Understanding Vulnerabilities and Agency: Migrant Domestic Workers from Minority Source Countries in Hong Kong

Table of Contents

Contents

1.1	INTRODUCTION TO THE ISSUE	2
1	1.2 Demographics for survey participants:	3
1.	RECRUITMENT PROCESS	5
2	2.1 Pathways to employment	5
2	2.2 Employers of mMDWs	. 11
2	2.3 Resulting issues in recruitment process	. 13
2.	EMPLOYMENT CONDITIONS	. 15
3	3.1 Employment and exploitation	. 15
3	3.2 Factors exacerbating vulnerabilities	. 22
3.	WORKER AGENCY & CONTROL	. 24
4	1.1 Self-Agency	. 24
4	1.2 Dignified treatment	. 29
4	4.3 Disparities	. 30
4	1.4 Access to information	. 31
4	4.5 Redress	. 32
5.	RECOMMENDATIONS	. 34
Ne	xt steps:	. 36
Tha	ank you:	. 36
c /	ADDENDIOSE	27

Acronyms:

MDW: Migrant Domestic Worker

mMDW: minority Migrant Domestic Worker- stemming from Minority Source Countries



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1.1 INTRODUCTION TO THE ISSUE

The need for this research into Migrant Domestic Workers (MDWs) originating from minority source countries, arose due to the distinct challenges and barriers that this particular community faces. There are 367,971 MDWs in Hong Kong, the majority of whom stem from the Philippines (55.16%) and Indonesia (42.28%). As of December 2024, there were only 1,763 Thai (0.48%), 1,099 Sri Lankan (0.3%), 578 Bangladeshi (0.16%) and 5,982 (1.63%) 'other' nationalities working as MDWs in Hong Kong¹.

Whilst the Migrant Domestic Worker's journey has been extensively studied and documented in Hong Kong, the emphasis has overwhelmingly been on Filipino and Indonesian groups. There are numerous reports and research studies looking at the experiences of Migrant domestic workers in Hong Kong. This report will not reiterate those here, however, please see STOP's (2023) research A Pathways to Justice or A Road to Nowhere if you would like to explore that topic further. Populations stemming from minority source countries are under-researched and often overlooked, and as such, specific needs and gaps are not taken into consideration. This hampers efforts to promote evidence-led recommendations based on the specific challenges faced by the community.

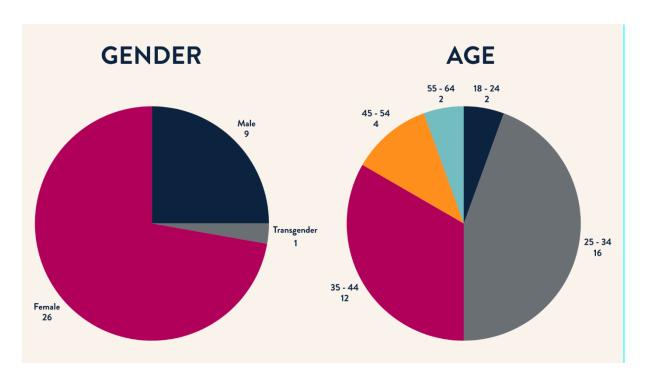
This research entails an examination of the additional difficulties MDWs from minority source countries face in accessing and processing recruitment opportunities, undertaking their employment, and attempting to access support and redress should they experience exploitation. To understand the experiences faced by minority Migrant Domestic Workers (mMDWs), as opposed to migrant populations from larger exporting countries such as the Philippines and Indonesia, STOP conducted surveys with 36 mMDWs and conducted interviews with stakeholders who work to support Migrant Domestic Workers in Hong Kong.

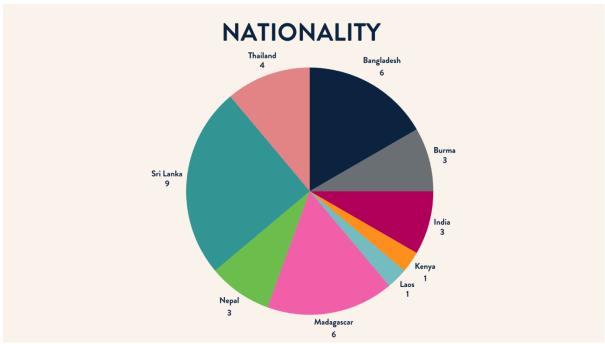
¹ Figures as of 31/12/2024, provided by Hong Kong Department of Immigration

