

The Price of Justice

Migrant domestic workers' experience of trying to resolve labour disputes in Hong Kong



索償項目 Most common claims



薪金 Wages
30



食物與交通津貼
Food and
travelling allowance
26



回程機票
Return flight
ticket
26



被拒絕請病假、產假或醫療保障
Denial of sick leave,
maternity leave or medical care
30



法定每周休息日與假期
Statutory weekly rest days
and holidays
26

調停會議的個案中，申索的賠償金額範圍

Monetary claims range at conciliation:

港幣HK\$4,000 至 港幣HK\$122,520(美金US\$511 至 美金US\$15,646)

調停會議的個案中，申索的賠償金額平均

Average monetary claims at conciliation:

港幣HK\$27,391 (美金US\$3,498)

調停會議的個案中，僱主提出願意賠償的金額平均

Average amount offered at conciliation:

港幣HK\$12,459 (美金US\$1,591) - 索取金額的51% 51% of claim

勞資審裁處平均的索償金額為

Average claims submitted at Labour Tribunal:

港幣HK\$34,300 (美金US\$4,380)

勞資審裁處平均得到的索償金額

Average amount awarded at Labour Tribunal:

港幣HK\$13,822 (美金US\$1,765) - 索取金額的40% 40% of claim

由提交申索，到小額薪酬索償仲裁處/勞資審裁處完成調解，受訪者平均需要等待

Average no. of days from filing case to settlement at MECAB/Labour Tribunal

58 天 days

受訪者指出在使用申索機制解決工作問題期間，遇到的最大難處

Biggest obstacles interviewees faced in resolving claims

難處 Obstacles	受訪者人數 No. of interviewees
失去工作 Loss of employment	17
財務問題 Financial problems	12
缺乏資訊 Lack of information	8
語言障礙 Language barriers	3
受僱主威嚇 Employer intimidation	3
提出申索的費用 Costs of filing claim	2
不中立的職員 Biased officials	2

根據我們的調查結果，FADWU 現作出以下建議：

On the basis of the research findings, FADWU makes the following recommendations to the Government of Hong Kong SAR:

- 對於有個案在小額薪酬索償仲裁處、勞資審裁處或刑事法庭程序中的移工，提供簽證續期，並容許在個案審理期間他們繼續工作，和免除她們的簽證費用。
Grant all migrant domestic workers with a pending case in the conciliation service, MECAB, Labour Tribunal or criminal court visa extensions, which allow them to work while their case is being pursued, and waive their visa fees.
- 容許所有案件正在調停服務、小額薪酬索償仲裁處及勞資審裁處處理的移工，以她們合資格的收費率，使用公共醫療服務。
Allow all migrant domestic workers with a pending case in the conciliation service, MECAB, Labour Tribunal or criminal court to have access to public health care services at eligible persons' rates of charges.
- 加強小額薪金薪酬索償仲裁處和勞資審裁處的辦事能力，以減低處理申索的時間。
Strengthen the capacity of the MECAB and Labour Tribunal so that the amount of time it takes to conclude claims is reduced.
- 容許所有第三方，包括工會、非政府組織或個別人士，以移工的名義代替她們在調停服務、小額薪酬索償仲裁處或勞資審裁處跟進申索個案。
Allow in all instances third parties, including trade unions, NGOs or individuals, to pursue a claim at the conciliation service, MECAB or Labour Tribunal on behalf of a migrant domestic worker.
- 確保如果移工的人權或勞工權益受到剝削，她們能有效地使用申索機制索償，並為她們提供足夠的支援措施，包括有關申索機制流程和如何使用機制的充足資料；提供免費的專業傳譯；對案件正在處理而沒有其他方法為生的移工提供庇護所。
Ensure that migrant domestic workers seeking compensation for human or labour rights abuses have effective access to support measures, including adequate information on redress mechanisms and how to use them; free professional interpretation; and access to shelters for those with no other means of supporting themselves while pursuing their claim.

