or success as the Filipinas have little disposable income.

Each organization provides a unique sphere of influence on and between the two communities -- the Hong Kong and the foreign domestic helpers. The Mission, in particular, seeks solutions to individual Helper's problems involving the Philippines and Hong Kong jurisdictions, as well as providing pastoral care and counselling. Together with UNIFIL, the Mission works to provide a more vocal, activist approach to resolving the continuing abusive working conditions and the underlying economic and political problems in the Philippines.

### ***Mission for Filipino Migrant Workers (Mission)***

The Mission was established in 1981 in association with the Episcopal Cathedral of St. Johns. Cynthia Tellez, the Director of the Mission, was invited to Hong Kong to establish an office to provide assistance to the growing numbers of Filipinas encountering employment problems. A local Western barrister, a member of the Episcopal community, who had become involved with Filipino domestic helpers' cases in the late 70s, suggested that with the increasing incidents of abuse, there was a need for a dedicated organisation to help them with the political and legal aspects of their employment, beyond the pastoral care offered by other charities and NGOs. Realizing that accessing the official government channels was very difficult for the individual Helper, the Mission was established to provide guidance and access to the official and juridical Hong Kong resources.

The Mission is a not-for-profit, non-governmental organisation bringing a public voice to the problems encountered by the Filipinas and offers ecumenical, pastoral and paralegal counselling to Filipinos with any employment or personal problem. They provide crisis intervention for migrant workers and an emergency hot line. The Mission maintains a high profile, pro-active role in asserting the rights of the domestic helpers and in trying to change or amend the conditions of work and Contract provisions through the Philippine Consulate and the Hong Kong government agencies. They also work with the individual Helpers to determine the Helpers' rights under Hong Kong law and assist individuals to file complaints against employers where appropriate. Although many of the other organisations offer skills training and activities as well as pastoral care and legal training, as mentioned above, the Mission incorporates the legal and political aspects to resolve individual and larger community problems. They have established an independent safe house for those Helpers in need of emergency temporary shelter whilst processing their claims through the Labour Tribunal or the courts (discussed more fully in Chapters V and VI).

The Mission's office is open 6 days a week with a small, skeleton professional staff and volunteers, the latter being domestic helpers themselves, and one or two Expat volunteers. Each day Filipinas arrive seeking help, sometimes with a suitcase in hand, but it is on Sunday that they overflow the office and spill down the outside staircase whilst they fill out the initial form summarizing their problems. The Helpers are usually accompanied by a friend, but some arrive alone. Their emotions range from tears and fear to confusion and anger. Termination and nonpayment of wages and contractual monies are the usual complaints. Whilst lack of food or sleep is a common complaint, it is almost

impossible to prove on its own merit. Each individual is patiently and sympathetically helped by one of the counsellors to ensure their claims can be remedied. Advice is given to resolve a potential conflict with an employer, or, in the worst case, that a claim is filed for all the compensation due to them under their individual circumstances. Sometimes a Helper has delayed seeking help until her post-termination 14-day-stay has almost expired and she is told to “run” over to the Labour Department or the Magistry Court to file a claim so that her departure date can be extended by the Immigration Department to give her time in which to process her claims.

Not all the cases involve nonpayment of unpaid compensation. Some involve a problem at home in the Philippines, and the Helper is afraid she will be terminated if she takes a leave of absence. Some problems are resolved amongst the Filipinas themselves, perhaps when one has loaned money to another who later refuses to pay it back. Or, a friend asks to borrow a passport to get a loan or has overstayed her visa and uses the visa date stamped in her friend’s passport if stopped by the police. In these cases the Mission staff work to resolve the situation within their own community, as they would in the Philippines, without resorting to the Hong Kong legal system. However, in some of these cases the “friend” leaves Hong Kong and returns home leaving her friend stranded without papers.

Some cases, such as illegal employment, when an employer forces a Helper to work in their business, as opposed to those cases when the Helper voluntarily undertakes illegal work, as at the guesthouse, can only be resolved by the Filipina leaving her job and filing a complaint against her employer with Immigration. Renata, for example, was ordered to work in her employer’s beauty salon under threat of being terminated. After



a few weeks her hands were raw and severely burnt by the hair products. Her employer tried to dismiss Renata's condition as minor, but her hands became so bad she eventually was taken to a doctor who provided ointments and bandaged her hands. A few days later, sitting alone outside and very upset not knowing what to do, she was approached by an unknown Filipina who asked if she was "O.K" and about her bandaged hands. Renata explained her problem, of being forced to do illegal work or being sent back to the Philippines. She said she had gone to the Consulate for help, but a staff member had scolded her and told her to stop complaining and be grateful for the work. Disgusted by this treatment the Filipina took Renata to the Mission to see if they could help. A counsellor at the Mission told her that the only way to resolve her problem without being sent home immediately, or being arrested, was to refuse to do the illegal work, as she was required to do under the law, and that the employer would probably terminate her immediately because she could not work with her hands. This would give her grounds to file a complaint with the Immigration office and with the Labour Department which would give her additional time in which to find another employer and get the needed medical help. Renata did as advised and was indeed terminated. She stayed at a safe house whilst her case was resolved and her hands healed. She then found another employer. Renata also began to volunteer and counsel other Filipinas. Without the advice and support of the Mission, Renata would have had to return to the Philippines needing continued medical treatment and no money to pay for it.

The Mission, together with UNIFIL (discussed below), contacts the media to publicize serious cases after they have exhausted all the official Hong Kong and Philippine Consulate channels for help. One such case involved a Helper who had

developed cancer and needed chemotherapy treatment for a three-month period. Her employer had terminated her, on the grounds she was unable to do her work, and Immigration refused to allow her to extend her visa for the duration of her cancer treatment. The Philippine Consulate refused to intervene, saying she should go home -- knowing she could not afford the treatment in the Philippines. The Mission and UNIFIL then launched a publicity campaign calling the newspapers and taking the moral high ground to let them know how the Hong Kong government was refusing to grant an extension of the visa for a Helper who had worked in Hong Kong for 11 years and was now in dire need of medical care, for which insurance had been paid. When the story broke there was a mixed response, but public pressure was exerted on the Immigration Department and the Philippine Consulate and after several appeals and conferences Immigration agreed to issue a three-month visa to complete her treatment. The article attracted the attention of a number of Expatriates who offered financial help, which was gratefully accepted as the Helper now had no job. One particular American businessman, who preferred to stay anonymous, called the Mission and offered to have the Helper stay in his home, but she was reluctant to do so, and he offered to pay her rent at a flat for the duration of her treatment. At the same time the head of one of the most prestigious and expensive hospitals in the Philippines saw the newspaper article when he was passing through Hong Kong and offered free treatment at his hospital. However, the Helper said she would prefer to stay in Hong Kong and continue with the same doctors and the treatment she had started. The staff at the Mission suggested that the negative publicity about the indifference of the Philippine Consulate and the Immigration Department prompted this offer as it reflected so badly on both their countries.

The Mission, and Cynthia Tellez in particular, have become a public voice for the Filipino community. Both the newsprint media and TV news seek her out to learn the Filipino Helpers' perspective. As in the rape case, the Mission offers support and consults in serious cases where a Filipino organization might not have the particular expertise. This cooperative effort amongst the organizations strengthens their ability to help the Filipinos and to exert more influence on the public and institutional agencies. Working closely with UNIFIL, which shares office space with them, the Mission staff and its volunteers provide a public Filipino presence to all events, and particularly in the more serious situations.

### ***United Filipinos in Hong Kong (UNIFIL-HK)***

UNIFIL was established in 1984 and also provides support services for individual migrant workers through paralegal training, study groups, media liaison, as well as educational seminars on rights. They also provide safe temporary shelter for those in need. UNIFIL is associated with Migrante International, an NGO headquartered in Manila, which monitors the welfare of Filipino overseas migrant workers worldwide. The membership of UNIFIL is an alliance of different Filipino migrant worker organizations, including the Local Associations, such as the St. Vincente and the ACFIL Associations discussed above. The incumbent Chairperson, Connie Braga Regalado, herself a domestic helper, has been in Hong Kong for 15 or more years. She has two grown children in the Philippines and worked professionally as a Social Worker before leaving for Hong Kong.

As a politically pro-active organization, UNIFIL organises petitions for submission to the Philippine Consulate and holds public rallies and demonstrations demanding action by the Philippine government in Manila. Although many of the Helpers are politically

aware and informed, most of them are not free to join in the rallies and demonstration organized to defend their rights and seek to improve their living and working conditions in Hong Kong. However, thousands of signatures are obtained on various petitions to be presented to the Consulate and the government in Manila. In 1986 a series of demonstrations was staged protesting the implementation of Hong Kong's New Conditions of Stay, cutting the time of stay upon termination of a Contract to 14 days. Also in 1988 the then President Aquino was prompted to place a "temporary ban on approval of new contracts for Filipino domestic workers"(Constable 1997:35). This action was in response to world-wide demonstrations protesting the lack of protection of overseas workers, after the tragic incident in Singapore when Flor Contemplacion, a Filipina domestic helper was found guilty of murdering another Filipina and her employer's child, was hanged (Rafael 1997). Later doubt was raised as to her guilt. However, demonstrations were held around the world against President Aquino's ban as the overseas workers and their families saw their source of income being denied to them. President Aquino was forced to lift her ban.

UNIFIL also successfully organised demonstrations against a proposed 25% cut in new foreign domestic helpers' minimum wage in Hong Kong, gathering signatures to pressure the Philippine government to fight for their cause. They were partially successful in that in February 1999, the Hong Kong government announced that it was only "cutting by five percent the minimum wage of the estimated 180,000 foreign domestic helpers [in Hong Kong] on all contracts signed after February 3 due to the [Asian] economic crisis." (Agency France-Presse 02/02/1999). This change, of course, eventually affected all the foreign domestic helpers as they have to enter into a new contract every two years.

However, there was a further reduction in the minimum wage in 2001. In 1999, the Hong Kong Filipinas also successfully demonstrated against the proposed imposition of a US\$25 membership fee for their own Philippine government's Overseas Workers Welfare Administration (OWWA), already imposed on other Filipino overseas contract workers around the world. Again, their success was short lived and the fee was eventually imposed in 2000.

Another demonstration took place outside the Philippine Consulate in 2000 supporting attempts to oust the then President Estrada (Erap) accused of corruption, discussed earlier. A new organisation had been duly registered with the appropriate Hong Kong department called "Erap Resign Network, HK" thereby facilitating the necessary license for a public gathering. Helpers who were free on a weekday gathered outside the building before marching in to stand outside the Consulate on an upper floor of the highrise. Donning T-shirts and head bands the demonstrators called for President Estrada's ouster. Three police officers ensured that the entrance to the Consulate offices was not blocked by the demonstrators. One of the policemen moved around jotting down the slogans on the banners—"We toppled a tyrant, we can do it again" [referring to Marcos], "The Filipino People's Demand, Oust Estrada, Erap Resign Now" and "Erap is guilty as Hell!". At one point he asked one of the Filipinos "What does 'oust' mean?" Another asked for a copy of a flyer being handed to people arriving at the Consulate, but laughed when he was told it was in Tagalog, saying "That's not going to help me!", but he took it anyway. As Filipinos got off the lift and found themselves confronted by the demonstrators, there were many nervous reactions, some moving quickly and nervously toward the Consulate office and others stopping to ask questions. As the demonstration

got underway, the group loudly chanted slogans and several speeches were given. Being in the middle of the week, it was a small demonstration, but was held to coincide with street demonstrations taking place in Manila against the incumbent President. T.V. crews were present, having received word from UNIFIL about the demonstration. A brief item appeared on the evening news, including an interview with Cynthia Tellez. The international news also reported that the demonstrations in the Philippines had swelled and people were becoming more angry.

Two weeks later on a Sunday, a larger street demonstration was also arranged , again to coincide with demonstrations in the Philippines. On the morning of the march an air of excitement pervaded the Mission-UNIFIL offices as banners were prepared and an effigy of Estrada was being assembled. A picture of the President's face was attached to a paper ball and brooms became stick legs. The enthusiasm and dedication to their cause shared by all the participants were reflected in Connie's voice when she called to me across the room, "Estelle, you are so lucky! You are involved in Filipino history in the making!" Apparently the news had come through that President Estrada had been ousted by the incumbent Vice-President Arroya with the support of the generals. The original banners were quickly edited to "The Filipino People **Won! We Ousted** Estrada!" and "We toppled a tyrant we **did** it again, Estrada Ousted". Being Sunday more Filipinos were able to join in the demonstration and everyone gathered at the Hong Kong Bank. Again the police were present and escorted the marchers around Statue Square guiding them to Chater Gardens and back. It was a loud and happy demonstration. After the celebratory parade an evening party was held by the organisers to celebrate the victory in the Philippines.

The Filipinos are not even partial citizens of Hong Kong, merely temporary sojourners. Thus the Filipina domestic helpers in Hong Kong consider themselves to be, and are indeed, an integral part of Anderson's notion (1983) of a global "imagined" Filipino community, one that transcends their native soil. They share their similar migrant experiences with millions of their compatriots around the world, separated from family and home, through the print and electronic media. Migration "involves the stretching across space of both social relations of production and the more personal social networks of the individual people and ethnic communities" (King 1995:7) and the Helpers are firmly embedded in their home country through their families, local community affairs and as participants in their homeland's national political actions, yet live in their global transnational community.

### ***Mitigating Barriers***

Since the beginning of the importation of foreign labour, the numbers of Filipinas seeking help to fight for their rights against abusive employers have grown exponentially. As mentioned above, secluded in their employers' homes, individual Filipinas have little opportunity to learn about the legal resources available to them. Originally seeking help from their church leaders and congregations, it became obvious that dedicated efforts were needed to assist the women in trouble. It was necessary to learn the legal and institutional remedies as there was little information available. The Director of Bethune House commented:

"We knew nothing when we came to Hong Kong in the early 1980s. We only knew there was a major problem and the Helpers needed help. We would call the Departments, the Agencies, the Courts and ask for advice

from members of the legal community willing to help. We have the time to do this, but most of the Helpers do not and they don't know who to call, so the organizations do it for them. The rules have changed, too. Not just because of the changeover to Chinese sovereignty. Some of the changes which have caused major problems for the Helpers, like the 14-day-stay when they are terminated, took place in 1986 under the British. Also there was nowhere for most of the Filipinas to stay while they filed their complaints so there was a need for more safe houses.

The outreach efforts have been important to let the women know what help is there for them. It is still difficult. The conditions are still changing against us. There are now more organizations helping and together we can work to change some of the bad conditions. We also try to help with problems at home through the Consulate. Whatever is needed, we find a way to do it.

The safe houses, which are maintained by the not-for-profit organizations and discussed more fully in the following chapter, provide individuals with a place of refuge where they can receive more personal counselling and paralegal assistance in filing complaints with the appropriate government institutions. Without the informal infrastructure provided by the network of organizations, the individual Helpers would have great difficulty in penetrating the official barriers created through lack of knowledge, lack of time, and the Hong Kong community's general indifference to ensuring the foreign domestic helpers have access to their rights under the law. Through the networks of friends, Local Associations and the professional organisations, the Filipinas become aware



that they are not alone, but are members of the larger community with a voice to fight for their rights in the face of the indifference of their employers and the Hong Kong society.

### ***Retiring to the shadows***

As the virtual transnational Filipino community dissipates for another week and the individuals return to the shadows of Hong Kong the formal, professional organisations continue their work mediating between the voiceless individuals and the government institutions. The evening draws in, the Sunday crowds begin to thin and the Filipinas return to their employers' homes or to one of the safe houses. The Sunday chatter diminishes throughout Hong Kong and Statute Square empties with just a few groups remaining into the night. Before returning to their employers, some of the Helpers change back into jeans and T-shirts. One evening on the bus, I noticed a Filipina combing her loose hair back into a tight bunch and wiping off her lipstick.

## *CHAPTER V*

### *In the Company of Strangers*

Once terminated, the Helpers whose Contracts end equitably, with all wages and monetary obligations paid, have no recourse but to return to the Philippines within the 14-day rule. The only exception is if they can find, before they have to leave, an employer who has children or an elderly parent and who needs immediate assistance. These stringent rules limit the Helpers' choices, and further elucidate the social exclusion of the foreign domestic helpers by ensuring that they cannot legally settle in Hong Kong.

As mentioned earlier, the 14-day rule after termination of their Contract, effectively impedes any efforts by the Helpers to find a new employer whilst in Hong Kong. In addition, because of the contractual requirement of living-in, the Helpers have no home or place to go to in Hong Kong when they leave or are thrown out of their employer's house. They cannot wander the streets as they run the danger of being picked up by the police and put in jail. If they have not received their return air ticket they cannot even return to the Philippines as few have enough money to buy it themselves. Although the dominant Hong Kong society has provided venues for citizens who are victims of violence, they are usually full. Therefore, to provide a safe haven and time in which the Helpers can pursue their rights, the Filipino community has opened safe houses where

those without other resources, can stay whilst their case is being investigated. Having lost even the protection of their employment contract and working visa and without any income, the Helpers truly are in a state of “dislocation of non-belonging” (Parrenas, 2001:197). The Filipinas find themselves in an uneasy place, betwixt and between the legitimate and the illegitimate members of the Filipino community.

### ***Safe Houses***

Scattered around Hong Kong are approximately ten safe houses for Filipino domestic helpers who have been terminated without the means to support themselves. These safe houses are usually located in the less affluent areas of Hong Kong--in high rise buildings, in church-owned properties, or in old colonial mansions. As mentioned earlier, most of the safe houses are affiliated with religious organizations and are administered by charitable organisations and NGOs. The Philippines Consulate had a refuge in a defunct military complex but it was closed after a particularly horrific murder of a Filipina occurred there. Other countries provide no facilities for their nationals preferring to send them home on the first available plane without question or any attempt at reparation, as occurred with many of the Filipinas before the establishment of the safe houses. The employment agencies also have boarding houses where a domestic helper can stay when she first arrives in Hong Kong or when she is terminated. Nevertheless, the agencies continue to send terminated domestic helpers home quickly before they can contact friends or family for help.

Since most of the safe houses are run by and for members of the Filipino community they have a Christian ethos, but Muslims, Hindus and others with different beliefs are also welcomed. No woman needing help is turned away. The only criterion

for staying at a safe house is that the refuge seekers be a foreign domestic helper in need of emergency shelter<sup>7</sup>. The Directors are Filipino themselves and are often ordained ministers and nuns, whilst others are secular administrators with Filipino degrees in social work. The counsellors vary from trained social workers at the larger refuges to volunteers with paralegal training at the smaller houses, many of whom are themselves domestic helpers who have been through the system.

Safety and anonymity are of paramount importance to the houses a point emphasized by the heavy iron grill gate over the front door (a feature of all homes in Hong Kong, even on the upper floors of a high-rise building). There is usually some means of monitoring who is at the front door, such as a peep hole or camera, as some of the residents receive threats from former employers. The residents are warned not to give their address to anyone, not even their families. Any contact goes through the parent organisation and all papers filed with the government agencies and legal institutions also use the generic address of a parent organisation. Even the police and other officials are barred from entry without warrants. For this reason I will maintain the anonymity of the various safe houses and my descriptions of events have been conflated into a virtual safe house which I call the Refuge with the names of individual residents being changed without exception.

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The male Filipino domestic helpers are far fewer in number and more often seek refuge at a friend's home, a boarding house or one of the men's organizations such as the Seamen's Mission.

## ***The Refuge***

The type of financial support a safe house receives is reflected in the interior furnishings which can range from bright and cheerful to dark and sombre. Only one safe house I visited seemed really comfortable and homely, most were utilitarian. The staff, volunteers, friends and residents do their best to make the refuges pleasant despite their limited resources, brightening up the house by painting the walls and making curtains themselves. Furniture is usually limited to essentials, such as old couches, chairs and tables, most of which have been acquired through the kindness and generosity of church members or supporters of a particular safe house. In one safe house several dining tables were pushed together to form a larger one so the residents could eat together and the Director and his wife sat with the residents at dinner. In another, there was no dining table and the women sat on couches or chairs at meal times balancing their plates in one hand, on their laps or seated on the floor eating from a coffee table. On a subsequent post-field visit, I found this latter situation had been rectified and a large dining table took pride of place in the living room but the second couch had been removed to make room for it. As pieces of furniture broke down they were eventually replaced with new donations. There was no sense of style but rather, as with the exteriors of the buildings, they reflected an eclectic statement of passing fashions--well worn and past their prime. Overall the accommodations were sparse with a common room, a kitchen, a bathroom and sleeping quarters. Some safe houses simply had mats on the floor for sleeping until receiving gifts of bunk beds. Bathing and laundry facilities were also limited. One morning, when I arrived earlier than usual, I noticed one of the residents struggling with a huge plastic container of hot water from the kitchen down the steep, awkward outside staircase taking

care not to spill any of it. There was a shower in the building but it was being used by one of the other women so she had to use the outside toilet off the back courtyard as a shower room.

### ***New arrivals***

The avenues to the safe houses are many. Some residents come through an emergency call made to a church or help organization. Others may have learned about the safe houses from a friend, relation, or their own Local Association. Yet others may have had the good fortune to be “discovered” by Filipinas visiting other friends in a hospital when a nurse tells them about a new domestic helper who has been admitted as a patient. The arrival of Elena and Delia to the Refuge in the middle of the night had caused quite a stir as it was unusual for two domestic helpers to be turned out at the same time by one employer. Josie, who had appointed herself as the main storyteller, described the night’s events to me as soon as I arrived the following morning. Her detailed account was accompanied by giggles and impromptu interjections from the small group sitting with us. Although some admitted they had gone back to sleep, others had stayed awake to learn more about the new arrivals. The telling of the tale was constantly embellished by anecdotes of how an individual remembered being awakened, what they were doing, who was where and the ultimate arrival of the two Filipinas. In most cases a rescue team would be despatched to collect whoever was in trouble, but on this occasion Elena and Delia had been told to take a taxi as it was so late the MTR had stopped running.