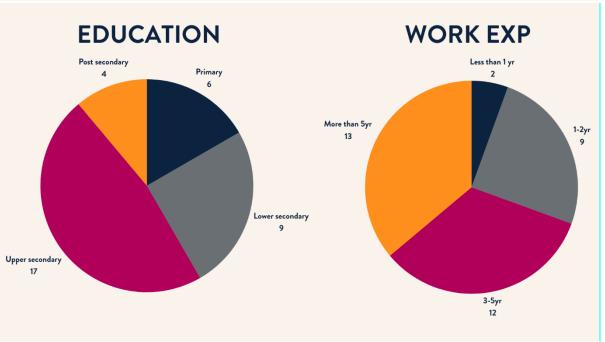
These stakeholders work at, or are involved in, NGOs, employment agencies, church communities, and Unions, in particular ones who provide services and support to minority groups, such as Sri Lankan, Thai, Nepali, Kenyan and other source countries. Excerpts from the interviews conducted are interspersed throughout this report.

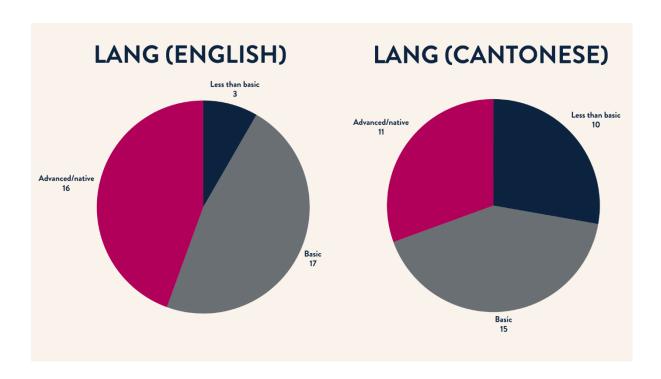
Migrant Workers from Minority Source Countries are hard to identify and target, for the precise reasons that exacerbate their vulnerability. Unlike the Filipino and Indonesian MDW communities, they have no centralised hub where they can be located and approached, their ability to understand English and Cantonese is limited, and many are not given a rest day on Sunday when other MDWs congregate. As such, finding, explaining, and being able to undertake the research *on* their vulnerabilities was impacted *by* their vulnerabilities. A consequence of this is that the mMDWs who took part in this research were already aware of, and receiving support from, NGOs, Unions and churches, and as such are not fully representative of the experiences and information gaps as compared to the wider population of MDWs from minority source countries. However, their responses, coupled with the interview with stakeholder organisations, illuminate the vulnerabilities of the cohort as a whole.

1.2 Demographics for survey participants:









1. RECRUITMENT PROCESS

2.1 Pathways to employment

As with all Migrant Domestic Workers, the journey to employment in Hong Kong begins with the recruitment process. For MDWs from minority source countries, there are added difficulties and vulnerabilities at this stage due to the processes, and at times, lack of processes, in place to ensure that they are protected.

...because our numbers are much smaller, there are fewer of us here, in terms of governmental support or protection, we are often neglected or treated as an afterthought.

Union Leader

One of the major challenges is that, unlike MDWs from the Philippines and Indonesia, the source governments do not insist that mMDWs have to come through an agency in Hong Kong², and in fact, many of the Hong Kong based agencies offer their services solely to Filipino and Indonesian MDWs.

² Foreign Domestic Helpers - Engaging an Employment Agency

So, I think because a lot of these nationalities are not required to go through an employment agency and they don't have a system established like the Filipinos or the Indonesians, they tend to be recruited through quite informal networks. [Many] are recruited through friends or family who are already in Hong Kong... [or] hired to work for a relative in Hong Kong..., or someone that the family knows. And so, there's a family connection and the whole recruitment process is very informal.

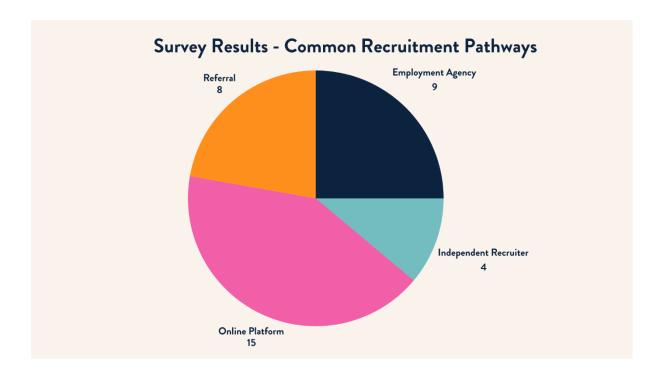
Migrant Domestic Workers support NGO

This limits the avenues for information and protection to which they can turn. It permits an unstructured, unmonitored, and unregulated recruitment process, using brokers or direct hiring. This raises the vulnerability of mMDWs to exploitative conditions and exposes them to unsafe recruitment practices.