受訪者結果 Outcomes for interviewees

受訪者 Interviewee	索償金額 Amount claimed (HK\$)	得到金額 Amount received (HK\$)	得到金額為索償金額的百分比 Percentage of claim received	和解/ 申索得值於 Settled/ awarded at
1. Althea	7,047	7,047	100%	調停會議 Conciliation
2. Angel	9,690	4,700	49%	調停會議 Conciliation
3. Anisa	60,000	27,000	45%	勞資審裁處 Labour Tribunal
4. Baby Jane Allas	84,000	30,000	36%	勞資審裁處 Labour Tribunal
5. Cristina	9,993	9,993	100%	調停會議 Conciliation
6. Dewi	11,185	5,700	51%	調停會議 Conciliation
7. Dolores	7,308	5,200	71%	小額薪酬索償仲裁處 MECAB
8. Edna	7,000	6,000	86%	調停會議 Conciliation
9. Eka	9,000	5,000	56%	勞資審裁處 Labour Tribunal
10. Flora	25,483	3,000	12%	調停會議 Conciliation
11. Hazel	33,180	25,000	75%	勞資審裁處 Labour Tribunal
12. Jasmine	7,484	7,484	100%	調停會議 Conciliation
13. Jessa	64,958	59,094	91%	調停會議 Conciliation
14. Lilibeth	51,098	20,000	39%	勞資審裁處 Labour Tribunal
15. Marisol	10,456	5,000	48%	勞資審裁處 Labour Tribunal
16. Mary	4,310	4,310	100%	調停會議 Conciliation
17. Nenita	9,708	11,558	119%	勞資審裁處 Labour Tribunal
18. Nicole	10,151	10,151	100%	調停會議 Conciliation
19. Nur	17,500	17,500	100%	勞資審裁處 Labour Tribunal
20. Ratna	87,045	55,000	63%	調停會議 Conciliation
21. Rita	4,000	0	0%	調停會議 Conciliation
22. Rosamie	12,671	6,281	50%	勞資審裁處 Labour Tribunal
23. Samantha	11,525	11,525	100%	調停會議 Conciliation
24. Sinta	10,591	4,700	44%	勞資審裁處 Labour Tribunal
25. Teresa	14,862	0	0%	勞資審裁處 Labour Tribunal
26. Veronica	34,370	34,370	100%	調停會議 Conciliation

Research Summary and Key Findings

關於 About

本研究項目由亞洲家務工工會聯合會 (Federation of Asian Domestic Workers Unions, 下稱 FADWU) 執行委員會啟動及設計，並於2019年二月至七月間，由隸屬於FADWU的進步家務工工會香港分會 (PLU) 之成員，以及由印尼移民家務組成之義務小隊執行。

The Price of Justice – Migrant domestic workers experience of trying to resolve labour disputes in Hong Kong is a research project initiated and designed by the Executive Committee of the Federation of Asian Domestic Workers Unions (FADWU). The research was conducted between February and July 2019 by members of the Progress Labor Union of Domestic Worker (PLU), an affiliate of FADWU, and a small team of Indonesian migrant domestic worker volunteers.

地址 Address

香港九龍彌敦道557-559號永旺商業大廈19樓
19/F, Wing Wong Comm, Bldg., 557-559 Nathan Road, Kowloon, Hong Kong

電話 Tel +852 2770 8668
傳真 Fax +852 2770 7388
電郵 Email fadwu.hk@gmail.com

背景 Background



移民家務工受聘
No. of migrant domestic
workers employed in
Hong Kong
386,075 (2018)



移民家務工受聘國籍
No. of migrant domestic
workers by nationality (2018)
菲律賓 Filipinos
210,897
印尼 Indonesians
165,907



為香港經濟帶來
Contribution to
Hong Kong's economy
美金126億元
us\$12.6 billion
(2018) or
本地國民生產總值
3.6% of its GDP¹

¹ 照顧的價值：移民家務工對亞洲的經濟增長與家庭福祉的貢獻2019，第六頁。可見於：http://www.enrichhk.org/wp-content/uploads/2019/02/Final_The-Value-of-Care_Full-Report.pdf，載取於2019年6月12日

Figure from The Value of Care – Key Contributions of Migrant Domestic Workers to Economic Growth and Family Well-being in Asia https://enrichhk.org/sites/default/files/2019-09/Final_The-Value-of-Care_Full-Report.pdf