Often serendipity plays a part in a distressed Helper finding her way to a safe house. Yasmine, for example, who had arrived from India just a few months earlier came to the Refuge because a Filipina Helper had seen her crying in the common garden outside

her employer's flat. The Filipina had stopped to ask her if she needed help. Yasmine's spoken English was poor but she managed to convey the essence of her problem, which was later translated at the Refuge. Apparently Yasmine had worked for a wealthy Indian couple. The evening the Filipina had found her crying in the garden, Yasmine had been making ghee (clarified butter used in Indian cooking) when her Employer had screamed at her for taking too long at the market that morning. The employer would not listen to Yasmine's explanation and, continuing to shout at her, the employer picked up the spoon from the pan of ghee and hit Yasmine with it, pouring the boiling oil over her forearm. Yasmine said she screamed and ran to the bathroom to get toothpaste to smear over the burn then she ran from the flat to where the Filipina had found her in the garden. Yasmine did not want to return to her employer as she was constantly verbally abused and derided. She was very unhappy and since it was late, the Filipina called her own Pastor for help. The Pastor took Yasmine to the hospital to have her burn treated and had her stay at his house overnight. The next day the Pastor had contacted the Mission and arranged for Yasmine to stay at the Refuge whilst her case was being investigated. I was told by the other residents they could hear her crying in the night and that this continued until she left. Yasmine was very afraid of her employer as he had threatened to kill her husband and children at home in India. Thus, she never ventured out of the Refuge, even to the local chemist, without someone accompanying her.

### ***Solidarity***

Marginalised as they are by the dominant society, the Helpers find solidarity within their own national groups amongst the residents of the Refuge. This solidarity is based not only upon their shared status as domestic helpers, but also on shared abusive

experiences at the hands of their employers. All new arrivals are immediately made to feel safe and no longer alone. The current residents talk with the new arrival and, as soon as possible, she is interviewed by the Refuge Director or a counsellor so that her case can be assessed and any necessary action taken immediately. For example, if she has received an air ticket for a flight within the next few days, the airline is called and the ticket changed to an open date to give the Helper time to prepare her statement and to file a claim with the Labour Tribunal.

The confusion and distress of the new residents are clearly written on their faces. Fear pervades their conversation and they are obviously demoralised. Usually the new arrivals have little or no money, no job, sometimes no possessions if they have run away or been thrown out without notice. If they have only been in Hong Kong for a few weeks or months, they often have no idea of what to do or how to help themselves in a foreign country. They are lost and overwhelmed. The vulnerability of the newcomer is often reflected in her tears which well up as she recounts her story to anyone who asks and shows sympathy, as most do. The residents sit patiently listening to the all-too-familiar story, offering comfort and sympathetic comments. Most of the safe houses are small and always full so sometimes, after emergency help for a night or two (and “before emotional bonds with any of the residents are too tight,” one Director explained), phone calls are made to the various safe houses to see who might be able to accommodate the newcomer for the duration of the legal process needed to resolve her claims, approximately three months.



### ***Group dynamics***

The residents tend to sort themselves out by nationality. As they leave the Refuge, either having resolved their claims with their employer or given up the fight and returned home, newcomers arrive and join the existing group dynamics. One Director told me she discouraged this segregation but I noticed that it was only when one of the residents needed someone to accompany her to a hearing at the Tribunal, Immigration or court did the women really intermingle. The longer-term Filipinas often develop close friendships and new residents establish friendships quickly, especially with those from the same country, region or province--similar to the dynamics of the Sunday groups. In this unnatural social environment where strangers are thrust into each other's close company, both emotionally and physically, bonds are formed quickly amongst women used to large extended family support systems at home. The spatial organization can best be understood in terms of seeking comfort and security in a common language and trust in familiar life views and values.

Not only are there many national languages spoken amongst the residents, but many also speak in their own regional language. In addition, the Indonesians usually speak Cantonese as their second language and the Filipinas speak English. However, communication is conducted in English amongst all the groups, with at least one or two of each nationality who speak English well translating for the others when needed. In the kitchen, too, the women cook their own national dishes, within the parameters of budgetary restrictions. The one food common to all is rice and there is always a huge pot of rice prepared for each meal and bowls of the various national dishes set out for everyone to share. There are a number of occasions when the air is filled with the choking

fumes of chillies with everyone rushing around calling out “Close the door!” (to the kitchen), “Open the windows!” as the rest of us gasp for breath.

In addition to a common language and familiar foods, which bring a sense of comfort and safety to the women, they also seek physical closeness to their countrywomen. The Indonesian women share bunks in one corner of the sleeping room, while the women from Indian and Sri Lanka occupy a separate area, with the Filipinas occupying the largest area in between. The Filipinas and Indonesians tend to lounge in a relaxed, informal manner on their bunks or on couches, not hesitating to lean on each other or put their arms around each other and unselfconsciously seek close physical contact. The Indians and Sri Lankans are more formal, physically separating themselves, although they, too, seek proximity and sit or stand in a group together. Their comportment is usually quiet and they hold themselves in a more straight posture, never lounging.

### ***Morning rituals***

Each morning begins with the women getting organized for the day ahead. Those with early appointments are given priority access to the facilities, whilst others prepare for yet another day of boredom. The daily household chores are assigned by the resident counsellors on a weekly basis and those with kitchen duty busy themselves getting breakfast ready, which often consists of rice and some left overs from the previous night’s dinner. The food is bought fresh each morning. “Five Dollar!” a voice sang out one morning. “Five Dollar!” “Five Dollar!” again the day’s marketeer sang out a few minutes later. For almost an hour the residents moved around in various stages of waking, bathing, dressing, tidying up bunk beds and dragging bags or suitcases from under the bunks or on the landing to find something to wear or documents to prepare for a hearing. The

marketeer continued to sing her appeal for money at irregular intervals. Most of the women have no money or limited resources, so their food and lodging are paid for by the Refuge. However, it has hit hard times, again, so the staff has been forced to ask for a voluntary contribution toward the food from those with meagre funds available from a recent settlement of claims or a small loan from a friend, or perhaps a small gift from families at home, whom they were supposed to be helping financially.

Gradually, a sense of order emerges from the morning's activities. The residents wander over to the food helping themselves to breakfast, then washing up their plates before leaving for appointments and hearings. Those with nothing urgent to do sit quietly in the main room, but when the marketing group returns with the food they gather together and start to prepare the vegetables for lunch -- again tending to form national groups, chatting quietly and occasionally laughing. Other residents simply drift back to their bunks, continuing to write up their Statements for filing or going through legal papers for upcoming hearings. Some sit in the fresh air on the back staircase overlooking the courtyard chatting or helping one of the new arrivals prepare her statement. Yet others, however, sit apart in silence, perhaps in sad reflection on the events that have led them to this place, their families at home, or the upcoming hearings before the Labour Tribunal and Immigration. As Elsie explained to me one day, suddenly self conscious of the silence:

“Sometimes I sit by myself and don't talk to anyone. I think about my problems but I can't talk about them--everyone has problems.... I don't want to keep talking about my problems.”

The culture of the Refuge is one of self-help aided by the residents themselves. They accompany each other to hearings and make sure someone stays with anyone who is ill or receiving medical treatment. There is a special sensitivity amongst the women. They might leave those seeking solitude alone, yet at other times one or two will move over, sit down and quietly talk as they sense an individual's need for company, but perhaps does not want to impose on others. The conversation and noise level are usually subdued until someone new arrives, perhaps a volunteer or an "outside" friend coming to visit on their day off. Even a visiting anthropologist is greeted with a chorus of enthusiastic comments in English and (kindly) laughter. For most of the day, however, there is a stillness about the Refuge as the few residents with no meetings or hearing to attend simply lay on their bunks or sit in the living area. It was with surprise, then, when on one occasion I became conscious of rather loud music being played in the living room. Curious I emerged from the small interview room and saw two of the residents doing what appeared to be a strange, ritual dance around the room with a coconut shell under one bare foot. Grabbing my camera for this "anthropological" moment, I was greeted with shouts of laughter as they saw my puzzled expression. Apparently they were cleaning and polishing the wooden floor using a technique from home in the Philippines. Two other women jumped up and joined in the "dance", without the coconut and wearing their flipflops. Such moments often punctuated the boredom. To always be quick to laugh and find fun helped to bolster the residents' spirits.

### ***Preparing statements***

The priorities of the Refuge are to provide a safe place to stay and to assist the residents in preparing for their hearings before the Labour Department, the various courts

and government agencies. Each safe house has its own character and ethos depending upon its affiliation with a religious organization or government institution. Some are run on paternalistic lines where the staff take care of the legal papers for the women, drafting their statements and making sure they keep their appointments. Others encourage the women to involve themselves with the preparation of their statements and for their hearings, thus helping them to regain a sense of dignity and, especially, control of their own lives. Residents who have already begun the legal process and are awaiting a hearing are expected to help the newcomers with drafting up their initial statements. Assistance is provided because of poor written English skills or simply a lack of knowledge about what should be included and what should not. On arriving at the Refuge most of the women are torn between their guilt at having lost their job and their anger against their employers who have abused their trust and misused their power, cheating them out of their wages or tricking them into illegal and immoral acts. With the support of the counsellors, and the reassurances of their fellow residents that they are not the only ones to be so mistreated, they regain their courage and self-respect. Suing the very employers who had so recently controlled their lives is intimidating but the only alternative to processing a claim against them would be to return home to their families without money, and in debt.

The first thing every new resident is told to do is to start writing an account of what has happened to her whilst it is fresh in her mind and experience. Once the draft is finished, it is checked by the counsellors to determine what claims are appropriate, ensure that they are legitimate and that all monetary items which can be claimed are included. Many of the women are surprised at how much money they are entitled to claim, thinking it was simply a matter of those items specified in the Contract itself such as wages, airfare

and travel expenses. Most of them are unaware of the underlying employment laws which might award additional monies for specific conditions, such as holiday pay. Others, however, are disappointed as certain clauses in the Employment Ordinance restrict eligibility given certain circumstances, such as paid holidays only after three months employment. A statement is cannot be filed with the Labour Tribunal until seven days after termination, and proof of filing must be presented to the Immigration Department before a “visitor’s” visa is issued to replace their working visa. Sometimes the filings are left closer to the 14-day deadline and there is panic to get the complaint filed in a timely fashion.

As one of the full time counsellors was on holiday in the Philippines, I started to help with the preparation and typing of the statements for filing with the Labour Department. I would stop in several times a week to see if anyone needed help. If there was a new resident, she would be sought out to a chorus of “Where’s .....?” or “..... come, see Ma’am,” and she would be propelled towards me by one of the older residents, saying “Ma’am, she needs her statement,” or “Will you take her statement?” and turning to the startled new resident saying:

“Go on, Ma’am will take your statement for Labour. Tell Ma’am what happened to you!”

One or two of the women who had appointed themselves guardians of the newcomer would stay with her as we moved into the small conference room. Most of the Philippine women spoke English sufficiently well that they didn’t need translators, but other residents would stay in a show of support. In the case of the Indonesian and Asian women, whose

English was often poor, someone who could interpret would join in the session to translate the newcomer's story.

### ***Hostile Working Environments***

The Statements tell a variety of stories from nonpayment of wages to physical assault. Although I had been interviewing and chatting with Filipinas at the Kowloon guesthouse and in Chi Fu Fa Yuen, where I had witnessed bad working conditions and heard of unnecessary restrictive house rules, I was not prepared for the extent of the abuse suffered by too many of the Filipinas.

#### ***Bad temper and confusion***

Elena and Delia, whose arrival in the middle of the night is mentioned above, experienced harsh working conditions that is typical of many others' experiences. Elena had arrived in Hong Kong in early October and started work for a Chinese family with a 9-year-old boy. This was Elena's first job in Hong Kong, although Delia had had a previous employer. On arrival at her employer's home Elena had been told to read a detailed job description which listed all her duties and the penalties for any infractions thereof (the so-called 'house rules' in addition to the requirements of the Contract). Elena was told she must sign this document or she would be sent back to the Philippines. In her statement to the Labour Tribunal, Elena outlined the conditions of her working environment and the events leading up to her sudden termination:

My hours were supposed to be from 7 a.m. to 11 p.m. But there was so much work to do that it could not be finished by 11 p.m. and I had to finish it before I was allowed to go to bed. It was often 1:30 a.m. or 2:00 a.m. before I could go to bed. My employer would only allow me some coffee for breakfast and a packet

of noodles at lunch time; which I had to share with the new Filipina after she arrived. For dinner I had to eat my employer's leftovers, and there was usually very little left for me. I ate in the kitchen by myself. I was very hungry and felt weak. I often felt dizzy and my stomach hurt from lack of food. My duties were to cook and clean the house and clean two cars every day. I also had to do the washing and ironing every other day and hand wash my employers' clothes when my employer told me to and the son's uniform every night. On Monday's I did the marketing. Each weekday morning I prepared the son's uniform and his food for school. My employer would often get angry and shout at me. She also nagged a great deal and said I never cleaned properly and would make me do it again. She was always threatening to send me back to the Philippines when she said I made a mistake. She made me very nervous and I had a hard time concentrating. I was very confused about what she wanted and how to please her.

Elena said she was rarely able to rest and often did not have time to eat lunch. She could only sit down when she ate. Nor was she allowed to take her statutory (national) holidays as her employer said she was not entitled to them for the first three months. On her rest day she had to work until 10:00 a.m. and return by 8:00 p.m. to start work again. Her employer never paid her for the hours she worked on her rest day as required.

When Delia arrived at the house two months later, they shared a room and the food – one packet of noodles for lunch and the leftovers for dinner. There was too much work for both of them and when Delia became ill she telephoned her cousin, who was also working in Hong Kong, for help. Her cousin called an ambulance and Delia was taken to a hospital. Elena telephoned their employer to tell her what had happened and was



instructed to go to the hospital to check on Delia. Elena was also told to take the key to the flat with her. However, when the employer went to take Delia's passport to the hospital, she did not tell Elena how long she should stay so Elena stayed overnight. When they returned to the flat the next day their employer was very angry and told Elena she would give her a warning letter as she had stayed in the hospital without permission. At the hospital the employer had asked Delia what happened and who had called the ambulance. Delia said her cousin had. The employer then asked if that was Maribel and Delia told her "Yes." Delia said "She did not ask how I was feeling or if I was feeling better. She just left very angry."

The next day the employer told them both to pack their things and leave. Before they left the employer returned their passports and checked their luggage thoroughly to make sure they had not stolen anything before she let them go. It was 11:45 p.m. when they were finally told to leave. They had nowhere to go so they huddled in the parking structure where they tried to think about what they should do. They were both crying as they were so upset. Elena was worried about her friend as it was so cold and as she had just left the hospital she was still ill. They decided to call the emergency telephone number they had been given in the Philippines and were told to go to the Refuge by taxi because the MTR was no longer operating.

Elena had worked for a total of 2 months and 22 days. She was paid for the time she had worked that month (13 days) but did not receive the one month's salary in lieu of notice, travel expenses or the air ticket. She was still owed HK\$6,281.85, including the half days she had to work on her rest day (the Contract specifies a 24-hour free day), one statutory holiday, wages in lieu of the required 30-day notice, air fare, travel expenses

between the airports and home, and airport tax (all specified in the Contract). Because Delia had worked only 9 days her claims were much less than Elena's. She had found the job through her cousin Maribel, so she did not have the employment agency fees Elena had incurred in the Philippines. Delia was very upset. She, blamed Elena for her losing her job, and eventually left the Refuge without waiting to process her claims.

### ***Sign Here!***

The Residents' experiences usually involved nonpayment of wages, abusive language, overwork and malnourishment. They were naturally upset and expressed their anger easily. One ruse to cheat the Helpers out of some of their wages is for employers to make them work on their statutory holidays, without the required compensatory day off, and on their day off without pay. Another is to have the Helper sign for her full monthly salary, and then pay her less. A more common practice is to force the Helper to sign several receipts for the full amount and then pay her less. The threat for not signing was always that the Helper would be sent back to the Philippines. The receipts can then be produced as proof of payment. It is extremely difficult for a Helper to prove that she actually received less than the Contract wages.

The Indonesian Helpers said their employment agencies in Indonesia and Hong Kong also cheated them by having them sign a contract which did not have the amount filled in or not giving the applicant a chance to read the contract, which was usually in English. When they arrived in Hong Kong they found that they were paid HK\$2,000 a month instead of the full minimum wage of HK\$3,670. Indeed, even Marissa at the guesthouse told me that Mr. C had said he was thinking of employing Indonesian Helpers as they were willing to work for less. Sometimes it was not until the Indonesian Helper

arrived at one of the safe houses or talked to their own Asian organisations that she discovered she had been underpaid and could file a claim for unpaid wages and compensation, but too frequently the Indonesian Consulate tries to send a Helper home should she go to them for help first.

When Elsie had arrived from the Philippines, she was employed by a family with two children. As usual the hours were long and the work hard. She found her employer to be lazy, spending long hours in bed or lying on the couch. The children were not kind. In fact one would hit her and when she complained to the mother, she was ignored and the child was not reprimanded. On one occasion the 8-year old daughter had turned the hair dryer on Elsie's face and badly burned her eye. Again the mother took no action and dismissed the injury as inconsequential. Each morning Elsie got the children ready for school, did the marketing, and returned to start the cleaning and washing before the mother emerged at 11:00 a.m.

When she had first arrived, she was given three sheets of blank paper and told to sign them. At first she refused but was told that she would be sent back to the Philippines if she did not. Since Elsie had two daughters in college, she needed the job so she signed the pieces of paper. Normally wages are paid on a monthly basis but she did not receive her money for the first month and asked her female employer when she would be paid, thinking her employer might have forgotten. Her male employer (who was the one who signed her Contract) spent a lot of time in mainland China and her female employer told her to wait until he returned and to ask him. Else did this but her male employer told her to ask "Ma'am" She asked again for her money over the next few weeks but was always shuffled between the two employers. When the second month came and went without

payment, she told them she really needed the money to help her children. They reluctantly paid her HK\$2,000 but deducted HK\$200 for a dress which she was accused of ruining in the washing. Elsie was never paid any more and, when she insisted, she was ordered to pack her bags and “Get out!” She was again presented with blank pieces of paper and ordered to sign them but she refused saying she had already signed three blank pages and would not sign any more.

Elsie found herself on the street at about 10:00 p.m. with nowhere to go and with very little money. She went to the nearby 7-11, suitcase in hand, and telephoned a friend for help. Her friend came and took her to a safe house for the night where she could find out about her rights and claim her unpaid wages.

### ***Physical abuses***

Those who had been terminated without full compensation were justifiably upset, but those who had been traumatized by physical abuse, were usually in shock and often came to the Refuge from the hospital. Ati’s story was one of the worst and sent shock waves through the residents and staff at the Refuge. Ati was shepherded into the small conference room by four other residents. One of the women asked “Will you take her statement, Ma’am?” “Of course,” I replied, “come and sit down.”

Ati was an elegant Indonesian woman about 30 years of age. She was painfully thin and her face drawn with dark circles under her eyes. She sat very quietly and upright in the chair with her hands clasped together resting in her lap. Her English was not fluent so one of the other Indonesian women accompanying her helped with the translation. Four Indonesian residents sat around her in a protective manner and several discussions took place as they decided the best way to explain the problem. Ati had been employed by a

woman and her husband who did not have children so her work consisted of housework, cleaning, laundry, marketing and cooking. She was not allowed to go out unless it was to do the marketing. Ati said the work was hard, the hours long and her employer was always yelling at her. She could tolerate that, even when her employer started to hit her. Then one day after Ati returned from the market, she was ordered to kneel down in the kitchen. Not understanding the reason, she had done so. Her employer then proceeded to kick her, yelling that Ati had taken too long to do the marketing. After three kicks she told Ati to get up and finish her work. Totally confused and in pain, Ati complied. The employer repeated this scene several more times telling Ati that if she told anyone she would be punished even more severely and she would be sent back home. These assaults only took place when the employer's husband was out at work, so there was no witness.

Ati said her employer was a former police woman and a very angry woman. She and her husband were always arguing. The employer continued to yell at Ati saying she was disobedient and spent too much time marketing. The torture escalated when she ordered Ati to lie down on the floor and proceeded to kick her in the stomach, kidneys and liver. The employer said that if Ati told anyone she would hire someone to kill Ati's husband and children in Indonesia. She also said photographs of their bodies would be taken so Ati could see them and know she was responsible for their deaths. As she recounted this appalling story, Ati had remained quiet and still, but as she spoke of the threat to her children and husband tears welled in her eyes and silently rolled unchecked down her cheeks. She said she was also told not to cry or shout as her family would be killed, so she had kept quiet. Listening to this story of physical, emotional and

psychological torture, all I could do was take her hands and try to reassure her she was safe now and everyone would do all they could for her.