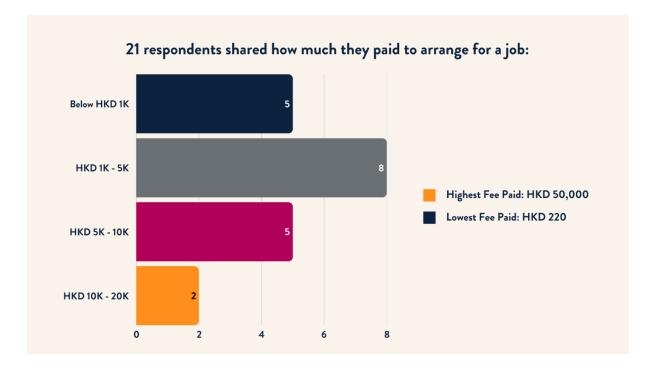
Very often, workers are referred to unofficial recruiters and brokers through their close network of friends and family, who will help find jobs for them overseas for a heavy fee. Instances of deception in the recruitment process are high, with workers being lied to about the job nature, the country they will work in, and experiencing terrible labour conditions upon arrival.

MDW Thinktank

Of the 36 mMDWs interviewed by STOP for this research, they accessed recruitment in the following ways:



mMDWs applying to come to Hong Kong for employment, are often made to pay a recruitment fee to a broker, for finding and arranging the job.



Whilst there are regulations in Hong Kong that cap recruitment fees at 10% of their first month's salary³, this only applies to fees charged in Hong Kong. It is possible, and for many source countries, probable, that they will also have had to pay a brokerage fee in their own

³ https://www.helperchoice.com/c/domestic-helper/legal-placement-fee#:~:text=Domestic%20helper%20placement%20fee%20in,first%20month/s%20salary%20is%20issued

country, and this process is often unregulated. This leads to higher fees, necessitating heavy loans or mortgages of land, in order to procure a job as a migrant domestic worker.

These so-called agents, who are not registered, not official, they charge a hefty amount to ... the migrant domestic worker to come into Hong Kong. And then later on, [when] they come to Hong Kong and they realize that actually they should not have been charged such a big amount, it's very hard to claim back. And it's so hard to chase these agencies because they're not true agencies. And their probably only connection they have is back home. And they don't have a partner agency in Hong Kong who they could go and be like, "you owe me this money", so that becomes a big problem.

Legal support NGO

This fee, coupled with the low wages they receive in domestic work in Hong Kong, can trap mMDWs into feeling, or being, forced to remain in jobs where they are abused and mistreated, to earn the money to repay the loans taken on for the charges demanded by brokers and money lenders.

Usually [the brokers] are workers who have previously worked in Hong Kong or are still working here in Hong Kong. They would charge extremely high costs for procedures that actually don't cost very much, or even, nothing at all. These information can be found online, but not everyone knows how to access them. The targets can become very dependent on these malicious people.

Sri Lankan Church community

A third of the respondents to the survey needed to take out loans to finance their placement abroad, and these loans mostly ranged from five thousand to 50 thousand Hong Kong dollars.

We have come across many clients who have borrowed money to pay for their broker fees, especially those coming to HK for the first time. If they get terminated, many will react strongly as they worry about their finances- there is the broker fee debt, which can entrap them in debt bondage; there are also no job opportunities back in their country as the economy is really bad. A lot of them can become very desperate, we had a client before, a terminated worker who said she would kill herself if she needs to return home.

Anti human trafficking NGO

The need to remain employed at all costs in order to be able to replay these fees that began at the recruitment phase of the journey, can lead to an acceptance of illegal or unfair practices.