As we continued preparing the statement Ati said that one day she had been told to get some things at the market and she had asked her employer where she should go, to the market or the 7-11. Her employer got angry with Ati again for asking and shouted she should go to the 7-11. Ati went out and was delayed by about 5 minutes in the shop. She knew that she would be “punished” again for being late and realized she could no longer take the kicking. She was in a small town in the New Territories and did not know where to go for help--after all her employer was a former police woman so she did not think the police would help her. Even though she did not know the address of her employment agency she decided she would run away to Kowloon to find it. At the railway station she was overcome with fear and pain and fainted. An ambulance and the police were called and she woke up in a hospital.

The doctor had discovered the bruises and internal trauma when Ati was examined. He tried to find out what had happened but she was still too afraid to say anything. However, an interpreter came to speak with her and Ati told her the story which was relayed to the doctor. He immediately arranged for a phone call to Indonesia so she could talk to her husband and children and reassure herself that they were well and not harmed. When her employer came with her passport she again said Ati must not tell anyone about the beatings and said she would stay with her until she was better. However, when the doctor came to examine Ati and the employer said she would get something to eat and bring it back, the doctor told her not to return. Ati had suffered serious liver trauma and was kept in hospital for a week. She was released to the Refuge with regular hospital visits

to monitor her progress. She filed both a complaint with the Labour Tribunal for wages and constructive termination and a criminal case with the police against her employer. The employer was later found guilty of inflicting physical abuse on Ati and sentenced to two years in prison.

### ***Sexual assault***

Sexual assault and harassment occur too frequently and many of the Helpers have great difficulty in knowing how to handle it. One Filipina with whom I spoke in Central said her male employer would telephone her when he knew his wife was at work. He would say things she found very suggestive and was concerned that it was escalating. She felt if she told her female employer she would be terminated and she did not want to lose her job. This is a common dilemma for the Helpers.

Josie thought she had found a comparatively good employer when she arrived in Hong Kong, but after a few months her employer began to find fault with her work. Josie said her female employer was always calling her “Stuuupid!” “You are stuuupid like a Pig!” whenever Josie did not finish a task to her employer’s satisfaction. However, Josie was able to send money home to care for her daughter and help her sister so her employer’s attitude was something she was prepared to tolerate.

Her problems started when her male employer told her to accompany him to an empty flat they owned to clean and paint it ready for the next tenant. Josie said as they got into the car she had some difficulty fastening the seat belt and her employer had leaned over and said “Let me help you.” As he adjusted the shoulder strap he had brushed against her breasts. Josie just wasn’t sure if it was an accident or deliberate as he made no comment and she decided to say nothing. Sometimes one of the children would

accompany them on their trips to paint the flat, but when they were alone he started to take showers. He would call out for Josie to bring his trousers. When she knocked, he opened the bathroom door naked. The first time this happened Josie had retreated quickly, very embarrassed. This happened several more times, then he started to order her to give him a massage. Josie was distraught not knowing quite what to do as she needed her job to pay for her daughter's medicine. She said she became distracted worrying about her situation. She also knew her female employer would not believe her and would probably terminate her on the spot. Her female employer did become unhappy with her work and told Josie she was terminated, but later changed her mind.

The next time she was told to go to the other flat, her employer's husband ordered Josie to take a shower after the painting and cleaning and had then burst into the bathroom when she was naked under the shower. On another occasion she had not undressed but had just turned on the shower to make a noise so when he burst in again she was fully clothed. However, when her employer's husband started to escalate his sexual abuse to manual masturbation he said, "You owe me this after I saved your job." Her female employer continued to scream at her as her worked suffered, resulting in Josie being terminated again. Unable to face working for the next 30 days of notice, Josie ran away. At the Refuge, she filed a complaint with the Labour Tribunal for unpaid wages and a separate complaint with the police for the sexual assault.

### ***Dignity Reclaimed***

So many of the Helpers arrive at the Refuge demoralized and feeling helpless after their bad experiences and having been terminated. Like many of the newcomers at the Refuge, Marie had no contacts in Hong Kong. She had been admitted to a hospital after



she collapsed at work from exhaustion. One of the nurses had mentioned her plight to several Filipinas visiting a friend of theirs. Even though they did not know her, they went to see her and gave her the number of the Mission telling her to phone when she knew her release date, which she did. A rescue team of volunteers was dispatched to the hospital to take her to the safety of the Refuge. On her release, however, an argument ensued between the rescue team and her Agency representative who argued that Marie's employer wanted her to go to the agency accommodation. However, it was well known that once back at the Agency Marie would ostensibly disappear. When the domestic helpers are sent to the Agency it invariably meant that they would be kept isolated and sent back to the Philippines as quickly as possible, usually that evening, so they could not file a complaint against their employer. Marie was fortunate, the Filipinas refused to allow the Agency representative to take her and instead took her to the Refuge. When Marie arrived at the Refuge, she still looked very ill with a grey pallor to her skin, dark sunken eyes and very thin. At the Refuge she found safety and support amongst women who had gone through similar or worse experiences.

Marie had only been in Hong Kong for four weeks. Like other Filipinas she had borrowed money to pay the placement fee in the Philippines and was in debt. As the oldest of eight children, her father, who had worked as a chauffeur in England many years before, had encouraged her to go to Hong Kong to help with the family finances. Full of hope and enthusiasm she was unaware of the potential for abuse by employers, due to the conspiracy of silence about the hostile working conditions, about which Edna at ACFIL had spoken. Marie had been met at the airport by her Hong Kong Agency representative and taken to Immigration to get her I.D. receipt. She had stayed that night at the Agency's

accommodation and was taken to her employer's house the next day where her employer took her passport and I.D. receipt from her (which is illegal but a ploy often used by employers as a means of control and to prevent the domestic helper from running away). Marie was not given any time to rest after her journey, her employer told her to start work immediately upon arrival at the house. As discussed earlier, under the contract terms, she was supposed to work for one household doing only domestic jobs but Marie now found she had been "shared out" with her contract employer's sister. Unfortunately, the sister lived in a flat upstairs at the same address and so Marie felt she could not claim she was being forced to do illegal work, that is working for two employers at different addresses. Each day she had to perform the same duties of cleaning, hand laundry, ironing, cooking, shopping, child caring for her employer and also cook meals and clean the flat of her employer's sister. Every job had to be repeated every day.

Marie started work at 6:30 a.m. and was unable to sleep until 2:30 a.m. She had to sleep on a fold-up cot in the living room so she was unable to go to bed until her employers did, even if she had finished her chores by 11:30 p.m. Marie said her employer constantly screamed at her and criticized her work subjecting her to constant verbal abuse, yelling "Damn you!" all the time. She was given almost no food, just left overs from her employers' meals. The work was hard and heavy and she became increasingly ill, feeling sick and faint. Her employer took her to a doctor who gave her four different medicines without any explanation of what they were. Whilst she was cooking a meal in her employer's sister's flat Marie collapsed. An ambulance was called and Marie was taken to a hospital where she stayed for three days. During her hospital stay her employer came only once to bring her passport and Hong Kong I.D. which the hospital required. On that

visit she told Marie that an Agency representative would collect her when she was released from the hospital. No other member of either family came to see how she was doing.

At 21 years old Marie was much younger than most of the residents but shared with them the burden of family expectations of financial support. Now her world had suddenly collapsed around her. She felt abandoned and betrayed by her employer and was totally demoralized by her experiences. Upon her release from the hospital, Marie had been given a medical certificate for 7 days sick leave indicating she was suffering from low blood pressure, low blood sugar and exhaustion. Marie wanted to stay at the Refuge to recuperate and was urged by the counsellors to call her employer to tell her she was safe but Marie delayed and her employer filed a Missing Person or “Runaway Maid” report with the police. The police have become familiar with these situations, however, and when they receive such reports, they call the safe houses to see if the missing domestic helper is there, in which case they take no further action, only to report back to the employer that their Helper had been found. Marie was hesitant to call her Employer as she was afraid she would be forced to go to the Agency. She was finally persuaded to call and was again told she must go to the Agency. Marie refused saying she wanted to stay at the Refuge.

When her sick leave finished, Marie was afraid to go back to her employer and ostensibly terminated her Contract on “constructive termination” grounds for the excessively hard work, and the lack of sleep and food, all of which were considered to be harsh employment conditions. Marie decided to file a complaint against her employer for her unpaid wages, including the 7 days paid sick leave, and travel expenses. Unfortunately, because she came straight from the hospital to the Refuge and refused to return to her

employer's house or the Agency, she lost the moral high ground and she was advised that she might not be able to claim "constructive termination." She could be deemed to have disobeyed "a reasonable request by her employer" and thus in breach of the Contract. Marie thus found herself in the position of potentially being sued by her employer for not giving notice. This meant that Marie could be liable to pay HK\$3,670 (a month's wages) to her employer for failure to work one-month's notice. The staff at the Refuge warned her of this possibility but it was decided that she should press for her basic contractual rights of a return airfare, travel money, and one-month's salary in lieu of notice because of ill treatment. She was not eligible to claim holiday pay as she had not worked for her employer for three months.

Since Marie had arrived straight from the hospital, she had no clothes. Her employer had told her that if she did not go to the Agency or return "home" she would throw away Marie's clothes. To tide her over when she first arrived, the women at the Refuge had found a few pieces of clothing from their own sparse belongings and the Refuge had some donated items which they keep for such occasions. Marie was persuaded to call her Employer again to find out if her clothes had been destroyed. It transpired her Employer had not done as she had threatened and when Marie went to collect them a member of the staff accompanied her together with a policeman. No woman is allowed to return to her employer's house alone, not only to provide safety of numbers but also to have a witness to any event that might occur whilst they are there and a policeman often accompanies the Helper in such a situation. Marie was understandably nervous about seeing her Employer and would have preferred someone else to do it on her behalf. The Director and counsellors give advice and guidance as well as support to each

resident but firmly encourage the Helper to take control of her own situation. Working through the fear of their employer and becoming familiar with the law enforcement and legal systems helps the abused domestic helper to regain her self-respect.

The filing of her Statement was also the first step in Marie's recovery and reviving her sense of dignity. She was occasionally close to tears and hysteria when she thought about her family and how she had let them down. The overwhelming sense of helplessness was distressing and it was this emotion to which the other residents responded so well. I will not go into Marie's personal story here other than to say that I learned that as a high school student she had organized other students to stop the payment of money to teachers for books, which were supposed to be free in the Philippines. She had been outraged that teachers were charging for these books. She was also a member of a local group associated with GABRIELA, a somewhat militant women's organization in the Philippines (Gabriela 1986). Marie had scars on her arms from when she had been hit with police batons during a couple of public clashes. It was this fighting spirit that we were able to tap into.

Several volunteers and residents at the Refuge belonged to Filipino organizations, such as ACFIL, discussed earlier, which were involved at that time in the demonstrations calling for the ouster of the President of the Philippines, Estrada. It was not unusual to find a large piece of material spread on the floor of the Refuge and cut out letters being pasted on it by Residents, spelling out words condemning the Philippine President's alleged corruption. Not all the women were interested in the political scene but Marie was encouraged to get involved. She started to march proudly under the banners at the organized demonstrations in Central. As she got the support, rest and food she needed,

it was not long before a truly remarkable change came about. Her laughter returned and she walked with her head held high once again. She was still somewhat intimidated by the legal system and her former employer but with the support of the other women wanted to continue to fight for the money owed to her. Unfortunately I later learned that she decided to return home without settling her case as it was taking too long and she had no source of income.

### ***Collusion Between Agencies and Employers***

“Come, Ma’am Estelle! Lunch! You eat!” I was in the conference room working on a statement with one of the new residents when Davina, a vocal, strong-willed woman, interrupted us. Davina tended to be bossy by anyone’s measure but was very good hearted and well intentioned. She had a sturdy personality. Her English was poor as she had been working with Chinese families and spoke Chinglish and some Manderin-Cantonese. I responded I would be right there and that I just wanted to finish the statement. Davina disappeared and we continued writing up the statement. About five minutes later Davina burst into the room again, scolding me for not coming out for lunch “You come! You come, now!”. She took the notes I was holding and put them on the desk, then grabbed my hand and pulled me out into the main room, calling “Fork! Fork, spoon for Ma’am Estelle!” Even though I was almost twice her height, her indomitable personality kept me quiet and acquiescent as she seated me on the couch and fetched a plate of food for me.

Davina came from a farming family on the north island of Luzon. She was the 3<sup>rd</sup> child of 7 brothers and sisters. They were not well off when she was growing up but her father grew corn and rice and whatever crop was good according to the season. Her mother earned money selling vegetables at the market and dress making. Davina was

married and had two children 9 and 11, a boy and a girl, whom she said were intelligent and doing well in school. She was hoping to put them through college. Her husband was also a farmer, working the land Davina had inherited from her father. They did not have T.V. but were involved in sports. Her husband also liked to sing and dance. Davina said he was taking care of the children with her mother and sister's help.

Her husband could earn only just enough to support the family so she had moved to the city, Manila, to get a job. She worked as a quality control checker from 8:00 a.m. to 5 p.m. and earned P3,500 (P5,000 with overtime) per month. Davina said she liked the city because of the job opportunities but preferred the country for her family as it was safer and drug free. Before coming to Hong Kong she had worked in a factory in Taiwan as a quality control checker in a textile factory from 7:00 a.m. to 4:00 p.m. with a 25 minute lunch break. In the factory she had earned the equivalent of P30,000 versus the P15,000 she would have earned as a domestic carer in Taiwan. Her housing and food were provided. When she had to leave at the end of her three-year contract, she had made sure her younger brother got the job. On his return to the Philippines at the end of his contract he went to college for agricultural and veterinary studies and now treats farm animals and gives crop advice. Davina was very proud of him and, I suspected, of her own part in helping him achieve his dream.

When Davina arrived in Hong Kong, she worked for a Chinese family with a new baby. After 18 months the mother decided she would look after the baby herself and terminated Davina's contract on financial hardship grounds, very similar to Marissa's experience. The parting had been on good terms and her employer gave her additional money over and above the 30-day notice and a Good Release Letter. Davina went to the

same Agency through which she had got her last job and they promised to find a new employer for her.

The Agency said they had found an employer for Davina. The Contract was signed on the 27<sup>th</sup> September and the Agency sent it off to the Immigration Department for processing. Davina was told to go over to the new employer to work, which she did. On the 12<sup>th</sup> of October her employer told her to go over to Immigration to pick up her visa and that Davina need not return to the house as the family was going on a tour of China. She also said she had recommended Davina to a friend of hers. Before leaving, however, Davina's employer told her she must sign a piece of paper if she wanted a good release letter. Davina's English, both reading and speaking, was very weak and she was not clear about some of the details but thought it said that she had been paid HK\$5,920 for a period of employment from the 12<sup>th</sup> to the 20<sup>th</sup> of October and been given an air ticket. "I knew dates wrong. Mmmm, I was paid only HK\$2,200 mmmmm, but I was mmm unhappy, I signed paper," Davina said. Once she signed the paper her employer told her to leave and refused to pay her the balance of her wages or the airfare. She also warned Davina not to tell anyone that she had done illegal work (i.e. from September 27 to October 12). Davina left with her suitcase to get her visa and then went to the agency. The manager told Davina that her employer had terminated her because she didn't like her work -- there was no mention of a holiday trip. This situation was very similar to that of the Filipina who was hired to clean the house for Chinese New Year. Davina was very hurt and upset and with nowhere to go, she went to the Mission for help. The idea of being unwanted and discarded further emphasizes the feeling of being an object. Being treated as less than human, like an animal, was expressed by a number of the Filipinas.



Davina had filed her claims with the Labour Department but because her English was very poor, her Statement was not clear and at her preliminary meeting at the Labour Tribunal, the Referee had difficulty understanding her, especially since she and her employer got into a very heated argument. Davina was told to go away and get someone to redraft her Statement so that it was clearer. It was during this redrafting that I realised the implications of the dates as Davina had stated them. She had admitted, in effect, to doing illegal work, that is before her visa was issued. When I pointed this out to Davina, she said she had thought since the Contract was signed she could work, not realising she needed the actual visa. She suggested we not mention the dates in the redraft. I explained it was too late since her first Statement was on file with Labour and it would not be wise to change it now. I was concerned that she might get into trouble and end up being deported, which is the normal procedure for illegal work, and would certainly be the case for potentially filing a false report. She could be arrested and barred from returning to Hong Kong for work. She could possibly, if “deported”, be prevented from working in Singapore or elsewhere. Her case was discussed with the Director and with the Mission and it was decided to persuade Davina to return to the Philippines without processing her claims since imprisonment and deportation were real possibilities. The staff felt some responsibility for the situation as Davina’s statement should have been checked more carefully. Whilst the situation was being discussed, an American banker was visiting the Mission and when he heard about Davina’s problem he offered to pay her airfare home and some of the expenses, which offer was gratefully accepted.

Davina did not want to leave Hong Kong. She wanted to prove her employer was a bad person. At first she was adamant about staying and wanted to proceed with the case

as she was outraged and had been hurt by the trickery of her employer and the agency. She told me “I don’t want to go. I don’t want to pay the fare (since she had not received the return airfare). I will pay more money in the Philippines.” During her 14-day waiting period a conference on the rights of foreign domestic helpers was held and Davina and I went with two other residents who also had complications with their claims. At that conference Davina asked if there was direct communication between Labour and Immigration. She was advised by one of the solicitors that although they were separate agencies they sometimes sent files across to each other when they spotted a problem. This, of course, was what we were all worried about. Labour could not deport her but Immigration could and if Labour sent her file across she would be sent home. Davina decided to consider her options for a few more days but eventually decided to go home.

### ***Alleviating the Tedium of Waiting***

There was an air of excitement at the Refuge one morning and several of the residents surrounded me when I arrived, taking great delight in telling me how the previous night there had been a problem involving the police. One of the women at the Refuge had been taken seriously ill. The Director and staff were away attending a late meeting and not available for help. The sick Filipina’s condition became worse and the residents felt helpless to know what to do for her but when she lapsed into unconsciousness someone called the emergency number 999 to ask for an ambulance. Unfortunately, in the panic of the situation, instead of simply asking for an ambulance the caller asked for “Help!” Within minutes there were police cars as well as an ambulance screaming up to the Refuge. Later the Director told me that it was at this moment that she and the staff were walking down the street on their way back from their meeting. Seeing

the flashing lights of the police cars and ambulance they started to run as they realized their house was involved and feared that for some reason one of the women was being seized by the police. When they arrived, they found a group of the Filipinas arguing with the police and refusing to allow them in. The police were demanding entry in response to the call for Help! Apparently, the Director, barely over five feet high, drew herself up to her full diminutive height and stood on the steps, arms spread across the doorway, barring the policemen's entry into the house. One of the storytellers, who obviously had aspirations of being an actor, dramatically recaptured the scene, flinging her arms wide, drawing herself up and taking a deep breath, amidst the giggles and critical commentary of the other residents present. The police had continued to argue that since they had received a call for "Help" they had the right to enter. The Director held her ground and dignity -- again I was treated to a demonstration of the moment -- and argued they could not enter without a warrant. Everyone crowding around the doorway and on the stairs was talking at once in many languages trying to explain the situation to the Director. Quickly getting the situation under control the Director realized the urgency of the medical situation and allowed the ambulance men in to take the unconscious woman to the hospital accompanied by two of the residents. In the meantime the police were kept outside and they left once the situation was under control. It so happened that at this particular time there were temporarily more women in the Refuge than allowed under their license and fire regulations. Thus, while this fracas was going on at the front door, other women were making themselves scarce in case the police entered. This overcrowding occurs from time to time as no domestic helper is turned away in an emergency and sometimes it took a few days to find space for the newcomers in one of the other safe houses.

### *Acquiring new skills*

The days and hours of boredom were relentless, Some safe houses offered skills classes from soap carving (of flowers) to computer classes. Computers have been donated to modernize the operational and administrative functions of the safe houses. A number of the residents showed an interest in learning computer skills and I offered to teach whoever wished to learn. Although many of the women had already acquired skills in college but had not used them for quite a while and wanted to improve them. Josie wanted to write her biography and was interested in learning more editing skills and the graphics capabilities. She had a real talent in art and we talked about the potential of getting a job as a computer graphic artist in the Philippines. Tina was interested in being able to produce newsletters for the organization she was involved in setting up to help the Asian domestic helpers. Ami wanted to improve her typing skills as she was helping her fellow Indonesian country women to prepare their statements. Having to attend hearings at the Labour Tribunal or interviews at the Immigration Department would mean that sometimes the students failed to turn up for a scheduled lesson so progress was quite slow. On at least one occasion I was told that Josie had gone on a rescue. One or two other residents started to learn but were really more interested in doing something different and got bored quite quickly with the amount of time and practice involved.

English classes were also offered. One Director of a safe house told me that whilst most Filipinas were proficient in English when they first arrived in Hong Kong many adopted the Chinglish of their Chinese employers after a few years so classes were offered to improve their communication skills and job opportunities. The Refuge staff tried to alleviate the tedium with a variety of activities and I was asked to give English lessons

once a week. All the women who attended were attentive and tried very hard. It was my lack of skills at dealing with the multiple levels of knowledge, from a Master's Degree in English to not one word of English, that made the exercise less than scholastically successful. Still, it was fun, caused much laughter and a great deal of teasing amongst us all. I was rather grateful to Mary, an American volunteer at the Mission, who took over the classes for a while when I left Hong Kong. I am sure the women fared much better under her tutelage. I suspected many of the residents attended the classes to show support and gratitude for our efforts as well as to pass the time.

### *News from Home*

When they were not out attending either their own or someone else's hearing most of the Residents' time was spent sitting around reading and rereading letters from family and friends, excitedly sharing good news of a child's success at school or college. Photographs were shared with tales about the subjects or the local area was described in terms of memories. But this could become contentious amongst those whose children might have had to drop out of college as their mother could no longer afford the fees. As Elsie commented

“I don't say much about my children doing well. Some may resent it, get jealous. It's not good to make people feel bad. We all have problems already.”

Bad or sad news was often only shared with a close friend and that friend would broker questions and concerns expressed by the other residents as the recipient became quiet and sought solitude. There was reluctance to intrude into someone else's life, especially when they received bad news from home or disappointment about their claims.

The most eagerly awaited distraction, however, was the arrival of letters from home. The faces of the residents were guarded as the letters were given out, one could see the hope in the women's eyes as they quietly sat around expectantly and the disappointment when there was no letter for them. The lucky residents would retire to their own private corner eager to enjoy news and photographs from home. But letters do not always bring good news or happiness.

When Josie got a letter from home, together with a photograph of her daughter, she suddenly disappeared into the little conference room looking very distressed. After a few minutes I followed to find her covering her eyes with a wet handkerchief. We sat in silence for a few minutes. I asked if I could help. Josie just shook her head then handed me the photograph she had received. It was a picture of her little daughter together with Josie's sister. "She is so ill," Josie said. "Look at her, she is so thin. My sister can't afford the medicine she needs. I don't have any money and I can't help her." It was at times such as this that the full force of the indifference of the drafters of the rule prohibiting work whilst claims were being processed is manifest. Lack of income is the primary reason for a domestic helper to leave Hong Kong without pursuing her claims against abusive employers. It takes too long and costs more than they have in filing fees.

Josie told me she had come to Hong Kong to earn money for her daughter's medicines. As one of the many single mothers, she had no other recourse. One night, her daughter had become very ill and went into a coma. Josie did not have the money to call a doctor so she had carried her little girl to the local hospital for treatment. They had admitted her and diagnosed that she was suffering from TB. Josie was told her daughter needed plenty of rest, good food and medicine and they had given Josie a prescription for

the necessary drugs. Her daughter was going to be discharged on the fourth day after she had been admitted. On the third night Josie had gone to visit her daughter as usual, but then had run away with her as she did not have the money to pay for the hospital treatment. In desperation she had left her daughter in her sister's care so she could work in Hong Kong. Like so many of the other Filipinas working overseas Josie was trying to do the best for her daughter and was now filled with guilt about losing her job.

### ***Visitors***

One of the hardest employment conditions was the lack of freedom to go out. Living at the Refuge the residents were free to come and go as they wished. The only concern was that they return in the evening and that when they did go out they were with friends or other residents to ensure their safety and to avoid being accused of being illegal if stopped by the police. In addition to attending Hearings or other meetings, they would join their friends for religious services over the weekend, go out shopping for necessary personal items, and visit with friends during the week.

Any distraction that broke up the endless waiting and boredom was welcomed enthusiastically by the residents. Visitors such as the Japanese PhD candidate sociologists who arrived to interview the resident Filipinas were greeted warmly and made a good impression on the residents as two of the students spoke Tagalog. The visitors were treated to an English-style tea as they chatted with the women. Two young Finnish students also visited on a semester-long field trip from their college in Finland. They were on a study-abroad programme designed to give them practical experience in applying social theory. The women visited the Refuge several times a week. The previous year's students had made new curtains for the Refuge with the help of the residents. This year's

students concentrated on learning more about the women, their problems and their home life. They organised a Finnish evening with dinner and a quiz about Finland. Standing back and behind the students, I mimed the answers to many of the questions. At one point, puzzled by the unexpected knowledge demonstrated by the residents, one of the students suddenly looked in my direction and “caught” me signalling the answer. There were gales of laughter amongst all the residents as I tried to look innocent. The students also appealed to the residents’ love of music, by playing the piano and singing. They both had good voices which they said simply came from singing in their church choir.

When the students were leaving to go back to Finland, a party was organised to thank them for their help and efforts. Music is an integral part of Filipino life and everyone was expected to sing. The Filipinas sang individually but the Indonesians were reluctant and eventually persuaded to sing as a group. However, the Asians refused to sing. I tried to spare them but they insisted I join in as “it is our Filipino way” for everyone to sing at a party. After I rendered a few British ditties off key, I was sure they regretted having insisted. However, everyone enjoyed the camaraderie, the good food, and the opportunity to forget their problems.

### ***The outing***

Most of the celebrations and activities took place within the Refuge, but one morning the air was filled with excitement and urgency. The women were bustling around trying to get ready for a trip to the beach which was being funded by Friends of the Refuge. Both the Finnish girls and I had been invited to join the group. At about 9:30 a.m. twenty or so women set off for Lamma Island which is a 30 minute ferry ride across the open sea. Hong Kong is one of the busiest ports in the world and huge



container ships were moored offshore with lighters loading and off-loading cargoes to feed the global consumer markets. Our route was crisscrossed by other ferries serving different islands and fast-moving police launches and official marine boats all of which threatened to collide with us. The sea was a little choppy but the crossing was comfortable, especially for the Filipinas who had grown up travelling by ferries to visit friends and family, going to school, and conducting business on a regular basis at home in the Philippine Islands.

As the ferry drew into the little harbour at Lamma we could see the small sampan fishing boats bobbing on the swells. The shore was lined with two-storey houses. The village had a large number of restaurants, which, in typical Chinese style, had tanks of fish swimming around from which customers could choose their dinner. Our group meandered through the narrow village streets peeking curiously into the dark interiors of houses and around corners. Lamma is popular with tourists and with Expats as a place to live away from the intensity of Hong Kong Island and Kowloon. We stopped at one of the grocery shops to buy fresh fruit and charcoals for the barbeque. While we were waiting for everyone to finish shopping Josie said to me “See, she is doing illegal work!” I turned around and saw a Filipina pushing a flat-bed trolley piled with market produce. “What do you mean?” I asked. “Her employer is making her work for his business, the market. This is not allowed by the Contract. It is illegal.” No matter where we went, the watchful eyes of the domestic helpers would spot employers’ violations of the Contract.

Once we left the village and started to wind up the hill we entered more tropical vegetation and trees. There were small plots of cultivated land with various crops growing. Clusters of houses, covered in many instances with pretty pink, green or cream

tiles, like mosaics, all seemed to have some vegetable garden nearby. Other houses were plastered and painted in bright colours or left white. Some, however, seemed more like shacks with rusting tin roofs. There was a natural untidiness about the island. “Oh, this is like home,” Tina said. “It feels so good here!” Wana added. There was an immediate chorus of agreement from everyone walking with us. They excitedly pointed out the various tropical plants, flowers and trees, such as the bananas, papayas and tropical vegetation, saying they were the same as at home. They were all obviously enjoying the rural openness and the fresh sea breezes of the island after the stifling, humid air of urban Kowloon. Unable to explore Hong Kong outside the area in which they had worked, some were surprised at the similarities to their own homes. There was a new energy about them all.

We made our way across the island to a very nice public beach with lovely white sand. The sea was shallow with a boom designating the safe area for bathers. There were several barbeque pits and we all crossed over to one at the far end of the beach. The women mingled, laughing and chatting. Wana turned up the volume on her boom box and sang and danced, with others joining in, yet others wandered down to the beach but not too far. None of the women had swim suits since working 6 days a week and 10 to 14 hours a day had left little time to indulge in swimming. Instead they rolled up their jeans to wade in the sea. Hot dogs, fish balls and meat balls were put on the coals and noodle dishes, rice, crisps and fruit, were put out on the picnic table. After eating some women wandered off to the beach again. I discovered that for a number of the women, especially the Asians and Indonesians this was their first time at a beach. One of the Sri Lankan women said “My husband has forbidden me to take part in these public activities. When

I asked why, she responded “He is strict!” But she obviously felt what he didn’t know could not hurt. As groups straggled back to the picnic area more fish balls and chicken pieces were cooked for second helpings; a couple of rush mats were laid down and several of the women went to sleep. It was a lazy day, almost carefree and it was with reluctance that we packed up and made our way back to the ferry for the return journey. If only for a few hours the women had suspended their worries. For the next few days the residents were in a good mood, reminiscing about the day out.

### ***Celebrations***

The major religious holidays were observed with most residents attending their appropriate place of worship followed by a special meal. Ramadan was no exception. When the Muslim residents celebrated Ramadan, they invited the residents, friends and special guests to the traditional feast to break their fast. Most of the Indonesian residents donned their head scarves for the evening prayers, which were led by a young 19-year-old woman. Although scarves, they told me, were not traditionally worn in most of their communities, this was a special day for prayer. The feast was simple with several Asian noodle dishes, chicken, salad, rice, and deserts. Everyone enjoyed the food and the party.

### ***Christmas***

Whilst Davina was trying to decide about what to do, go home or fight her case, she talked nostalgically about her family. She sat on her bunk bed and reminisced about home. She missed seeing her children most as she could not “mmm, share the happiness of every day; mmmm, joy of sharing.” She had missed the joy of Christmas, the cooking, visiting and sharing. When she got home she said she would clean house, make it ready for Christmas, make candy and rice bread. They didn’t usually give gifts but money to

family, friends and god children. She had five god children ages 2 years to 10 years. “Godparents are important mmm, as you pray for all good things , mmmm give gifts on birthdays,” Davina added. She worked primarily to put her children through college, secondly to save money in the bank for a supplemental income so they could live more securely in retirement, and at a good standard. Davina was not really interested in the material life as a means to an end. She had a strong sense of spiritual wealth and happiness in the daily business of living, but a pragmatic attitude to the realities of life. An attitude I found prevalent amongst the Filipinas. To the very end Davina continued to boss me about.

On Christmas Eve the Refuge had a party and invited friends and past residents to join them. There were music and games in the courtyard together with a buffet of macaroni with meat, noodle dishes, green salad and rice. The residents had written a religious play set to Western pop music which they felt had closely-linked words to the nativity story. Several of the residents had dressed up in representational pieces of clothing such as scarves and shawls, or false beards and leaned on sticks, to indicate the character they were portraying. Everyone was laughing and thoroughly enjoying the ‘play’. There was no hint of irony or disrespect intended or displayed in this folk presentation.

Those who could sing or play instruments were called on to perform and, as usual, were very good. By popular demand Elsie was called upon to sing “Feelings.” She had a good voice and sang accompanied by her own taped recording, so the sound was full and rich. As she sang most of the women stopped talking and listened, their faces reflecting a melancholy and I felt they had been transported for a few minutes of nostalgia to their

loved ones at home. As the song ended shouts of approval were loud and boisterous. Another singing contest was for the “worst singer” award. The participants sang with great gusto and lack of self consciousness to the rude comments of the audience. This time I refused to join in! A community gift drawing was held. Those who contributed a gift could draw a gift. There was a mandatory amount of HK\$50 set for any gift. Unfortunately a number of the women could not afford this so they stayed to one side watching as the gifts were passed out, or went upstairs avoiding the moment when they were excluded.

I also escaped upstairs for a little respite and some peace and quiet. I found a number of the women also lying quietly on their bunks or sitting alone. One of the Indonesian Residents on kitchen duty offered me some food, but I declined with thanks. Davina was in the kitchen cooking and came out when she saw me. “You eat!” she immediately said. “Yes,” I replied, “downstairs.” In fact I had eaten little. “Come, you eat,” Davina repeated and disappeared into the kitchen. She returned, with a large pan of roasted chicken pieces which smelled (and tasted) so good. Next she returned with a white bread like dish and although I tried to decline she said “You take home. Tomorrow; breakfast!” So she wrapped up several pieces and gave them to me. Davina started to tell me that she felt picked on. “I seem to be mmmm always working; others mmm enjoy,” she said. I asked if there wasn’t someone helping, “Mmmm, yes, but not all do their work! I do it.” “This is just today?” I asked. “Mmmm, yes, but also other times! I feel . . . always. . . me they don’t...” at which point she stopped, shook her head and hand saying “Not important, not good!” and returned to the kitchen. I believe she felt she was not liked and was kept in the kitchen to work instead of joining in the party. Davina left the next

day, Christmas Day, for the Philippines and home -- not in time to get ready for Christmas but hopefully for Christmas evening with her family. On Christmas morning I unwrapped the food she had given me and discovered it consisted of the rice bread she had mentioned when we were talking about Christmas. It was different and quite nice. I, and others, would miss her busy, bossy personality.

### ***Testimonials and Witnessing***

It was difficult for a new arrival to express herself clearly as she was filled with guilt and self-recrimination. However, as a session progressed, the newcomer would relax as she realized no one was passing judgement on what had happened to her. One of the reasons the Director encouraged the women to start their statements as soon as possible after they arrived was not only to have as accurate a recall of the events as possible, but also because verbalizing their experiences became cathartic and helped the Helper to understand they were not responsible for their employer's actions or that running away from a physically dangerous or abusive situation was the right thing to do.

Within a week or so of arriving at the Refuge the women begin to come to terms with their feelings of guilt at losing or leaving their job and to talk through their confusion, hurt, and shame about letting down their families. After years of living at little more than a survival level at home most of the Filipinas have learned to be pragmatic. Once they came to terms with what had happened, they were prepared to move on. The filing of claims for their legal due helped them to accept their situation. That is not to say that they bore no grudge against their abusive employers, they did, but as they progressed through the legal system and became more comfortable with their surroundings, they built a trust in the other women and their fears diminished. There is an ethos of revenge in the Filipino

culture. It could well be that those who proceed with their legal remedies are not only seeking their just reparations but are also seeking public acknowledgement that their employer was a bad person and she, the domestic helper, gains self-respect by facing her employer in a legal setting.

There was often an air of suppressed excitement among the current residents in the retelling of the new arrival's story. It was as if the long hours of reflection and self-recrimination were alleviated by reliving their own traumas through the newcomer's story. Each new story became a public witness to everyone's personal ordeal, a validation of their own experience and amelioration of their own feelings of guilt as participants in the events. The fear of being found at fault or that perhaps there was something they could have done extra to resolve the problem preyed on them. Elsie expressed this sense of being at fault and trying harder when she said:

“My friend said I should break the contract because of the bad treatment and because my Employer would not pay me my wages but I told her I didn't want to. I just needed to work harder and that maybe it was just an adjustment period between them and me. I thought it would be hard for me to prove anything. Without proof or evidence I thought I should try to cook better and to watch if they changed their treatment of me. But things didn't change and they ordered me to leave.”

The statements filed with the various government agencies and legal venues provided written testimonials of the events leading up to their arrival at the Refuge. Also sharing with others, who had experienced similar problems, they knew they were believed.

Their fellow residents could bear witness to their pain and confusion at the harsh and sometimes cruel treatment they had received at the hands of their employers.

### ***Waiting for Justice***

Sitting around talking quietly, the question, “Why do the Chinese treat us like animals?” is raised. There are understandable anger and frustration in the statement. “We are human beings.” “We are not objects.” “We have feelings.” It is a question asked in many ways as so many of the Filipinas feel they are treated as objects, less than human, in their employers’ social landscape.

Once again, the Refuge returns to its dull routine, the interminable waiting and hoping for claims to be settled. Waiting for justice in the Labour Tribunal and the court, the residents have faith that once they can tell their side of the story and confront their abusive employers, they will receive justice.



## *CHAPTER VI*

### *Searching for Justice*

The foreign domestic helpers at the Refuge spilled down its steep, dark stairs on their way to take care of legal business at the various government agencies with which their lives had become further enmeshed. They ducked and dodged between and amongst lines of laundry, large checkered plastic bags and suitcases stacked along the sides of the landing and narrow staircase. Each weekday morning the scene is repeated, varying only in the number of women going out. On this day the group was quite large and included women from the Philippines, Indonesia, Sri Lanka and India, all seeking justice for the various abuses to which they had been subjected by their employers. The women sang out responses to questions from small groups of women clustered together in various private corners of the crowded, general area of the Refuge. “I have a hearing at Labour!” “I’m going with Marie. She has to file her Statement!” “I have a reconciliation meeting!” “I have to renew my visa -- again!” Laughter followed the women as they teased each other and called out wishes for a good outcome, each resident only too conscious of the ordeal they had to face. Others watched the exodus in silence. Endless weeks of waiting to hear from the Labour Tribunal, or the Immigration Department, or the courts about their cases were punctuated with days like this as the domestic helpers started yet another phase in

their quest for justice through the Hong Kong legal system. Filing a claim against an employer is a very personal decision. There is no requirement to file and some Helpers are too intimidated by the idea of going through the legal process, or have no independent hard evidence to support their claims, or the amount due to them is insufficient to be worth the time and money it would take to proceed with a claim.

Knowing little of the trauma the residents were masking behind their jocularity, an outsider observing the women spilling out onto the busy, noisy Hong Kong street could well be forgiven for assuming they were happy and carefree. In some respects they were, they had new friends and companions who cared about them, who had experienced similar abusive treatment as themselves, and who shared their fears and emotional struggles with the circumstances which had placed them in their current predicament. The women's noisy entrance into the world outside the refuge was greeted with some disapproving looks from the locals hurrying by the house. The conduct of the women was seen to be inappropriate -- obvious domestic helpers should be quiet, demure and unobtrusive.

As migrant contract workers in Hong Kong, foreign domestic helpers are entitled to the protection of and access to various State agencies and services such as the Labour Department, Immigration Department, Police Department, and the court system. However, the Philippine legal system is different than that of Hong Kong, the former being based on the American legal system and the latter on the British, but each system has embedded within it their own national cultural mores and traditions. For example, at a "Know Your Rights" seminar one of the Filipino lawyers remarked,

"Can you imagine being able to sue your employer in the Philippines?

Well, you can here in Hong Kong."

Nevertheless, both systems rely upon precedent case law, hard evidence and eye-witnesses. Immediately there is a problem for the foreign domestic helpers since they are often the only person working in an employer's family home. As discussed earlier, there are rarely any witnesses to the events, and frequently the evidence for payment of wages is in the form of falsified receipts typed on signed blank pages or receipts showing different amounts than that received, all of which were signed under threat of termination, and then used against the Helper. Bruises from being hit can be dismissed as self-inflicted or accidental. Sexual assaults are too frequently dismissed as "consensual".

Moreover, most Filipinos have never been involved with any legal system and they find themselves in an unfamiliar environment. Armed only with their own knowledge of the events which occurred behind closed doors, and the justness of their claims, the domestic helpers can find the residual pomp of the British style of jurisprudence in Hong Kong and the aggression of their ex-employers quite intimidating in the hearing process. Added to the stress of facing their former employers are the strictures against the presence of legal counsel at the Labour Department hearings and in the Small Claims Court, which is detrimental to the Helpers' prosecution of their cases. What is more, an embargo against working during the claim and hearing process is a particularly onerous restriction which results in many of the Helpers being unable to pursue their claims. Even if they stay in a safe house which is free, they still incur legal filing fees, visa renewal fees, and the cost of minimal personal items. Without a source of income, the no work restriction forces many Helpers to either go home, or to settle their claims quickly at less than the amount owed.

## ***The Labour Department***

The complaints filed with the Labour Department by the Filipinas concern breaches of the Contract terms, such as non payment of wages, early termination without pay, or non payment of airfare to the Philippines. There are a number of Labour Department offices located in the different areas of Hong Kong and any employment complaint is filed in the office serving the area in which the Helper worked. The first step in the process is to prepare a brief statement outlining the events concerning their termination and the amount of the claim, which the residents at the Refuge spend their first week preparing, then file it with the Labour Department. This is then followed by a conciliation hearing with a settlement officer at which the parties are encouraged to come to a mutual agreement to settle the matter. This is not a court in the sense of judge, jury and advocacy, it is an informal mediation which is thought to be easier and faster, and incurs the least cost to the parties and the State, in that it avoids a protracted court procedure. Should no settlement be reached at this preliminary stage, then the case is sent to either the Labour Tribunal (Tribunal) or The Minor Employment Claims Adjudication Board (MECAB) which are more formal venues with a Presiding Officer, whose decision is based on the facts and the merits. The prime difference between these two venues is that the Tribunal adjudicates claims of HK\$8,000 or more, and MECAB less than HK\$8,000. Both, however, are limited to breaches of the Contract and any matters outside the terms thereof are referred to other jurisdictions for determination.

## ***Labour Relations Service (LRS)***

Every weekday foreign domestic helpers from the Refuge and around Hong Kong travel to the LRS to file their statements. On the occasion described above, the group

from the Refuge was unusually large, consisting of approximately 12 residents, five of whom had various matters to attend to at the LRS, with several other residents accompanying them for support, and also two others who were preparing their own statements for filing. The Refuge encourages new residents to go to the LRS to familiarize themselves with the process. The chatter and jocularity on leaving the Refuge had quietened down on the MTR journey to Prince Edward station. We manoeuvred through the throngs of people in the narrow streets of Mon Kok and those milling around the entrance foyer of the Prince Edward Building where the LRS offices were located. On the 19<sup>th</sup> floor we were met by another volunteer, Penny, a Canadian Chinese woman, who was going to prepare the Filipinas for their respective hearings. Penny had been in Hong Kong for several years and worked primarily with the less advantaged Hong Kong Chinese who needed help with the bureaucratic maze to file welfare claims at the various government offices, and yet she still found time to help the foreign domestic helpers.