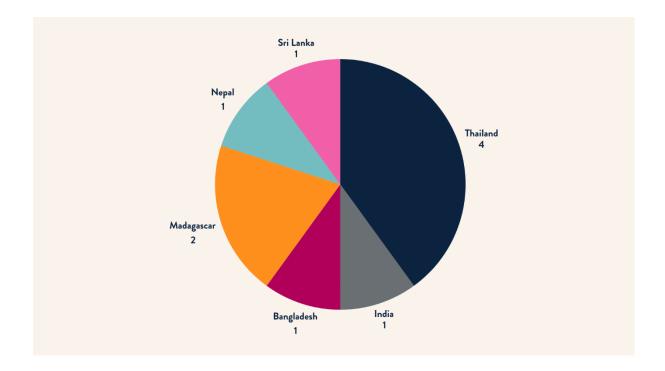
Some ... brokers are very conniving. They would promise the employers that they are able to trial through 3 workers, which results in workers getting terminated prematurely within weeks or the first three months. Meaning that, for one case, these brokers can earn several rounds of placement fees off multiple workers. And some brokers may even earn several rounds off the same worker – who is first charged by the main agent back home, then again charged by a sub agent in Hong Kong. There are so many cases like such. And in most of these cases, employers do not pay – the placement fees are shouldered by the workers instead.

Sri Lankan Church community

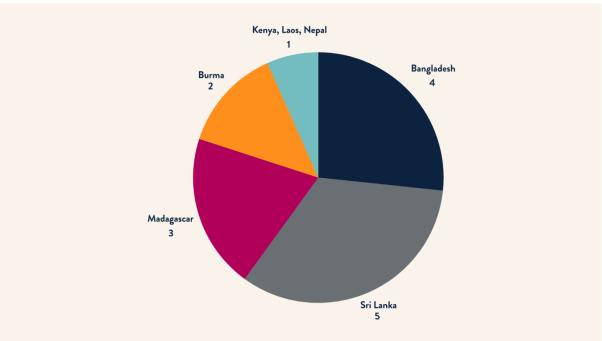
The survey questions posed to mMDWs assessed 4 good practice aspects of the recruitment process:

- (1) the contract was written/translated to languages understood by the worker,
- (2) the terms were clearly explained to the worker,
- (3) The contract contains true signature of the worker,
- (4) A copy was provided to the worker.

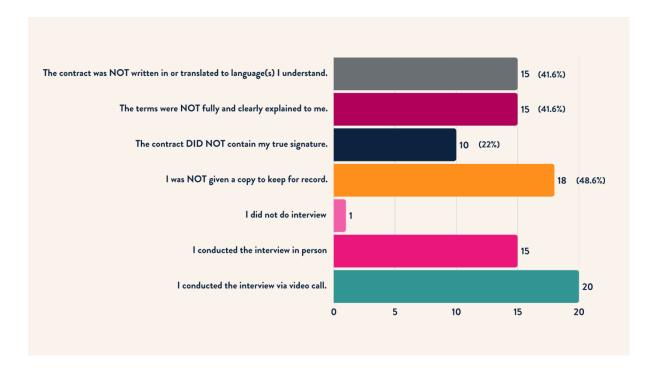
All those interviewed worked under a written contract, however only 10 out of 36 people (22%) surveyed replied positively to all four of the aspects of good practice.



19 of the respondents (52%) only experienced 2 good practices.



From those surveyed for this report



I would say that none of the things that are suggested in the Code of Practice for public agencies are done. So, workers don't know their basic rights or obligations, they have not seen copies of their contracts, often they are asked to sign blank copies of documents. The signature on the contract is forged.

Migrant Domestic Workers support NGO

While 75-80% of respondents reported that their actual job duties aligned with their contract terms and they didn't feel deceived or coerced into taking the position, a deeper analysis of their recruitment experiences reveals widespread unfair practices. This apparent contradiction suggests that workers may normalize or underreport problematic recruitment practices, even when they encounter serious violations of recruitment regulations and labour rights during their hiring process. This can be a natural method of self-preservation. When a person is still in a scenario that they feel they must endure, applying the label of mistreatment or abuse would only make it harder to bear. It is often only after, once they have reached a feeling of safety that the full ramifications of the situation can be processed.

So they will probably say, well, if I leave the employer now, I will have to go back, somehow try to find the employer, then wait for the visa to be processed and come would be a few months without pay, so they would just stay there and somehow withstand the stuff as long as possible.

Legal support NGO

2.2 Employers of mMDWs

One aspect of recruitment frequently cited by the stakeholders as adding to the vulnerability of MDWs from minority source countries was the reasoning behind the choice of employers to hire a mMDW, rather than an employee who could speak English or Cantonese. MDWs from minority source countries recognise that they are not necessarily an obvious hire for many people, as compared to the more established Filipino and Indonesian MDWs, and this paucity of employment opportunities can result in people having limited options when looking for employers. It also leads mMDWs to accept the first offer of employment quickly, without taking the time to read and consider the duties involved and living arrangements. Having a smaller pool of employment opportunities also results in mMDW not taking the time to have a full interview with potential employers, asking any questions or feeling able to negotiate terms.