Our group moved through the reception area which was crowded with mainland Chinese construction workers, all sitting quietly waiting for their name to be called. There was little conversation going on, and that in low, subdued tones, disturbed periodically by the universally tinny tannoy announcement calling some individual name or number, and giving instructions of where to go. The comings and goings of complainants provided many of the waiting petitioners with a minor distraction whilst a few others read newspapers. The reception room was grubby with a neglected, impersonal atmosphere. Rows of hard, black moulded plastic chairs were set to one side of the large room. Beyond this area were two small conference rooms for counselling sessions. The other half of the reception area was set off by a long counter with glass partitions, behind which

the Department employees conducted the business of processing the paperwork and taking filing fees through a narrow opening at the bottom of the windows. There was a robotic quality with little cordiality evident between the Department employees and the applicants

Different hearings were scheduled for our group, so everyone crowded into the conference room and Penny talked to each of the women about her particular case -- from conciliation hearings to Elsie's full Tribunal hearing. To get this far in the proceedings had taken a lot of courage on the part of the women and now, as they faced the official hearings, they seemed to retreat into their own thoughts. They hardly looked at each other and kept their eyes down as they listened to what was being said, nodding occasionally. They asked very few questions. Finally, Penny reviewed Elsie's case with her and carefully explained what to expect. It had seemed so routine and easy at the Refuge with counsellors and friends helping and encouraging them. Now the reality of it all was setting in. The women were subdued as they dispersed to file papers or to wait outside the appropriate hearing rooms, each accompanied by at least one resident from the Refuge.

Gloria took Marie and Carla to one of the windows to help them file their respective preliminary Statements, to pay the filing fee and to help them fill out the requisite filing form which gives the contact address and phone numbers for notification of a hearing date. Once complete the Helper is given a receipt acknowledging the filing which she then has to take to Immigration as quickly as possible to obtain a visitor's visa to extend her 14-day stay upon termination. After filing a Statement with the LRS, the Helper is sent a notice by post setting a date for a conciliation hearing with a settlement officer.

### ***Conciliation Hearings***

When Julie had to attend her second conciliation hearing, she asked me to go with her. At the first hearing her Employer claimed he was too busy to attend in person so a telephone conference had been held. Apparently he had been angry during the conference and no settlement had been reached. He had agreed to attend a second conference which was set for 9:00 a.m. the following day. We waited until 9:20 a.m. before a Settlement Officer called Julie and her Employer to come through. We went into a small, simply furnished office with a desk, a computer, and two small bookcases. Two chairs were placed on the opposite side of the desk to the Officer. A third chair was set to one side and this was brought forward for me, which I set slightly back from Julie and her employer not wishing to be intrusive. The Settlement Officer was Chinese and both Julie and her former Employer were Indian. The meeting was conducted in English as all the parties were fluent English speakers and no one felt the need for a translator. When the Settlement Officer asked for my name and the purpose of my presence, I started to say I was a volunteer with the Mission when Julie interrupted and said I was her witness, thus drawing me into the events in an official capacity. The Employer then interjected that he had an appointment to go to and hoped this meeting would not take long.

The Settlement Officer started the hearing with a review of the present state of the settlement negotiations, which she read from her computer. The first hearing had adjourned with the Employer's offer of HK\$5,000 on the table to settle Julie's claim for HK\$16,000. The Settlement Officer then asked if the situation remained the same. Both parties said that it did. She then turned to Julie and asked:

“What will you accept to settle this matter?”

“Sixteen thousand! That is what I am owed under the Contract.”

The Settlement Officer then turned to the Employer and asked,

“What are you willing to pay?”

“Five thousand. That is the total.”

The Settlement Officer then addressed both of them saying,

“I remind you that if this matter cannot be settled here it will go before a

Presiding Officer and either of you may not get what you want.”

Julie started to argue that she had worked with the family and been terminated without wages, that she had been made to work on her days off and that she had not been paid the one month’s wages in lieu of notice, nor her airfare home. The Employer then retorted she was only entitled to the last month and days off. With raised voices, they continued to argue until the Settlement Officer found a pause in which to reiterate calmly that she was not there to determine the merits of the case, only to help them to arrive at a settlement of the matter.

“There is no right or wrong here,” she said, “only what you will both agree to.”

The Settlement Officer went on to remind the Employer that he was obligated under the Contract to pay the airfare and asked if he was willing to do so? “No!” he retorted. The two antagonists were stubbornly refusing to negotiate. I was surprised at the defiance expressed by Julie in her words and in her attitude as she was quieter and less aggressive amongst her friends at the Refuge. It was perhaps this attitude which was angering her Employer, as well as his resentment at being brought before the LRS to answer to his former domestic helper. He appeared to be trying to put Julie “in her place”



by his haughty tone of voice and attitude. Julie once again stated her Employer must pay for her ticket home. The Settlement Officer reminded him that he was obligated to do so. He then said that if he was free to buy the ticket he would consider doing so. He explained:

“I have a travel agent who gets me good deals on international tickets. I just sent my sister to India and it cost HK\$5,000 return.”

“No! I want the money. I don’t trust you.” Julie said

Again, her Employer refused to give her the cash, adding,

“I know what you are up to Julie!”

“What do you mean?” Julie responded, “I simply want what is right!”

The Settlement Officer turned to the Employer:

“You agree to buy the ticket to India?”

“Yes.” He said, reluctantly.

“You also agree to pay HK\$5,000 cash?”

“Yes,”

“Julie, what will you accept?” the Settlement Officer asked.

“If Mr. K is willing to buy the ticket and pay you HK\$5,000 will you accept this?”

“No, I want the money as I don’t know what date I will be flying home.”

“You tell me the date and I’ll buy the ticket for that day,” her Employer retorted.

“I don’t know,” Julie reiterated.

“Miss Kennelly,” said the Settlement Officer “can you offer any advice to this discussion?”

I was taken by surprise and totally unprepared for this appeal. Now I looked at Julie and then at her Employer. Since Julie and I had talked about the cost of airfares to India, I knew it was just over HK\$4,000 for a one-way journey. I, therefore, said that I believed the fare to be at least HK\$4,000 and that a ticket could be bought with an open date or, at best, with a date that could be changed without penalty. The Employer again balked at the idea of any flexibility in the ticket but at least he was now talking about buying one. I added:

“The ticket should not be a consolidator or bucket shop ticket and should have flexibility as Julie has been in Hong Kong for a long time and not only has to arrange her affairs but say goodbye to friends.”

The Settlement officer asked the Employer again if he would give money to Julie instead of the ticket. He was very angry, but very controlled, as he realized he was in a no win situation. He again accused Julie of having an ulterior motive but when challenged he refused to say exactly what he meant. He gave in and agreed to pay HK\$9,000 in cash, to include the air ticket. The Settlement Officer then turned to Julie and asked if she would accept this and she agreed. A Settlement Statement was signed by each party and I was asked to sign as Witness.

The Employer thanked the Settlement Officer and left to give his cheque to the Finance Office. The Labour Department notifies the claimant to collect the money as soon as the funds have cleared the bank. Julie's Employer came back with a receipt and gave it to the Settlement Officer. He turned to me and politely, almost congenially, thanked me for my participation. He then asked for my telephone number saying he was

interested in the work done by the Mission and I advised him that he could contact me through their offices.

Julie was pleased with the settlement, but when we returned to the Refuge, the Director was disappointed as Julie's original claim was for HK\$16,000. The result of Julie's case is typical of most of the conciliation hearings. The various support organizations, their staff and the volunteers are conscientious in making sure the domestic helper claims all that is due her, given her specific circumstances, but does not exaggerate those claims. To do so might jeopardize a full settlement and run the risk of criminal charges, but it also means the Filipinas settle for less than their due in the conciliation process.

The warning expressed by the Settlement Officer, that if the parties go before the Presiding Officer for a full Tribunal hearing one of them could well lose everything or even have to pay more, discourages the Helper from going forward with her claim. She is often intimidated by this scenario and just wants the ordeal to end. The Officer is obligated to make this statement but the idea of losing everything is a strong incentive for the domestic helpers to settle their claims, even if it is for less. So, too, the Employers do not want to spend time away from their jobs and do not want to go through a protracted procedure. Also, accepting a negotiated settlement removes any culpability from both parties and any penalty which might be attached to the violation of the Contract terms is voided. For the period of my fieldwork I did not hear of any employer who had to pay any of the statutory penalties for breach of the Contract terms, as set out in the Employment Ordinance.

Moreover, in Julie's case, the Settlement Officer had proceeded as if the HK\$5,000 wage settlement was acceptable to Julie, but in fact she had refused the offer at the beginning of the hearing and it was never brought up again as a separate item for further negotiation. Instead the Settlement Officer had concentrated on the air ticket and incorporated the HK\$5,000 into the amount of the total cash settlement. It can be argued that Julie could have pressed for more money but in the end it was Julie's decision and she lost HK\$7,000 of the total amount due to her. There are so many stories from other Helpers who have had similar results to Julie's that the settlement negotiation system can be seen to be more detrimental to the domestic helper than to the employer. In this way, the judicial system colludes with dishonest employers and is tantamount to legalizing cheating. Even in the negotiation process itself, for example, Julie's former Employer still exercised more control, as the Settlement Officer unconsciously deferred to the established social hierarchy when she addressed Julie by her first name and her employer by his formal name of Mr. K, as she did to me.

In Julie's case, her employer refused to give her a full cash settlement as he was sure that Julie did not really intend to return to India. In fact, she already had a new employer ready to sign a Contract with her. This, of course, was what her Employer was alluding to when he first refused to buy the "open" ticket or pay the equivalent cash saying he knew what she was up to. Rather than just pay her the amount he owed her, he just wanted to punish her further. The Contract terms, however, specifically state that an employer must pay for the Helper's return ticket and travel costs to her home, as reiterated by the Settlement Officer, and the employer cannot renege on this particular contractual obligation, no matter what the Helper intends to do.

Later Julie explained to me that she was a Christian and was earning money to build a church at home in India. Her husband had abandoned her and remarried (without any formal divorce) and her children preferred to live with their father. She had helped them financially until they were old enough to work and get married and now she wanted to concentrate on saving money toward building the church and to set up a support organization for Asian Helpers in Hong Kong, similar to that of the Filipinos.

Mr. K probably eventually agreed to pay cash instead of buying the airline ticket to avoid taking any more time away from his business as it was obvious that Julie was determined to get her payment in cash. As it was, her employer paid HK\$7,000 less than he owed her. Had Julie and her employer failed to come to an agreement, they would have had to appear before the Tribunal for a more formal hearing.

### ***The Labour Tribunal***

Unlike the conciliation hearings, the Tribunal's remit is to hear arguments concerning breaches of the Contract and the Employment Ordinance and to render a decision taking into account the merits of the case. As mentioned above, the Tribunal hears cases when the claims are HK\$8,000 or more. As no lawyers are permitted, the foreign domestic helpers have to rely on the advice of volunteer paralegals, such as Penny, or one of the volunteer Filipino counsellors, before they go to the hearing. By denying legal representation or assistance at the hearings, the system succeeds in further alienating the already nervous Helper who is ignorant of the foreign judicial system, thus placing her at a disadvantage. It can be argued that the job of the Presiding Officer is to ensure the rights of both parties are protected, but with only a simple Statement and Reply to guide

him, the questioning tends to be rote and impersonal and the employer is usually more fluent in arguing his or her case.

Translators are provided for the hearings, and posted outside the hearing rooms the case notes invariably list an interpreter. In such an international society there are numerous foreign languages as well as a number of different Chinese dialectical languages, as many of the imported Chinese construction workers do not speak Cantonese. For the Filipinas an interpreter is always requested but usually only Tagalog speakers are available and some of the Filipinas do not speak their own national language very well, relying on their regional language and English in which to communicate. Most often the Filipinas' cases are conducted in English, and Cantonese translators are available to the employers if they do not feel confident about their own English. The use of third party intermediaries further adds to the sense of separateness and alienation of the individuals involved, yet also paradoxically provides a sense of support, of having someone at one's side who speaks for them. I had advised Elsie, who spoke fluent English, to use her interpreter as a means of giving herself time to "think" about her answers.

Elsie had already gone through the conciliation hearing process with her former employer to try to get her claims paid but they had failed to come to any agreement. She was claiming wages and compensation for the full three months she had worked, a month's salary in lieu of notice and other contractual monies totalling approximately HK\$15,000. Penny had accompanied her to the conciliation hearing but Elsie's employer had refused to continue in Penny's presence and had yelled at her to "get out!" Penny said he was really rude and very aggressive. Since a witness can only be present with the permission of both parties, Penny was forced to leave and wait outside. During a break

in the conference, when everyone stepped out of the office, the employer had been verbally abusive to both Elsie and Penny in the corridor. Now Elsie was about to face him again before the Presiding Officer in a full Tribunal Hearing -- win or lose.

As we waited outside the locked hearing room, Penny continued to give Elsie more instructions on what to expect, and the importance of including various aspects of her case. Elsie was understandably very nervous but also very determined to get her money. She had mentioned to me that she had tape recordings of the final argument when she was ordered to leave her employer's home. Now Elsie mentioned them to Penny and that they supported her claim of asking for her wages yet again and her employer could be heard telling her to "Go! Get out!" He had insisted she leave immediately. When taking Elsie's Statement I had suggested that she try to get these tapes introduced into the official record. Many Western-style court systems do not allow tapes into evidence unless there are very special conditions and although we fully expected the Presiding Officer to refuse their admission we hoped that they might be admitted as evidence of the nonpayment of wages over the 3 months she was employed, and termination without notice or compensation in lieu of notice. As soon as Penny heard about the tapes, she also advised Elsie to get them admitted into evidence.

The interpreter arrived and introductions were made. She told Elsie that she was there only to ensure Elsie's words were clear and accurately recorded and for Elsie to understand the Presiding Officer and defendant clearly. She emphasized again that she was not there to give any form of legal advice. The interpreter was told about the tapes and she reassured everyone that she would make sure they were introduced. As time drew closer, other individuals with cases scheduled for the same hearing room started to arrive.

Elsie's employer stood apart talking on his mobile phone. Elsie became more nervous and Penny reassured her that we would be there with her offering moral support.

### ***Tribunal Hearings***

The time set for Elsie's hearing came and we all filed into the room when the Clerk unlocked the door. The hearing room was long and narrow and set up similar to a courtroom. The end wall was dominated by the large, round, red Seal of Hong Kong below which was the oversized red, plush Presiding Officer's chair. In front of the Presiding Officer's bench was another lower bench where the Clerk sat, slightly to one side facing into the courtroom, her back to the Presiding Officer. In front of that there was yet another long bench where the petitioner and defendant sat at each end facing the Presiding Officer with their backs to any spectators, thus creating an inward facing arena of action. The arrangement separated and distanced the Presiding Officer from the parties and set him above everyone else both physically and symbolically. The Clerk occupied the liminal space, moving between the Presiding Officer, handing him files and exhibits, and various documents to the parties for review during the course of the hearing. The communications between and amongst the petitioner, the defendant and the Clerk were directed to and by the Presiding Officer. The physical arrangement and the restricted communication amongst all the individuals succeeded in isolating the Helper from any supporters sitting on the benches at the back of the hearing room behind yet another dividing partition.

The Clerk made her way to her work area and began to sort through files for the day's scheduled hearings, starting up the computer. Elsie sat with us and the Clerk came over to verify Elsie was the petitioner and that her interpreter was present. She spoke with



the Employer and obviously verified his identity. She then directed both of them to sit up at the bench. Elsie's interpreter accompanied her and they spent the next few minutes conferring quietly about the case. The interpreter had only briefly reviewed the file and was not very familiar with the case.

The Presiding Officer entered, wearing black robes, and seated himself in his large red chair. At the beginning of the hearing, Penny and I were taking notes when the Clerk suddenly jumped up, ran across the courtroom and in a loud, strident voice said "No, writing! Not to write!" "No!" Penny was seated in the front row of benches and acknowledged the admonition, since I was further back the Clerk only glanced at me but made it clear that I too was included. We stopped taking notes.

In his opening remarks and throughout the hearing, the Presiding Officer showed his cultural bias of women's and domestic servants' lower status, as had the Settlement Officer in Julie's conciliation hearing. He always addressed Elsie by her first name and her Employer by his formal family name, placing her in a socially inferior position. Elsie's claim was fairly simple thus none of us were expecting the deviousness of her Employer. The Presiding Officer asked Elsie to tell him about her claim in her own words and she became very nervous. She talked to her interpreter in Tagalog who relayed the details of Elsie's story to the Presiding Officer in English. Unfortunately, because of her nerves, Elsie started to tell her ordeal over the entire 3-month period of her employment. She was giving all the details she had included in her 14-page statement about how she had kept asking for her salary but had only received HK\$2,200 in total and how each of her employers had repeatedly told her to go and ask the other each time she asked for her wages. The Presiding Officer got a little impatient and pointed out that she had already

filed a very long statement and he only wanted a brief summary. At this point Elsie became quiet and the Presiding Officer turned to the Employer and asked him for his explanation.

Elsie's former employer explained that he had given his wife the money with which to pay Elsie's wages and his wife assured him that she had done so. However, she was not present in the court to corroborate his claim. He argued that his wife was a kind and caring person and would not have failed to pay Elsie her wages. Then he suddenly produced a Promissory Note ("Note") for HK\$15,000 which he claimed was for a loan he had made to Elsie. We all gasped (giving occasion to sharp glances from the Presiding Officer and the Clerk) because we knew this was a fictitious loan. The Note was typed on a piece of paper bearing her signature and the Presiding Officer asked Elsie if she had seen this Note before. To which she responded that she had not. We all knew that Elsie had been forced to sign three blank pieces of paper when she first arrived at her employer's house, which fact she had included in her Statement. Now it appeared Elsie's employer had typed a false financial obligation, to the value of her claim against him, on one of those pieces of paper! The employer claimed that because of his wife's kindness he had tried to help Elsie as she was concerned about her children in the Philippines and needed money for them. Under questioning from the Presiding Officer, Elsie admitted that the paper bore her signature but denied signing a Note or ever receiving or requesting such a loan and reiterated that she had been made to sign three blank pages when she first arrived to work for her employer. The Presiding Officer then asked her why she would sign blank sheets of paper and Elsie explained the threat of sending her back to the agency

and thus back to the Philippines if she did not sign and that she needed the job. The Presiding Officer said:

“Regardless of the circumstances, you admit that this is your signature?”

“Yes.”

There consistently appears to be a failure on the part of the Tribunal officials to understand, or perhaps blatantly to disregard, the vulnerability of the Helpers, their dependency on their jobs, their isolation, and the pressure they are under to sign blank pages. Such situations are quite common and the Presiding Officers must be familiar with the practice of unscrupulous employers in falsifying payment of wages and the various ploys, as in this case, to invent payments of indebtedness.

Elsie explained that she had receive HK\$2,200 and that HK\$200 had been deducted for a dress her employer had accused her of ruining; although Elsie claimed someone else in the flat had been responsible. Also during the cross-examination, Elsie said she knew her female employer had HK\$50,000. She also said that a lot of cash was kept in the safe. She argued that she knew they had the money to pay her. The Presiding Officer indicated his disapproval of Elsie’s knowledge about her employer’s finances when he curtly interrupted asking how she knew this. Elsie explained that her female employer had given her a bank number and instructed her to deposit a check into that account.

Elsie was also claiming medical expenses for a burnt eye. The Presiding Officer asked her to explain the circumstances and Elsie described how the daughter of the household had turned a hot hair dryer on her and had burnt her eye. She had told her female employer who had dismissed it as not being serious. When other Filipinas at the

school bus stop saw that her eye had become infected and was weeping, they said she should go to the doctor and told her of one in a nearby building who was known to be good. Elsie had to pay for the medicine and doctor's fee herself. Her male employer had told her that should she ever need a doctor she should tell him as his brother was a doctor, but Elsie did not trust her employer. When he heard in the hearing that she had gone to another doctor he became angry and told the Presiding Officer she should have told him. Elsie reiterated that she had told Ma'am as he was away in China.

The Presiding Officer appeared to be irritated by the wrangling between Elsie and the employer. He asked the employer if he would pay for the medical expenses, to which the employer agreed. He continued to insist that Elsie owed him the amount of the Note. The Presiding Officer then asked the employer why he had not entered the Note into evidence sooner when he filed his counterclaim. To which the employer did not appear to have a good reply. The hearing was adjourned for lunch and the Presiding Officer told the employer that if he wanted to enter the Note into evidence he could do so over the break. We left the building and went in search of a McDonald's. Everyone was upset by the sudden presentation of the fraudulent Note by the employer. We kept going over the events of the morning trying to second-guess the outcome under the new circumstances. Penny also reminded Elsie she must introduce the tapes as they were very important. When we returned after the lunch break the Clerk asked the employer if he had entered the Note into evidence and when he said he had not she told him to go and enter it into the record. She then went to the Presiding Officer's chambers and told him of the delay. In fact since the Presiding Officer had not directed the employer to enter the Note into

evidence, only told him to decide over the break, the Clerk was outside her authority to tell him to do so.

The Employer returned with the filing receipt and a copy of the Note. The Presiding Officer returned and, with the introduction of the Note as evidence, summarily dismissed the case and removed it to the Small Claims Court. He said a loan was outside his jurisdiction as he could only rule on wages and employment contract matters. He had shown impatience during the hearing, and it became obvious that he did not want to go further with the case and was glad of an excuse to pass it on. We noticed Elsie speaking urgently to the interpreter who indicated to her to wait a minute. During the proceedings, we had waited anxiously for Elsie or her interpreter to bring the tape recordings to the Presiding Officer's attention. After the case was dismissed, the interpreter approached the Clerk to ask about introducing the tapes. Too late! The Clerk said the case had now been closed and they should bring the matter up with the Small Claims Court.