I observe that a lot of local employers actually do not prefer hiring South Asians, one because they cannot communicate well with each other, but very largely, I feel is also because of racial discrimination. I have had an employer ask me to help explain to workers they are not hired as their children do not like people with dark skin. Even for clients who had gone through a claim and have become more familiar with Hong Kong's laws and labour rights, some would sign with a new employer on less-than-ideal terms because they know they are at a disadvantage in the job market.

Anti human trafficking NGO

Employers choosing to hire MDWs from minority source countries seem to fall into three categories:

For employers who have been blacklisted by the Philippine and Indonesian Consulates, or by ethical employment agencies for having previously mistreated workers, it can work in their favour hire from source countries which have fewer checks and balances.

They [can be] a bad set of employers, most are emotionally unstable and unable to hire Filippino or Indonesian MDWS, perhaps due to previous records of mistreatment.

MDW Thinktank

Alternatively, the mMDW is known to their employers through familial or kinship connections.

We see that, commonly ... recruitments are arranged through kinship. Family members who have gone abroad may know an employer in Hong Kong looking for a worker, and matchmake someone they know from home to come here to work. For [many] workers who come through these arrangements, their salaries are usually paid directly to their family back home, which makes their barriers to quitting or leaving even higher, as this decision could tarnish their relationship with family. Anti human trafficking NGO

The lack of agency involvement can lead to secretive deals being made between families, agreeing that the mMDW does not require a day off, does not need to be paid minimum wage, and that the salary can be paid directly to the family.

The parents were keeping all the salaries, so the employer would be like okay I'll send you the money back [to the family] you don't need the cash, you don't need the money, you don't even need a bank account, you don't need anything. All you need to do is come here and work.

Legal support NGO

Legal support NGO

The third category are direct hires from within the same geographical area as the minority source countries.

some of the demographics that we observe in terms of employers, they're usually [South Asian employers] who are hiring these migrant workers. ... it seems that with internal communication amongst the community, they tell each other, oh, I know about this helper from this country, you can get her in. So that's how some of our [mMDWs] came in because they're just far relatives or within the village and they came in. So, with that, the same things, mistreatment, no negotiation, no training whatsoever and then they're ... unaware of what's going on. But it's just through, yeah, so I think [South Asian] communities, they tend to be the employers of such migrant workers.

2.3 Resulting issues in recruitment process The finding that become apparent in the data received by mMDWs and stakeholders suggest systematic exploitation enabled by:

Fees

The enforcement regulations concerning fee restrictions within migrant source countries are weak and unregulated at point of origin.

There is also no transparency regarding standard fee ranges, and as they are charged in the source countries, they can differ widely from country to country, and state to state. Fees are often brokered by private individuals rather than registered businesses, which only adds to the disparity among charges and fees.

The casual nature of the transactions makes it difficult to verify whether items they are being charged for are legitimate, or an attempt to overcharge individuals for profit. These unlicensed brokers are not registered, and as such may not use their real names or identities in transactions, which makes it impossible to seek redress if they are overcharged or scammed.

The high brokerage fees charged at the point of recruitment leave many mMDWs feeling that they have no choice but to undertake extra work on their rest days, either with their employers or elsewhere. This deprives them of a rest period which can affect their physical and emotional health. It risks making them vulnerable to exploitation and legal consequences through performing illegal work by undertaking part time employment.

Lack of information

Another consequence of not taking a regular rest day in order to repay recruitment or brokerage fees, is that it limits their ability to form connections and communities that might lead to support or advice.

There is an information gap created by the lack of the requirement for them to come through an agency, which can prevent community, information exchange, and a sounding board. Due to the lack of agency involved, there is limited access to employer details which means it can be difficult to obtain information that pertain to duties, such as the number of children in the household, or the type of work expected.

Some minority source countries do not have an active consulate in Hong Kong, with the closest embassy in Beijing, which prevents those that come across issues being able to seek consular support.

Fear

There is a large amount of fear among mMDW that reporting disreputable practices will lead to retaliation. In order to procure a job, they must provide personal information about themselves, their assets, their addresses, their families, and often the person brokering the deal is a just a name and phone number. Should they report bad practice or mistreatment, it is not only themselves at risk, but their entire families back in their home countries, often without recourse to fair and equitable policing.