We left the court frustrated by the whole process and very angry that the employer should have lied so blatantly about the Note. Elsie had held up well but had not been as forceful as we knew she could be. The introduction of the Note seemed to have shocked her so that she did not know how to present her side of the case clearly. Had she had legal counsel it is probable she would have questioned why the Note was not brought up in the Employer's Reply to her Statement or at the earlier conciliation hearing, thus casting doubt upon its authenticity. In addition, legal counsel would have known that the introduction of the Note would remove the case to the Small Claims Court and might have circumvented the Clerk's instructions to the Employer to file it. Now Elsie would have

to wait for a hearing before the Small Claims Court. Another delay and more expenses to get further extensions of her visa.

### ***MECAB***

A week later, Elsie and I accompanied Josie to her hearing at MECAB. As mentioned above, when a claim is under HK\$8,000 and is not settled in the conciliation hearings, it is sent on to the MECAB for a hearing before a Presiding Officer, similar to the Tribunal Hearing. After failing to reach a settlement Josie went before MECAB for unpaid airfare and one month's wages in lieu of notice for constructive termination on her part. When we entered the hearing room the Clerk approached us and asked why we were there. We explained we were volunteers with the Mission and knew the Claimant. The Clerk then told us very curtly not to speak and to sit on the benches set against the far wall facing the Hong Kong Seal. The hearing room was less like the court setting of Elsie's Tribunal hearing, perhaps reflecting the lesser amount of the claim, but more formal than the conciliation hearing office. The Presiding Officer, dressed in black robes, sat at the head of a large square table with his clerk at his end on one side. Josie sat with Penny, who was acting as her interpreter, to the judge's left and her employer with her interpreter sat facing Josie.

The Clerk called everyone to order and asked the parties to identify themselves for the record. To everyone's surprise the woman accompanying the employer turned out to be her solicitor. As mentioned above, no legal counsel is allowed in the LRS hearings so to bring her solicitor to act as her interpreter was a ploy on the part of the employer to gain an advantage over Josie. Although Penny acted as a paralegal in preparing many of the domestic helpers for the hearings, she was not a lawyer and she was not recognized as

being legal counsel but being fluent in both Cantonese and English she acted as Josie's interpreter. She would not be allowed to give any legal advice or counsel. The Presiding Officer immediately admonished the employer and questioned why she had brought her solicitor. The employer replied she was also a friend and fluent in English so felt she could interpret for her as her own English was not very good. This turned out to be a lie as when arguments later developed between her and Josie I found little or no fault with her English. The Presiding Officer then addressed the solicitor and warned her that no legal counsel was allowed and that she must be careful and cautious not to give any legal advice and to act only as an interpreter.

The parties were each in turn asked to present their cases. As this was an opportunity to expand on her rather limited Statement previously filed, Josie started to explain that the reason she ran away without notice was because her male employer had sexually harassed and assaulted her on several occasions. The Presiding Officer interrupted her, saying:

“We are here to resolve your monetary claims. This hearing has no power to rule on your charges of sexual assault. You should file a separate complaint with the police and the courts.”

To which Josie replied:

“Yes, Sir. I have filed a report with the police and a separate case has been filed with the Magistry court against my employer.”

For some reason the Presiding Officer seemed a little surprised that she had already filed a criminal action. The employer interrupted, loudly accusing Josie of being a liar and that her husband would never be interested in her. The Presiding Officer interceded and

reiterated that this was not a matter for this hearing. However, it was not possible for Josie to present her defence against her employer's counterclaim for one month's wages in lieu of notice without explaining the reason for running away and thus terminating her employment on constructive grounds. As the hearing proceeded, heated arguments erupted several times between Josie and her Employer regarding the alleged sexual assault. The Presiding Officer had to remind the solicitor on two occasions that she must not give legal advice as she talked with the employer in Cantonese.

After presenting their own versions of the facts surrounding the employment and the termination, the Employer agreed that she would pay the return airfare but adamantly refused to pay the one month's salary Josie was claiming for constructive termination. Then the employer stated she would pay the airfare from Hong Kong to Manila, and HK\$100 for one day's travel expenses. However, Josie pointed out that the contract clearly stated "free return passage to his/her place of origin" and that she lived on Cebu Island, halfway down the Philippine archipelago, not in Manila in the north. The employer then agreed to pay for the ferry from Manila to Cebu. At which point Josie stated:

"If you want me to go by ferry then I will need an additional HK\$100 for another day's travel expenses."

"No.! It takes only a day and meals are provided," the employer yelled, adding that her husband did business in the Philippines and he used the ferries.

Josie responded that it takes nearly 24 hours to sail from Manila to Cebu. At which point the Presiding Officer asked his Clerk to bring him a map of the Philippines. This was not a very useful exercise as it is not possible to determine the amount of time it takes a ship to sail between the two points in question, but I had done this exact journey



a few months earlier and knew it took 22 hours to sail through two nights. Unfortunately, the Presiding Officer was unable to resolve this dilemma and only awarded the airfare to Manila, the ferry to Cebu and HK\$100 for one day's expenses. He dismissed the additional HK\$100 and Josie's claim for one month's wages for constructive termination. No one took into consideration the time to travel from Hong Kong to Manila, and from the airport to the ferry in Manila, thus potentially extending the total travel time into the third day. Josie should have been awarded the additional one-day's travel expenses. The Presiding Officer did dismiss the employer's counterclaim for one month's pay in lieu of notice.

In this instance there was an obvious problem. If Josie had already had her case of sexual assault determined in her favour then the Presiding Officer would have had to concede she was entitled to terminate her employment without notice and award her the month's wages. The hearing could have been postponed until after the criminal case had been settled. By not doing so the Presiding Officer effectively made a presumptive judgement on the veracity of the sexual assault claim which would justify Josie's running away. Thus, once again, a domestic helper lost money to which she was entitled on two counts.

### ***Small Claims Court***

The Small Claims Court is part of the Judiciary and cases are presided over by an Adjudicator. However, similar to the LRS, this venue is also intended to allow individuals with simple cases and limited funds to argue their case without legal counsel. The cases before this court involve additional elements such as the Note introduced into Elsie's case, discussed above, or matters not involving the Employment Contract, such as recovery of

excessive employment agency fees. In addition, the Small Claims court can also make a ruling on the breach of contract claims.

During a post-fieldwork trip to Hong Kong that I made, Elsie told me the Small Claims Court Adjudicator had adjourned her case three times for various matters so it took nearly six months to resolve. She did, however, request that her tapes be entered as exhibits and when the Adjudicator asked her why she had secretly taped the conversations, she explained that she had worked in Taiwan looking after her employer's elderly parent, and that sometimes older people get confused and forgetful and accuse the Helper of stealing or being subjected to abusive treatment when they had not. Apparently the Adjudicator had then asked why she wanted the tapes introduced in this case, E told me she had answered:

“Because they are my witness. My employers have each other to say what they say happened. There is no one to speak for me!”

The Adjudicator adjourned the case to allow the tapes to be introduced as evidence after he directed Elsie to have them transcribed and copies made for the court and the defendant. With regard to the false Note, I had pointed out to Elsie that her signature was right at the bottom of the page at an angle and the text was high up on the page. This is not how people normally sign when the text already exists on the page. They usually sign close to the bottom line of text or on a signature line. Elsie made this argument, adding, she said, that since the page was blank she had signed down at the bottom because she did not know where to sign, and although the Adjudicator did not directly address this point, Elsie felt he accepted her argument. She said that on several occasions she had jumped up, to her full 4' 11" height, waving her arms and gesticulating when arguing with

her employer about the Note and unpaid wages, and called him a liar. In an earlier interview with the Police one of the police women had told Elsie she must call her employer a liar to his face, and when the employer denied his daughter had burnt her eye she had again called him a liar saying that he could not know of certain instances because he was in China on business and that could be proven by the “chop” (stamp) in his passport. He had angrily retorted that his business was none of her concern and that she was “only a domestic helper.”

Her employer did not know that Elsie was a competent business woman, having had several successful small entrepreneurial businesses in the Philippines. When her fish brokerage business had been wiped out by a typhoon, she had been forced to seek work as a domestic helper, first in Taiwan, and then in Hong Kong as there is little or no margin to recover from such a loss. She was not easily intimidated and whilst she may have put on the “domestic mask” when she was working, and was usually very quiet when away from her friends and family, she had a stubborn, steely core. She could not tolerate cheating as she felt she was a very fair employer to her own maid in the Philippines and to her fishermen. She eventually won her case and was awarded all her claims. The Note was dismissed. Her employer was barred from ever again employing a foreign domestic helper. Unfortunately, her employer declared bankruptcy to avoid paying her and disappeared into mainland China.

Elsie continued her fight through other legal avenues, such as the bailiff in the District Court and sought financial assistance from Legal Aid. However, she was unsuccessful in getting legal aid to pursue her case through the District Court as they felt she was unlikely to recover the money. They did not feel justified in spending the money

on a trial, but she was determined to pursue her claim and recoup the monies owed to her. She could not file against her employer's wife as she had not signed the original Employment Contract.

### ***The Courts of Justice***

The Magistry and District Courts are where most of the criminal cases are heard, such as when a Helper is accused of stealing from her employer or an employer is accused of physically abusive behaviour toward the Helper. Far fewer are referred to the High Court where major crimes, such as rape or murder, are heard. A criminal complaint is first made to the police who investigate the incident to decide if there is sufficient cause or evidence to refer it to the State for prosecution. Several of the residents at the Refuge had been physically attacked by their employers and their cases were heard in the Magistry or lower courts. They had been hit or, in some cases, sexually assaulted. In an incident, unrelated to the residents of the Refuge, reported in the news media, one employer who had hit her Filipina Helper on the street was stopped by a passing man, who then called the police to report her. The case went forward to the Magistry Court and the employer was found guilty of assault. In rendering his verdict and sentence, the judge commended the passing stranger for stepping in and stopping the assault.

### ***Courts of First Instance (Magistry and District Court)***

As discussed above, Josie from the Refuge had pursued her case for unpaid wages and airfare through MECAB where the Presiding Officer had ignored her reason for running away and denied her claim for a month's wages for constructive termination. In a social climate where women are considered to be of lesser importance than men, or are blamed for "enticing" the assault, it has been extremely difficult to win a case for sexual

harassment or rape. Without hard physical evidence or witnesses the result of the trial depends upon who is the most believable. In Josie's case she felt vindicated when her employer was found guilty of sexual assault and given a prison sentence of six months. The judge had told Josie that he was finding in her favour because she had been consistent throughout the proceedings.

Two other physical abuse cases brought before the Magistry courts, also resulted in guilty verdicts and jail sentences. Sati's employer was found guilty of burning her neck and leaving serious scars. Ati's employer, who kicked her nearly to death, was sentenced to 18 months in prison. The permanent physical scars in Sati's case and the medical reports in Ati's case were important evidence supporting the charges. An earlier case in 2000, when a female employer was sentenced to 18 months in prison for severely burning her Helper's hands with a hot iron, had set a precedent for the jail sentences rather than the then customary fine. This latter case shocked Hong Kong residents. For some it was the nature of the abuse, but for many it was the sentence of eighteen months in prison for the employer. It was possibly the first time an employer had been sentenced to jail for severe physical abuse of a domestic helper. When the verdict was entered, the news media carried it as a major story. There was an immediate outcry from the public, particularly by Chinese employers of foreign domestic helpers, who complained that the sentence was too severe and the "crime" did not deserve the punishment. It was felt a fine would have been more appropriate. The severity of the burning and the act of harm were obviously considered irrelevant when it involved a foreign domestic helper.

## ***The High Court***

Very few cases involving foreign domestic helpers are considered serious enough to go before the High Court. However, during the course of my fieldwork two important cases were brought before the High Court. One involved the alleged rape of a Filipina by her employer, an eminent Hong Kong Chinese barrister. The second involved the murder of a Filipina by her former employer, a British Nigerian entrepreneur. I will not go through the full trials as they lasted several weeks but the closing of the trials is of interest here.

In the case of the barrister accused of raping his Filipina domestic helper, the Defence Counsel, upon the verdict of guilty, appealed for mercy before sentencing on the grounds that the Defendant's wife would have to give up her house, take her children out of private school, and go to work to support herself and the children whilst her husband served his sentence in jail. Further, that for the past few months the Defendant had joined his wife's Christian church and regretted his actions [the rape not specified] and that the Defendant had enrolled in a prestigious British university and was pursuing an External Degree in Theology. Counsel also offered letters of support and testimony to the Defendant's good character and integrity from professional colleagues and from the Pastor of his new church. When the Defence Counsel offered these letters of good character, the Director of the Mission passed me a note: "Where are the letters from the Domestic Helpers?"

The irony of the counsel's remarks was not lost on the leaders and volunteers of the Filipino organizations sitting in the gallery. Later wry amusement was expressed at the idea that a well-educated, successful barrister would spend his time in jail acquiring

a further University degree and be able to start another well-paid career upon his release, since upon the guilty verdict he was disbarred from practising law again. Although no hard feelings were felt towards his wife and family, little sympathy was expressed for them as it was doubted that she would have to face financial hardship whilst her husband was in jail. The Filipina, however, would continue to struggle to pay for basic necessities.

More importantly, however, upon the verdict of guilty the Judge had sentenced the Defendant to seven years in jail. The term set by precedent for rape was five years, to which the Judge added one year for an additional sexual assault charge, and one year for breach of trust which, he argued, was implicit in the employer-employee relationship. In a later appeal, the sentence was reduced by one year – the penalty for breach of trust was nullified. Until recently few rape cases had been prosecuted and rarely were employers found guilty of raping their foreign domestic helper. The police investigating the cases were often forced to drop the charges due to the lack of witnesses or irrefutable evidence, such as DNA. In most instances of rape, the Helpers are ordered by their employers to take a shower to remove any biological evidence. It is probable that because the Filipina in this case had the presence of mind to keep a sample of her employer's sperm in a piece of plastic which she had in her pocket that he was found guilty.

The other High Court case was that of the murder of a Filipina by her former employer. Glenda had worked for him and eventually they had become lovers. However, she told her friends he had become violent and she had left him. Because she was afraid of him, the Philippines Consulate had housed her in their safe house. Regrettably her former employer had found her and arrived at the safe house one night demanding to see her. According to witnesses, an argument ensued and two residents testified that they had

seen him standing over her as she lay on the hall floor. The next day when it was apparent she had disappeared, foul play was suspected given the history of the relationship. The police were called and a search was started. The missing Filipina's body was eventually found stuffed into a drain when two of the residents brought a displaced manhole cover to the attention of the police.

The Defendant, a British-Nigerian man of very large stature, was loud, aggressive and rude during the trial, often calling out comments. On one occasion when the two young Finnish students working at the Refuge accompanied me to the trial, the Defendant was crude in trying to get their attention, much to their discomfort and embarrassment. He was usually accompanied by four or five guards, whilst the Defendant-barrister in the above-referenced rape case rarely had more than two guards with him. One argument presented by the Defendant's counsel, was that the two women who noticed the displaced manhole cover had in fact murdered Glenda themselves. He also worked very hard to have the blood evidence dismissed as being contaminated by the police during their investigation. However, the jury found the Defendant guilty of the murder and he was sentenced to life in prison.

The rape trial of the barrister was usually quite well attended by members of the Filipino community, the press, members of his family, and friends. However, few people were interested in the murder trial of a Filipina domestic helper. Throughout both trials members of various Filipino organizations and the Mission's staff and volunteers made every effort to ensure there was always someone in attendance each day over the length of the trial, but sometimes other priorities prevented them from attending. On several days I was the only witness to the proceedings on the behalf of the murdered Filipina. Sitting



alone in the gallery, no press, no relatives, and no other interested parties present, watching the judicial process unfold was an eerie, lonely and inexplicably sad experience. The trial was conducted primarily in English, and Cantonese when necessary. It proceeded according to a script performed by a cast of international characters -- the British-Nigerian defendant, the British judge who was dressed in full red robes, with a long white wig, the Hong Kong Chinese members of the jury, the Defendant's Australian barrister in black robes, who did not wear a wig, and the British state prosecutor, also in black robes, who did wear a wig, and their Chinese and British clerks. It is probable that all the participants were Hong Kong residents and reflected the multicultural nature of Hong Kong's society. The examination of witnesses, delivering arguments and stating of facts, producing evidence and following procedures for the benefit of the jury and the court record, whilst the defendant listened, was not unlike watching a final dress rehearsal of a dark tragedy in a cold, empty theatre.

In each of these cases, on the day the verdict and the sentencing of the Defendant was delivered, the galleries were once again crowded as the press corps took notes for the next day's news. Justice was served, but other than the Filipinos present -- one is tempted to surmise -- there was an indifference to the wrongs perpetrated against the Filipina Domestic Helpers. Only the verdicts and sentencing of an eminent local barrister and a murderer were of interest.

### ***Hong Kong Government Agencies***

Few foreign domestic helpers have contact with the legal system outside the Labour Department. However, they all interface with several of the government agencies and departments, the most important being the Immigration Department. On arrival, their

first contact with Hong Kong society is the Customs and Immigration officer, the gate keeper of Hong Kong. These officers ensure that all individuals entering the country meet the legal requirements to enter the city-state which, for the Filipinas, is a fully executed Employment Contract as a domestic helper .

### ***Immigration Department***

The Immigration Department controls the legal status of foreigners crossing Hong Kong's geopolitical boundaries. It processes the employment contract, which permits foreign migrant women to work in Hong Kong, prior to their arrival, and forwards the signed document to the employment agency in the sending country. Each time a Helper completes her two-year Contract she is required to return to the Philippines, even if she is entering into a Contract with the same employer. Otherwise she must find a new employer, pay more fees to an employment agency, and await her new Contract. If she wishes to claim an exception to this rule, her employer must file a renewal contract and get permission from the Immigration Department. On arrival, armed with their signed employment contract, the foreign domestic helpers have their working visa stamped in their passports. The two years start with the date stamped in her passport.

As discussed earlier, in the event a Helper is terminated early and has cause to file a complaint against her employer, the Helper must apply to Immigration for a change in her visa status, from 'working' to 'visitor', and meet specific conditions, such as those enumerated above. However, a request for a change of status may also be filed in the event an employer is emigrating from Hong Kong before the Contract is completed, or the employer has incurred financial difficulties and can no longer afford to keep the Helper, and, of course, the death of an employer. As mentioned above, as soon as the Helper files

a Complaint with the Labour Department, she must take the receipt over to Immigration as proof of a legitimate request for an extension of stay.

“Go, sit!” The abruptness of the Chinese speaking English always comes as an uncomfortable shock to Westerners in Hong Kong. Such bluntness seems to be said more loudly and sharply by government department employees, and the Immigration Officer who ordered Aileen from the Refuge and me to take a seat in the waiting area, was typical of this bureaucratic style. I had accompanied Aileen from the Refuge, when she went to request a visa renewal after termination. Unfortunately, Aileen had left her decision as to whether or not to file a complaint with Labour until two days before the 14-day rule expired. We had arrived at the Immigration Department early as the women at the Refuge had said getting a visa was a slow process. We first lined up at one of the windows to explain our purpose to an Immigration Officer. After about 20 minutes it was our turn and Aileen explained she was filing a complaint against her employer and wanted to renew her visa. The Officer took her passport, flicked through it, then gave her a form to complete. We went to one side to see what was needed. Aileen’s English reading and writing skills were poor so between us we filled out the details, then rejoined the queue to process the completed form. Whilst we were waiting two other women from the Refuge appeared and asked me to help them understand the form, which I did whilst Aileen stayed in line. Several other Filipinas, who we did not know, seeing me help others, also asked me for help. There were many different nationals waiting in line and there was no one available to assist anyone who might be having trouble completing the form. When we again reached the window, the form was checked and was returned together with a number on a ticket. We were told to go to the waiting room. Searching around we found a large hall

with rows of hard chairs set across from a working area separated off by the usual counter and the glass panels we had seen at the LRS. There were hundreds of people waiting, many who looked as if they might be domestic helpers, others who appeared to be Western business people, and others who did not fall into any of our stereotypical categories.

After about 30 minutes Aileen's number was called and we went to the window indicated. Aileen sat down on the low stool set before it. The uniformed officer behind the glass petition took her form and remained standing, thus looming over her behind the glass. He asked me if I was the employer and when I said "No", he proceeded to ignore me. Aileen had trouble understanding his English and on several occasions I restated what he said using different phraseology. Eventually, he said to take a seat and wait until we were called again. However, he indicated that Aileen could get a new visa.

Watching the activity behind the glass, I noticed that files were being brought to the various officials sitting in the large working area. I realised that everyone who had a legal visa had a personal file. Almost an hour passed, during which Aileen became more nervous as her time was short and she would have to leave Hong Kong the next day if she did not get a new visa. When her name was called, we went to the numbered window indicated. A different officer was now taking her request and he abruptly told me to leave. I explained that Aileen had difficulty with English but he refused to let me assist her. Another five minutes passed during which it was obvious that they had been having trouble communicating. Aileen returned to the seating area in tears. Several other Filipinas from the Refuge had joined us and were waiting for their turn. We all asked Aileen what happened and she explained in Tagalog (translated for me) that the officer had refused to give her a new visa, saying she would have to leave Hong Kong. One of the

other Filipinas went with her when her name was called again to let the officer know that the earlier officer had said Aileen could have the visa but she was loudly told “No! It is the law! She leaves tomorrow. It is the law!” After another long wait her name was called again and she went to collect her passport which had been held whilst this whole scenario was taking place.

Because it was a Friday and time had almost run out for Aileen, she had taken a copy of her Statement, which she planned to file with the Labour Tribunal. The Immigration official refused to accept this as evidence and would not issue a visa against it. The lower courts and Immigration are only open on Saturday morning until noon, and being a Friday, Aileen had hoped to get the visa to give herself time to file the Complaint on Monday. Now panic set in. However she still had a chance if she filed the Complaint early at the LRS and got to Immigration before they closed. In fact she did manage to get the visa, but because of a lack of clarity in the requirements, combined with the failure of the very first officer to ask to see a receipt from the LRS and advise her she could not get a visa until she filed, time was wasted, not to mention the extreme stress Aileen felt. She very nearly had to go back to the Philippines without the opportunity of redressing her claims against her employer. There was also a problem in that the Refuge counsellors should have checked before she went to Immigration as they also knew she needed to file with the LRS first. Although the local Filipino organizations try their very best to prevent this kind of situation through training and dissemination of information, many individuals get caught in the bureaucratic web and find they have to return to the Philippines.

The change in the visa status from a legitimate worker to that of a visitor means that foreign domestic helpers can no longer work and earn money. Also, the new visa is

issued for a limited time, usually to coincide with the completion of the initial Labour Tribunal's hearing. If there is a problem or unforeseen delay at the LRS, the Helper has to return to the Immigration Department to request a further extension, which may only be issued for a week or two, depending on the humour of the Immigration Officer. The fee for each visa extension is HK\$135. These conditions are onerous and put additional stress on those Helpers who have been terminated early and have no savings. Prior to 1986 a Helper could stay until the date on her original working visa no matter what date she was terminated, which often gave her enough time to find a new employer through a friend or an employment agency in Hong Kong, or file a complaint against an employer with the Labour Department without having to pay the fee for an extension of her visa.

A local Hong Kong lawyer who assists with legal matters concerning the Filipinas, notes (Boase, 2000:85) that one Filipina whose case took 20 months to resolve, paid HK\$1,000 in fees for the multiple extensions to her visa. He further argued that these fees are financially crippling for the foreign domestic helpers. Elsie, too, had to renew her visa 19 times to process her claim through the LRS and the Small Claims Court for a total of HK\$2,700. These fees are in addition to the filing fees for their legal cases. It becomes obvious that the fees are a method used by the Immigration Department to raise money. Boase similarly concludes that it is an arbitrary action by the Immigration Department without merit.

The embargo against working whilst a complaint is being processed complicates any decision a Helper makes concerning the pursuit of a claim for unpaid wages. The majority of Helpers remit most of their money home to their families each month and, therefore, have little in reserve for emergencies, such as early termination without payment

of wages. Thus to have to pay even one extension without the ability to work, discourages many of the Helpers from filing complaints against their abusive employers. Others, such as Marie and Yasmine from the Refuge, might start the legal process but are then forced to go home due to the stress of the delays and lack of money. Again, the rule against working can be seen as a ploy to force the foreign domestic helpers to leave Hong Kong as quickly as possible. Should a Helper decide to work “illegally” to help pay her costs of processing her complaint, she then faces the possibility of being arrested by the police, imprisoned and deported.

In the event a Helper decides to apply for a new contract in Hong Kong, either because she has been terminated early or has finished her Contract, and is able to find another employer before she has to leave, she is entitled to file an application in Hong Kong. Formerly, the Helper was allowed to make three applications for a local employer in the event the Helper, or a prospective employer, withdrew, but Immigration has now changed the rule to only two applications. Should neither be completed, then the Helper must return to her country of origin to file again (*The Sun* August 2000:1) Such changes are increasingly creating difficulties for the Helpers, along with more expenses. Immigration is finding new ways to add or raise fees which result in discouraging more foreign domestic helpers from filing claims against their abusive employers.

### ***The Police Department***

The Police Department is not perhaps the official agency with which the domestic helpers are involved most frequently. The Filipinas express somewhat ambiguous feelings about the police, sometimes based on personal experiences and sometimes on those of friends. Being taken into custody for overstaying a visa is one of the more frightening

occasions for an encounter with the police. When Marichelle overstayed her working visa to live with her boyfriend, she was eventually caught. However, as she was expecting a baby shortly after her arrest, she was allowed to stay at the Refuge to look after her newborn until such time as her case could be heard rather than stay in jail, which would have been the normal procedure. Instead she had to report to the police station regularly until her case was resolved. She was fortunate in that, after the baby was born, she was simply sent back to the Philippines rather than having to serve the two-year prison sentence. In another case, one of the residents of the Refuge who had been coerced into working in her employer's beauty parlour, under threat of being sent back to the Philippines, was seized by the police early one morning as she opened up the shop. Several policemen entered and abruptly told her she was under arrest, handcuffed her and marched her out to jail. She was able to contact the Mission who arranged legal counsel for her. Since she had multiple grounds on which to file complaints against her employer, she was able to gain her temporary freedom by agreeing to live at the Refuge and reporting to the police weekly. She was eventually deported whilst her employer was given a slap on the wrist by the court and a small fine. On one occasion, waiting at the airport for my flight out, I saw a Filipina being escorted by a police woman to a plane for Manila. Her hands were handcuffed behind her back and she looked straight ahead, but kept her head held high as they entered the ramp to the plane.

The first step in a criminal action against an employer, or reporting a crime, is to file a report with the police who then assess the gravity and nature of the crime and, after an investigation, decides whether or not to proceed to a court case. After Yasmin arrived at the Refuge and had undergone medical care for her burnt arm, she filed a complaint



against her Employer for criminal abuse. When she went to give her statement to the police, they sent a car and two detectives to escort her to the police headquarters. One of the counsellors, Dorothy, was assigned to accompany her and I was asked if I would like to go too. When the three of us went down to the car one of the detectives looked surprised, and not exactly pleased, as he said “All three of you are coming?” When we confirmed this, he indicated we should get into the back seat and we all rode over to Police Headquarters on Hong Kong Island. The detectives spoke to each other a few times but never attempted to talk with us.

The Police Headquarters is located in a lovely old colonial military barracks, painted white with a blue trim – a distinguishing colour scheme for the old government colonial buildings throughout Hong Kong. We followed the detectives upstairs into a large open plan office with partitions to screen off the working area from the public. Yasmin was taken into the back and Dorothy and I sat on the hard chairs lined up against a screen separating the waiting area from the larger detectives’ room. As mentioned earlier, Yasmine spoke little English and there was some delay in finding the interpreter who spoke her particular Indian language. One of the detectives came out to let us know about the delay. As we waited, Dorothy and I chatted about the working conditions in the Philippines and in Hong Kong. Dorothy had seen many women passing through the Refuge and heard every variation of abuse perpetrated by employers. She herself had a bad experience with her first employer but through the Mission had found the help she needed and subsequently found a good employer. She enjoyed being in a position to help other Helpers and had found counselling to be very rewarding. An hour later another detective came to speak with us again to explain further delays and indicated that Yasmin

was doing well but seemed extremely nervous. I explained that she was terrified of her employer as he had threatened to hurt and possibly kill her family in India, and that the reason she believed him was because he was from the neighbouring town and had access to them and to people who might do this. When the detective heard this, he immediately expressed concern and said he would talk to Yasmin and that he would call the Indian authorities to ensure her family was safe. The detective later returned to tell us that he had talked to the employer and told him they were aware of his threats and would take action against him if anything happened to Yasmin or her family. After nearly four hours Yasmin came back and the same two detectives who escorted us earlier gave us a ride to the bus terminal to return to Kowloon after a short stop to get Yasmin's arm photographed for evidence. Unfortunately, the stress of the delays, costs, and difficulty in communicating, became too much for Yasmin and she decided to return home and seek work in Dubai, where she had worked previously.

A few days later I was helping at the Mission, and as it was not very busy we spent a longer lunch hour chatting. I mentioned my experience at the Police Headquarters and commented how professional and courteous the police had been, especially coming to let us know how things were going several times. At that moment I saw a flicker of an eye movement pass amongst the staff but no one said anything.

"This is not usual?" I asked.

"No," several voices responded in unison.

"We are usually ignored and just sit there waiting until the statement is finished."

"Was it because I am a Westerner?"

“Probably. The Chinese still treat Westerners, especially the British, with more respect than us.”

Despite the apparent unease that many Filipinas have with the police, I heard several instances where the police showed sympathy and concern for them. As mentioned above, when Elsie was talking with them about her case of nonpayment of wages, she was advised by one of the police women to call her employer a liar to his face in the hearings. They were unable to help Elsie further, however, since they did not handle employment contract matters.

Also, as discussed earlier, when a “Runaway Maid” report is received, the police first telephone the safe houses to see if the Helper is there before putting out a warrant for her arrest. Again, there appears to be some ambiguity in the Contract language in the case of a runaway maid. Even though the Helper is considered “terminated” when she runs away, there is still the 14-day grace period before she can be declared to have overstayed her visa. However, since the Contract dictates the address where the Helper is living, it is considered a violation to leave that address. This restriction shows an inflexibility and lack of concern on the part of the Hong Kong government and its agencies. Such restrictions are simply used as a means of control to ensure that the foreign domestic helpers are accounted for and contained at all times.

A policeman is often sent to accompany a terminated Filipina, when requested, if she has to go back to collect her passport or belongings from her employer. This is not always to the Helper’s satisfaction because invariably the employer and policeman will speak in Cantonese so she does not know what is being said, and might suddenly find she is being accused of stealing from her employer. A detailed search of her luggage is often

made to ensure it does not contain anything belonging to the employer, thus inferring that the Helper is untrustworthy and a potential thief. On the other hand, several women told me they had requested the search themselves whilst the policeman was there as a witness so the employer could not later claim she had stolen something.

For the most part the conduct of the police is professional and courteous, even if somewhat distant. The disturbance at the Refuge (see Chapter V) clearly indicated a lack of fear or intimidation on the part of the women as they held off the “invading” force! However, at the individual level many of the foreign domestic helpers express considerable concern that they will be accused of something they did not do and arrested.

### ***Bureaucratic Indifference***

Although Hong Kong is considered one of the better destinations in Southeast Asia for the Filipinas, its bureaucratic organisations are still hostile to them. As the Filipino informal infrastructure fights for fairness and even handedness, so the Hong Kong bureaucracy and the Philippine government, find new excuses to either raise money by imposing new fees or tighten the requirements for the migrant contract workers. Comments reported in the newspapers, or said informally, imply that since the foreign domestic helpers earn up to twelve times (in the case of the Indonesians, for example) more than they would be earning at home, they should not be paid their current wages in Hong Kong. There is no consideration given to the fact that more and more of the Helpers’ hard earned money is being taken from them by the very government agencies which are drawing up the rules reducing their income. Nor is there any weight given to the fact that if they could earn the same wages at home they would not be working in Hong Kong. In many cases there is no work at home let alone earning lower (local cost of living) wages.

Additionally, the local Hong Kong economy benefits from the money the foreign domestic workers spend on food, gifts, shipping prepaid telephone cards, transportation, etc., thus Hong Kong would lose a substantial part of the income returned from the wages earned by the foreign domestic helpers. Also, if the economies of the Third World countries providing the migrant labour force, improve there would be no more need for their citizens to work overseas. Hong Kong will once again face the dilemma of providing servants to sustain its own cultural tradition for the middle and upper classes, probably from mainland China. The people of Hong Kong are resisting such a move as it is probable that importing domestic helpers from mainland China would modify the existing working conditions imposed upon “foreign” domestic helpers and the mainland China women would be able to negotiate the higher wages and live-out benefit accorded to the current Chinese residents.

## *CHAPTER VII*

### *Conclusion*

Social status is at the root of Hong Kong's bureaucratic indifference. The ancient patriarchal traditions of male elitism and female servitude may not be as obvious as the earlier patrilineal social order, but are still very much part of the contemporary social consciousness, just manifest in a less overt manner. For over thirty years, complaints have come before all levels of the State bureaucracy, of both minor and major infractions of the Contract and human rights, and nothing has been done to change the hostile working conditions of the foreign domestic helpers. What changes do occur which benefit them are by default, such as more importance being attached to prosecuting rape and physical abuse cases, which can be seen as due to social changes for Hong Kong citizens in general. Very little has been done to help the foreign domestic helpers as a distinguishable group, not even by imposing the statutory fines and punishments on abusive employers.

In the 1960s and 1970s, responding to the influences of global economic growth, the women of Hong Kong left their low paying domestic jobs, with the long hours of hard physical work, to move into the booming manufacturing industry thus creating a void in the domestic service area. To fill this void the government sought cheap labour from overseas, particularly the Philippines. Presented with the possibility of an influx of

foreign labour overwhelming their own citizens in the job market, Hong Kong added very restrictive conditions to the foreign domestic helper's employment contract. Little or no attention was paid to the effects of these restrictive conditions on the lives of the women.

The most onerous of these restrictive conditions are: the requirement to return to their home country upon completion or termination of the limited two-year contract; the 14 day rule within which the Helper must leave the country upon completion of the contract, and, in particular, the requirement that the Helper live in her employer's home. It is this latter condition which leads to widespread abuse by employers, from confining the Helper for 24-hours a day in the home, to physical and psychological abuses. These violations are so frequent, that it is not possible for the government employees and judicial officers not to be aware of the repeated offenses which have occurred over the past 35 years. Yet, the only changes being made are to reduce the minimum wage, to reduce the amount of time in which to seek reparations for unpaid wages and criminal acts to just 14-days, to amend the pregnancy benefits to where the employee will no longer have protection from being fired, and to impose more and higher fees for government services.

Although given access to the legal system of Hong Kong to redress any wrongs, the limited time the Helpers are allowed to stay after termination does not allow many of them sufficient time to appeal to the Labour Department or the judiciary. This is especially true of those Helpers who are terminated within days, weeks, or a few months after arriving in Hong Kong. Being restricted to one day off a week, they have had little time, to establish contacts and learn about their rights. In addition, the prohibition against working during the time it takes to process a complaint through the system, effectively discourages many foreign domestic helpers from filing any complaint. Thus, the Hong

Kong government gives with one hand (access to due process of the law) and takes away on the other hand (insufficient time to file a complaint). These, and other conditions, discussed above, put extreme emotional and financial stress on the domestic helper.

The indifference and apathy of the bureaucracy lies in its citizenry. We speak of the government, the agency, the law, the bank, as if they are inanimate social objects without a social conscience, whereas, in fact, these institutions are comprised of individuals who live and work within their communities. The individuals working in the legislature and drafting special laws and policies, and the government agencies, monitoring the application of those policies, share the same values and responsibilities as their neighbours and friends--often employers themselves. The law does not make a beneficent society. Rather the law reflects the cultural values, both positive and negative, of a society. There may be an attempt at objectivity on the part of the government employees--legislators, lawyers and officials--but they respond to new situations in accepted cultural traditional ways, often expressed as "It is our way!" when questioned as to why certain actions are performed. This leads to an ethos of indifference towards the consequences, unintended or not, of their decisions.

Embedded in the continuing underlying and unexamined values of Chinese Hong Kong is a malais, which pervades the whole society -- a *culture of indifference*. It is taken for granted, for example, that men are of higher value than women. Although progress has been made in women's status in providing better educational opportunities and better job opportunities, they are still held at a lesser value than men. So, too, in the female hierarchy, women who do what are considered to be less skilled jobs, or married to men who hold lower positions in the workplace, are held in lower esteem. At the bottom of the



hierarchy, are those women who serve as domestic servants. Often seen as “dirty”, “unskilled”, and “disposable”, it is the Helpers who manage the household, teach moral concepts to the children, and provide status to the employer’s family. In the case of the Filipinas they have the added stigma of being foreign.

As migrants the Filipinas come under suspicion of being untrustworthy and, therefore, must be controlled. Since they are not one of “us” they can be treated as less than us, even less than human, not as individuals who might have feelings and lives of their own. This is an extreme form of a new category of unhomeliness, a creation of present-day global politics and economics. Remnants of slavery are still with us. It is increasingly being recreated and reshaped within the global context and the Filipina domestic helpers are subjected to one of these more recent creations of unhomeliness, indentured servitude.

Indifference to the subaltern is a negative social value. It is manifested in two ways, the one where a person is acknowledged but their well being and welfare is of no interest or concern to another. Such as formerly practised in “throw away” daughters because they married into another lineage and were thus not worthy of status within their own family. The second is when tradition is just another word for habit and thus is embedded into the unconscious acceptance and unexamined actions of a society, as currently practised towards the foreign domestic helpers whose lives are brutalised, and their families impoverished by the consequences of individual, community and official actions and the inactions of the citizens and residents of Hong Kong. Such apathy of the citizens leads to Herzfeld’s contention that “the real danger of indifference is...that it too easily becomes habitual. (Herzfeld 1992:184)

This study has concentrated on the Filipina women in Hong Kong, but there are also a number, though smaller, of male domestic helpers. It was not my intention to ignore the men, but the study was so complex and time constraints so demanding that the dominant group of women was more accessible than were the men. Very few studies have been conducted on men working as domestic helpers around the world and this is certainly an area worthy of future anthropological investigation as it might inform questions on gendered migration.

So, too, absent from this study is an in-depth look at the employers themselves to ascertain how they view the foreign domestic workers, as, perhaps an employer, or as they might understand the social interactions of both. Nor is there a detailed study of the Hong Kong official citizenry, from the legislature through to the courts and government departments. Moreover, the Philippines government plays a significant role in the migration of its people, and an examination into its governmental organization and actions demands further research. After all, they have exported 7 million of their citizens to work overseas and collude with other sovereign governments in drawing up agreements on the employment terms and living conditions of their migrant citizenry. The Philippine government now relies upon the remittances the overseas workers send back to bolster the country's balance of payment and foreign exchange, rather than work aggressively to improve the employment opportunities at home. Another form of selling slavery in the global labour market. The treatment of the overseas Filipino workers is a symptom of the indifference built into the global process.

Further study in all these areas would be fruitful to gain a more holistic picture of migration in the global age at the local level. A society is often judged by how it treats the

weakest amongst them and certainly the non-citizen, foreign domestic helpers in Hong Kong are such. Viewed through the lense of the everyday lives and experiences of the Filipina domestic helpers in Hong Kong, we gain a very different perspective of Hong Kong and its people – a darker side of the glamorous, international city-state, as well as the global migrant labour trade. With strength and dedication to family, the Filipinas continue to fight for fairness, even as the Hong Kong and Philippine governments find new excuses to write new laws, statues, rules and regulations to restrict the freedom of the foreign migrant contract workers, rather than to protect them from the financial, physical and emotional abuses to which so many are subjected.

# ***APPENDIX A***

## ***The Employment Contract***

D. H. Contract No. D 216546

**EMPLOYMENT CONTRACT**  
(For A Domestic Helper recruited from outside Hong Kong)

This contract is made between .....  
("the Employer", holder of Hong Kong Identity Card/Passport No.\* ..... ) and  
..... ("the Helper") on ..... and  
has the following terms:

1. The Helper's place of origin for the purpose of this contract is .....

2. (A)† The Helper shall be employed by the Employer as a domestic helper for a period of two years commencing on the date on which the Helper arrives in Hong Kong.

(B)† The Helper shall be employed by the Employer as a domestic helper for a period of two years commencing on ....., which is the date following the expiry of D.H. Contract No. .... for employment with the same employer.

(C)† The Helper shall be employed by the Employer as a domestic helper for a period of two years commencing on the date on which the Director of Immigration grants the Helper permission to remain in Hong Kong to begin employment under this contract.

3. The Helper shall work and reside in the Employer's residence at .....

4. (a) The Helper shall only perform domestic duties as per the attached Schedule of Accommodation and Domestic Duties for the Employer.

(b) The Helper shall not take up, and shall not be required by the Employer to take up, any other employment with any other person.

(c) The Employer and the Helper hereby acknowledge that Clause 4 (a) and (b) will form part of the conditions of stay to be imposed on the Helper by the Immigration Department upon the Helper's admission to work in Hong Kong under this contract. A breach of one or both of the said conditions of stay will render the Helper and/or any aider and abettor liable to criminal prosecution.

5. (a) The Employer shall pay the Helper wages of HK\$ ..... per month.

(b) The Employer shall provide the Helper with suitable and furnished accommodation as per the attached Schedule of Accommodation and Domestic Duties and food free of charge. If no food is provided, a food allowance of HK\$ ..... a month shall be paid to the Helper.

(c) The Employer shall provide a receipt for payment of wages and food allowance and the Helper shall acknowledge receipt of the amount under his/her\* signature.

6. The Helper shall be entitled to all rest days, statutory holidays, and paid annual leave as specified in the Employment Ordinance, Chapter 57.

7. (a) The Employer shall provide the Helper with free passage from his/her\* place of origin to Hong Kong and on termination or expiry of this contract, free return passage to his/her\* place of origin.

(b) A daily food and travelling allowance of HK\$100 per day shall be paid to the Helper from the date of his/her\* departure from his/her\* place of origin until the date of his/her\* arrival at Hong Kong if the travelling is by the most direct route. The same payment shall be made when the Helper returns to his/her\* place of origin upon expiry or termination of this contract.

8. The Employer shall be responsible for the following fees and expenses (if any) for the departure of the Helper from his/her place of origin and entry into Hong Kong:—

- (i) medical examination fees;
- (ii) authentication fees by the relevant Consulate;
- (iii) visa fee;
- (iv) insurance fee;
- (v) administration fee or fee such as the Philippines Overseas Employment Administration fee, or other fees of similar nature imposed by the relevant government authorities; and
- (vi) others .....

In the event that the Helper has paid the above costs or fees, the Employer shall fully reimburse the Helper forthwith the amount so paid by the Helper upon demand and production of the corresponding receipts or documentary evidence of payment.

\* Delete where inappropriate.

† Use either Clause 2A, 2B or 2C whichever is appropriate.



9. (a) When the Helper is ill, or suffers personal injury, whether or not it is attributable to his/her\* employment, the Employer shall provide free medical treatment to the Helper. Free medical treatment includes maintenance in hospital and emergency dental treatment. The Helper shall accept medical treatment provided by any registered medical practitioner.

(b) If the Helper suffers injury by accident or occupational disease arising out of and in the course of employment, the Employer shall make payment of compensation in accordance with the Employees' Compensation Ordinance, Chapter 282.

(c) In the event of a medical practitioner certifying that the Helper is unfit for further service, the Employer may subject to the statutory provisions of the relevant Ordinances terminate the employment and shall immediately take steps to repatriate the Helper to his/her\* place of origin in accordance with Clause 7.

10. Either party may terminate this contract by giving one month's notice in writing or one month's wages in lieu of notice.

11. Notwithstanding Clause 10, either party may in writing terminate this contract without notice or payment in lieu in the circumstances permitted by the Employment Ordinance, Chapter 57.

12. In the event of termination of this contract, both the Employer and the Helper shall give the Director of Immigration notice in writing within seven days of the date of termination. A copy of the other party's written acknowledgement of the termination shall also be forwarded to the Director of Immigration.

13. Should both parties agree to enter into new contract upon expiry of the existing contract, the Helper shall, before any such further period commences and at the expense of the Employer, return to his/her\* place of origin for a paid/unpaid\* vacation of not less than seven days, unless prior approval for extension of stay in Hong Kong is given by the Director of Immigration.

14. In the event of the death of the Helper, the Employer shall pay the cost of transporting the Helper's remains and personal property from Hong Kong to his/her\* place of origin.

15. Save for the following variations, any variation or addition to the terms of this contract (including the annexed Schedule of Accommodation and Domestic Duties) during its duration shall be void unless made with the prior consent of the Commissioner for Labour in Hong Kong:

(a) a variation of the period of employment stated in Clause 2 through an extension of the said period of not more than three months by mutual agreement and with prior approval obtained from the Director of Immigration;

(b) a variation of the Employer's residential address stated in Clause 3 upon notification in writing being given to the Director of Immigration;

(c) a variation in the Schedule of Accommodation and Domestic Duties made in such manner as prescribed under item 6 of the Schedule of Accommodation and Domestic Duties.

16. The above terms do not preclude the Helper from other entitlements under the Employment Ordinance, Chapter 57, the Employees' Compensation Ordinance, Chapter 282 and any other relevant Ordinances.

The Parties hereby declare that the Helper has been medically examined as to his/her fitness for employment as a domestic helper and his/her medical certificate has been produced for inspection by the Employer.

Signed by the Employer \_\_\_\_\_

(Signature of Employer)

in the presence of \_\_\_\_\_

(Name of Witness)

(Signature of Witness)

Signed by the Helper \_\_\_\_\_

(Signature of Helper)

in the presence of \_\_\_\_\_

(Name of Witness)

(Signature of Witness)

\* Delete where inappropriate.

## SCHEDULE OF ACCOMMODATION AND DOMESTIC DUTIES

1. Both the Employer and the Helper should sign to acknowledge that they have read and agreed to the contents of this Schedule, and to confirm their consent for the Immigration Department and other relevant government authorities to collect and use the information contained in this Schedule in accordance with the provisions of the Personal Data (Privacy) Ordinance.

2. Employer's residence and number of persons to be served

A. Approximate size of flat/house ..... square feet/square metres\*

B. State below the number of persons in the household to be served on a regular basis:

..... adult ..... minors (aged between 5 to 18) ..... minors (aged below 5) ..... expecting babies.

..... persons in the household requiring constant care or attention (excluding infants).

(Note: Number of Helpers currently employed by the Employer to serve the household ..... )

3. Accommodation and facilities to be provided to the Helper

A. Accommodation to the Helper

While the average flat size in Hong Kong is relatively small and the availability of separate servant room is not common, the Employer should provide accommodation with reasonable privacy. Examples of unsuitable accommodation are: The Helper having to sleep on made-do beds in the corridor with little privacy and sharing a room with an adult of opposite sex.

☐ Yes. Estimated size of the servant room ..... square feet/square metres\*

☐ No. Sleeping arrangement for the Helper:

☐ Share a room with ..... child/children aged .....

☐ Separate partitioned area of ..... square feet/square metres\*

☐ Others. Please describe .....

.....

.....

B. Facilities to be provided to the Helper:

(Note: Application for entry visa will normally not be approved if the essential facilities from item (a) to (f) are not provided free.)

(a) Light and water supply ☐ Yes ☐ No

(b) Toilet and bathing facilities ☐ Yes ☐ No

(c) Bed ☐ Yes ☐ No

(d) Blankets or quilt ☐ Yes ☐ No

(e) Pillows ☐ Yes ☐ No

(f) Wardrobe ☐ Yes ☐ No

(g) Refrigerator ☐ Yes ☐ No

(h) Desk ☐ Yes ☐ No

(i) Other facilities (Please specify)

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4. The Helper should only perform domestic duties at the Employer's residence. Domestic duties to be performed by the Helper under this contract exclude driving of a motor vehicle of any description for whatever purposes, whether or not the vehicle belongs to the Employer.
5. Domestic duties include the duties listed below.

Major portion of domestic duties:—

1. Household chores
2. Cooking
3. Looking after aged persons in the household (constant care or attention is required/not required\*)
4. Baby-sitting
5. Child-minding
6. Others (please specify)

.....

.....

.....

.....

6. The Employer shall inform the Helper and the Director of Immigration of any substantial changes in item 2, 3 and 5 by serving a copy of the Revised Schedule of Accommodation and Domestic Duties (ID 407G) signed by both the Employer and the Helper to the Director of Immigration for record.

\_\_\_\_\_  
Employer's name and signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Helper's name and signature

\_\_\_\_\_  
Date

\* delete where inappropriate

☐ tick as appropriate



## *R E F E R E N C E S*

- Abrera-Mangahas, Alcestis. 1994. "International Labour Standards for Migrant Workers" (Eds.) Heyzer, Noeleen, Geertje. In *The Trade in Domestic Workers: Causes, Mechanisms and Consequences of International Migration*. (Eds.) Heyzer. Noeleen, Geertje Lycklama a Nijeljolt, and Nedra Weerakoon. London: Zed Books,
- Agency France-Presse. 1999. "Cutting by Five Percent the Minimum Wage of Hong Kong Foreign Domestic Helpers". [www Yahoo.com/news /APF](http://www.Yahoo.com/news/APF). Hong Kong Feb.2, 1999.
- Aguilar, Delia D. 1989. "The Social Construction of the Filipino Woman". *International Journal of Intercultural Relations* 13:527 1989.
- Anderson, Benedict. 1996 [1983]. *Imagined Communities*. London: Verso.
- Appadurai, Arjun. 1996. *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press.
- Arat-Koc, Sedef. 1997. "From 'Mothers of the Nation' to Migrant Workers". In *Not One of the Family: Foreign Domestic Workers in Canada*. (eds.) Bakan, Abigail B. and Daiva Stasiulis. Toronto: University of Toronto Press.
- Bakan, Abigail, B. and Daiva Stasiulis, (eds.). 1997. *Not One of the Family: Foreign Domestic Workers in Canada*. Toronto: University Press of Toronto.
- Baker, Hugh D.R. 1966. *A Chinese Lineal Village: Sheung Shui*. London: Frank Cass
- Bernard, H. Russell. 1995 [1988]. *Methods in Cultural Anthropology*. Beverly Hills, Calif. Sage Publications.
- Bhabha, Homi. 1994. *The Location of Culture*. London and New York: Routledge.
- Boase, Melville. 2002 "The Two Weeks Rule in the Context of the Legal Position of Foreign Domestic Helpers (FDHs)" Appendix 10. pp: 85-94. An article included in a packet of materials presented by UNIFIL-HK at Migrante International Conference on Overseas Migration held in Manila, Philippines, July 2002.

- Brydon, Lynne. 1987. "Who Moves? Women and migration in West Africa in the 1980s". In *Migrant Workers and the Social Order* (ed.) Eades, Jeremy. London: Tavistock Publications.
- Buijs, Gina. 1993. "Introduction". In *Migrant Women: Crossing Boundaries and Changing Identities*. (ed.) Gina Buijs. Oxford: Berg Publishers.
- Castle, Stephen and Mark J. Miller (eds.). 2003. *The Age of Migration: International Population Movements in the Modern World, 3<sup>rd</sup> Edition*. New York, London: The Guilford Press.
- Catholic Institute for International Relations [CIIR]. 1987. *The Labour Trade: Filipino Migrant Workers Around the World*. London: CIIR
- Chant, Sylvia and Cathy McIlwaine. 1995. *Women of a Lesser Cost: Female Labour, Foreign Exchange & Philippine Development*. Connecticut: Pluto Press.
- Chiang, Claire. 1994. "Female Migrants in Singapore". In *Women & Chinese Patriarchy: Submission, Servitude and Escape* (eds.) Maria Jaschok and Suzanne Miers. London: Zed Books Ltd.
- Choi, Po-king. 1995. "Women and Education in Hong Kong". In *Women in Hong Kong*. (eds.) Veronica Pearson and Benjamin K.P. Leung. Hong Kong: Oxford University Press.
- Cock, Jacklyn. 1989. *Maids and Madams: Domestic Workers under Apartheid*. London: The Women's Press.
- Concise Guide to the Employment Ordinance, A. 2000. Hong Kong: Labour Department, Hong Kong Gov. Printing Department.
- Constable, Nicole. 1996. "Jealousy, Chastity, and Abuse: Chinese Maids and Foreign Helpers in Hong Kong" In *Modern China*, **22**:4(448-479) October 1996.
- \_\_\_\_\_. 1997. *Maid to Order in Hong Kong Stories of Filipina Workers*. Ithaca: Cornell University Press.
- \_\_\_\_\_. 2002. "Filipina Workers in Hong Kong Homes: Household Rules and Relations". In *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. (eds.) Ehrenreich, Barbara and Arlie Russell Hochschild. London: Granta Books.
- Cresswell, Tim. 1996. *In Place Out of Place: Geography, Ideology, and Transgression*. Minneapolis: University of Minnesota Press.

- Croll, Elisabeth. 1978. *Feminism and Socialism in China*. London: Routledge and Kegan Paul.
- de Certeau, Michel. 1984. *The Practice of Everyday Life*. (trans.) Steven Rendall. Berkeley: University of California Press.
- Dolan, Ronald A. (ed.). 1993 [1991]. *Philippines a Country Study*. Washington, D.C.: U.S. Gov't Printing Office.
- Douglas, Mary. 2000 [1966]. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*. London: Routledge and Keagan Paul.
- Eades, Jeremy. 1987. "Introduction". In *Migrant Workers and the Social Order* (ed.) Eades, Jeremy. London: Tavistock Publications.
- Edwards, Louise and Mina Roces. 2000. *Women in Asia: Tradition, Modernity and Globalization*. St. Leonards, NSW, Australia: Allen & Unwin.
- Ehrenreich, Barbara and Arlie Russell Hochschild (eds.) 2002. *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. London: Granta Books.
- Elvir, Miriam 1997. "The Work at Home is Not Recognized." In *Not One of the Family: Foreign Domestic Workers in Canada*. (eds.) Bakan, Abigail B. and Daiva Stasiulis. Toronto: University of Toronto Press.
- Featherstone, Mike. 1991. *Global Culture: Nationalism Globalization and Modernity*. London: SAGE Publications.
- Fei , Xiaotong. 1992. *From the Soil [Xianghu Zhongguo]*. (transl.) Gary E. Hamilton and Wang Zheng. Berkeley, Los Angeles: University of California Press.
- Fox, Robert. 1963. "Men and Women in the Philippines". In *Women in the New Asia* (ed.) Ward, Barbara E.. Paris: UNESCO.
- Friedman, Jonathan. 1994. *Cultural Identity and Global Process*. London: SAGE Publications.
- French, Carolyn. 1986. *Filipina Domestic Workers in Hong Kong*. Ph.D. Dissertation, University of Surrey.
- GABRIELA: 1986. *Babaye: a Primer About Women and for Women*. Davao City: Mindanao and Women Studies and Resource Center (WSRC).

- Gamburd, Michele. 2002. "Breadwinner No More". In: *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. (eds.) Ehrenreich, Barbara and Arlie Russell Hochschild). London: Granta Books.
- Gaw, Kenneth. 1991. *Superior Servants*. Oxford: Oxford University Press.
- Geertz, Clifford. 1993 [1973]. *The Interpretation of Culture: Selected Essays*. New York: Basic Books.
- Hannerz, Ulf.. 1992.. *Cultural Complexity: Studies in the Social Organization of Meaning*. New York: Columbia University Press.
- \_\_\_\_\_. 1996. *Transnational Connections: Culture, People, Places*. London: Routledge.
- Herzfeld, Michael. 1992. *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy*. Chicago: The University of Chicago Press.
- Heyzer, Noeleen. 1994. "Introduction: Creating Responsive Policies for Migrant Women Domestic Workers". In *The Trade in Domestic Workers: Causes, Mechanisms and Consequences of International Migration*. (eds.) Heyzer, Noeleen, Geertje Lycklama a Nijeljolt, and Nedra Weerakoon. London: Zed Books.
- Heyzer, Noeleen, Geertje Lycklama a Nijeljolt, and Nedra Weerakoon, editors. 1994 *The Trade in Domestic Workers: Causes, Mechanisms and Consequences of International Migration*. London: Zed Books.
- Hong Kong 2000. 2001. Hong Kong: Information Services Dept. of the Hong Kong SAR Government Printing Department.
- Hollnsteiner, R. 1979. "Women and Development: Alternative Roles and Strategies". In *Society Culture and the Filipinos* (ed.) Hollensteiner, Mary Raealis. Manila: Institute of Philippine Culture.
- Jacobson, Helga A. 1974. *Many Sisters: Women in Cross-Cultural Perspectives*" (ed) Matthiasson, Carolyn J. New York: The Free Press.
- Jaschok, Maria. 1988. *Concubines and Bondservants*. Hong Kong: Routledge.
- Jones, Carol. 1995. "The New Territories Inheritance Law Colonization and the Elites". In *Women in Hong Kong* (eds.) Veronica Pearson and Benjamin K.P. Leung. Hong Kong: Oxford University Press.
- Jorgensen, Danny L. 1989. *Participant Observation: a Methodology for Human Studies*. Newbury Park, Calif. Sage Publications.

- King, Russell. 1995. "Migrations, Globalization and Place". In *A Place in the World? Places, Cultures and Globalization* (eds.) Massey, Doreen and Pat Jess. The Open University. Oxford: Alden Press Ltd.
- Lan, Pei-Chia. 2002. "Among Women: Migrant Domestic and Their Taiwanese Employers Across Generations". In *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. (eds.) Ehrenreich, Barbara and Arlie Russell Hochschild. London: Granta Books.
- Leung, Benjamine K.P. 1995. "Women and Social Change: the Impact of Industrialization on Women in Hong Kong". In *Women in Hong Kong* (eds.) Pearson, Veronica and B.K.P. Leung. Hong Kong: Oxford University Press.
- Lewellen, Ted C. 2002. *The Anthropology of Globalization: Cultural Anthropology Enters the 21<sup>st</sup> Century*. Westport Connecticut; London: Bergin & Garvey.
- Mandap, Daisy C.L. 2000. "Immigration Confirms New Rules for Filing of Contracts" *The Sun* August 2000, Hong Kong: Leade Publishing Co.
- Overing, Joanna. 2000. "The Efficacy of Laughter: The Ludic Side of Magic Within Amazonian Sociality". In *The Anthropology of Love and Anger: The Aesthetics of Conviviality in Native Amazonia*. (eds.) Overing, Joanna and Alan Passes. London: Routledge.
- Oxford English Dictionary. 1971. Compact Edition. Vol. II – P-Z:2743:522. New York: Oxford University Press.
- Parrenas, Rhacel Salazar. 2001. *Servants of Globalization: Women, Migration, and Domestic Work*. Stanford, California: Stanford University Press.
- \_\_\_\_\_. 2002. "Care Crisis in the Philippines: Children and Transnational Families in the New Global Economy". In *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. (eds.) Ehrenreich, Barbara and Arlie Russell Hochschild. London: Granta Books.
- Pearson, Veronica and B.K.P. Leung. 1995. "Introduction: Perspectives on Women's Issues in Hong Kong". In *Women in Hong Kong*. Hong Kong: Oxford University Press.
- Practical Guide for Employment of Foreign Domestic Helpers—What Foreign Domestic Helpers and their Employers Should Know*. 2000. Hong Kong: Labour Department, Hong Kong Gov. Printing Department.
- Rafferty, Kevin 1989. *City on the Rocks: Hong Kong's Uncertain Future*. New York: Viking Press.

- Raj-Hashim, Rita. 1994. "A Review of Migration and Labour Policies in Asia". In *The Trade in Domestic Workers: Causes, Mechanisms and Consequences of International Migration*. (eds.). Heyzer, Noeleen, Geertje Lycklama a Nijeholt and Nedra Weerakoon. London: Zed Books.
- Raphael, Vincent L. 1997. "Your Grief is Our Gossip: Overseas Filipinos and Other Spectral Presence". *Public Culture* 9(267-291).
- Roces, Ma . 2000. "Negotiating Modernities: Filipino Women 1970-2000". In *Women in Asia: Tradition, Modernity and Globalisation*. St. Leonards, NSW, Australia: Allen & Unwin.
- Rollins, Judith. 1985. *Between Women: Domesticity and Their Employers*. Philadelphia: Temple University Press.
- Salaff, Janet W. 1981. *Working Daughters of Hong Kong*. Cambridge: Cambridge University Press.
- Sanjeck, Roger. 1990. *Fieldnotes: the Makings of Anthropology*. Ithaca: Cornell Univ. Press.
- Sankar, Andrea. 1984. "Spinster Sisterhoods. Jing Yih Sifu: Spinster-Domestic-Nun". In *Lives: Chinese Working Women* (eds.) Sheridan, Mary and Janet Salaff. Bloomington: Indiana University Press.
- Scalabrini Migration Center [SMC]. 1989. *Filipinas in Migration: Big Bills and Small Change*. Quezon City: Philippines.
- Soja, Edward W. 1996. "Reassertions: Towards a Spatialization Ontology". In *Human Geography: an Essential Anthology*. (eds.) Agnew, John, D.N. Livingston & Alisdair Rogers. Oxford: Blackwell Publishers.
- Stockard, Janice E. 1989. *Daughters of the Canton Delta*. Stanford: Stanford University Press.
- Tang, Catherine So-kum, W.T. Au, Y.P. Chub, and H.Y. Ngo. 2000. "Breaking the Patriarchal Paradigm: Chinese women in Hong Kong" In *Women in Asia: Tradition, Modernity and Globalisation*, (eds.) Edwards, Louise & Mina Roces. St. Leonards, NSW, Australia: Allen Unwin.
- Tiongson, Nicanor G. 1981. "The Old Maid". In *Being Filipino* (ed.) Cordero, Fernande. Quezon city: CGF Books.
- Torre, Jolly, dela. 2000. *Suive Hong Kong: A Practical Handbook for Foreign Domestic Helpers*. Hong Kong: Leade Publishing Co.

- Trager, L. 1988. *The City Connection: Migration and Family Independence in the Philippines*. Michigan: University of Michigan Press.
- Tyner, James. 1999. "The Global Context of Gendered Labor Migration from the Philippines to the United States." *American Behavioral Scientist* 42:4 (671-689).
- Velasco, Pura M. 1997. "We Can Still Fight Back" In *Not One of the Family: Foreign Domestic Workers in Canada*. (eds.) Bakan, Abigail B. and Daiva Stasiulis. Toronto: University of Toronto Press.
- Watson, Rubie S. 1991. "Wives, Concubines and Maids: Servitude and Kinship in the Hong Kong Region, 1900-1940". In *Marriage and Inequality in Chinese Society* (eds.) Watson, Rubie S. and Patricia Buckley. Los Angeles: University of California Press.
- \_\_\_\_\_. 1994. "Girls' Houses and Working Women". In *Women & Chinese Patriarchy: Submission, Servitude and Escape* (eds.) Maria Jaschok and Suzanne Miers. London and New Jersey: Zed Books Ltd.
- Welsh, Frank. 1997. *A History of Hong Kong*. London: Harper Collins Publishers.
- Wolf, Eric. 1982. *Europe and the People Without History*. Berkeley: University of California Press.
- Wolf, Marjorie. 1968. *The House of Lim: A Study of a Chinese Farm Family*. Englewood cliffs, N.J.: Prentice Hall.
- \_\_\_\_\_. 1972. *Women and the Family in Rural Taiwan*. Stanford, Calif.: Stanford University Press.
- Your Guide to Services in Hong Kong. 1999. Hong Kong: Home Affairs Bureau, Hong Kong Gov. Printing Department.
- Yu, Elena and Liu, William T. 1980. *Fertility and Kinship in the Philippines*. Notre Dame: University of Notre Dame Press.
- Zarembka, Joy M. 2002. "America's Dirty Work: Migrant Maids and Modern-Day Slavery". In: *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. (eds.) Ehrenreich, Barbara and Arlie Russell Hochschild. London: Granta Books.