It can be difficult to gather evidence of promises made, as deals are often agreed verbally or through social media where messages can simply be deleted.

Cultural practices

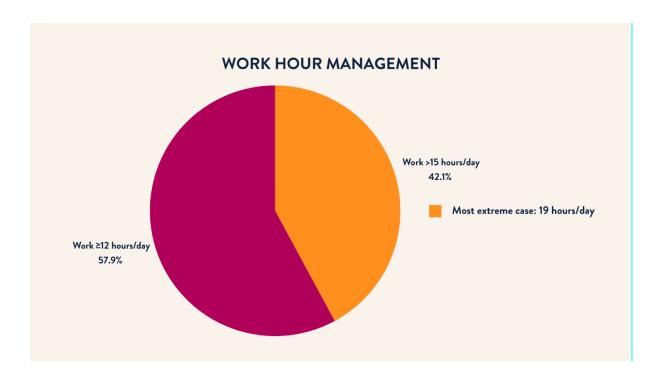
When the person brokering the deal is a member of your local or national community, who understands the financial hardships you face, it can be easy to trust in them to be on

your side. People looking for a solution to hardships can be manipulated emotionally, to trust in a 'brother' or 'sister' who understands their struggles. It can be difficult, therefore, to accept when conditions they are offering seem to be such an easy solution to all the financial pressures. These emotional and cultural bonds can hamper people's willingness to not only speak out about this injustice, but also to voice dissent about the behaviour of 'your' people to the authorities in a foreign nation. Often, particularly for first time employees, it can be difficult to calculate spending power of the salary being offered, which might sound high, compared to the cost of living in their home countries. It can also be difficult to evidence scams and overcharging due to a lack of formal documentation, and ability to gauge if the fee being charged is appropriate. Often the brokerage fee is provided in cash only transaction based on verbal agreement, without receipt, formal agreements, or a paper trail, which makes extortion and exploitation difficult to prove. Often this stems from a cultural emphasis on trust and loyalty, over bureaucracy and documentation. However, these are the tools needed in the Hong Kong legal system for seeking redress and sanctions against unethical practices. If victims are not able to provide proof of abuse, then the authorities are stymied in their attempts to trace perpetrators and prevent further harm. And so, the cycle continues These cultural practices become weaponised to take advantage of vulnerabilities and the promise of a, comparatively, high wage in an exotic locale.

2. EMPLOYMENT CONDITIONS

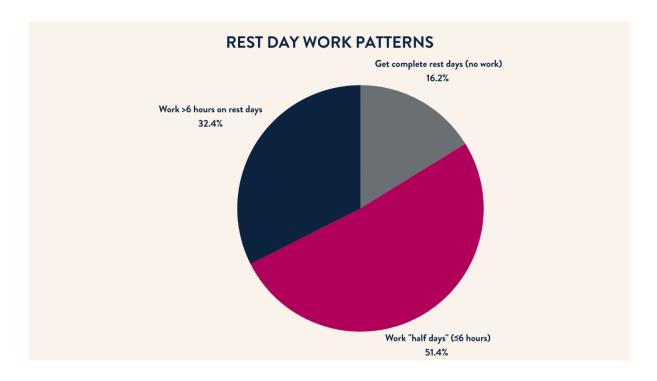
The second step in the journey, once recruited, is the work itself. The data collected from those surveyed, along with interviews with stakeholders, showed that the result of the excessive fees, minimal information, fear, and cultural practices, eventuate in people feeling no choice but to endure suboptimal, and at times unethical, working conditions.

3.1 Employment and exploitation



Many employers are vague with clear scope of work or special conditions of household members. [Many] workers where they are misled about health conditions of the elderly, or that it was purposely not mentioned during the interview. Only when they arrive in Hong Kong and begin work do they realize they would be taking care of a patient who requires professional care. Many feel tricked, unequipped, and unconfident in taking up the job, which they would have turned down from the outset had the employer been more honest. [This can lead to] long working hours [because] taking care of elderly people requires workers to stand-by 24/7. Hong Kong also has no regulation on maximum working hours.

Union leader



A lot of the Indian, Sri Lankan, or Nepali or Bangladeshi workers work for South Asian families. But I think it's an unfortunate thing where their employers perpetuate perhaps certain practices within their own countries, and they tend to think that it's okay to underpay workers or exploit workers or treat workers in a really bad way because that's the way it's done at home.

Migrant Domestic Workers support NGO

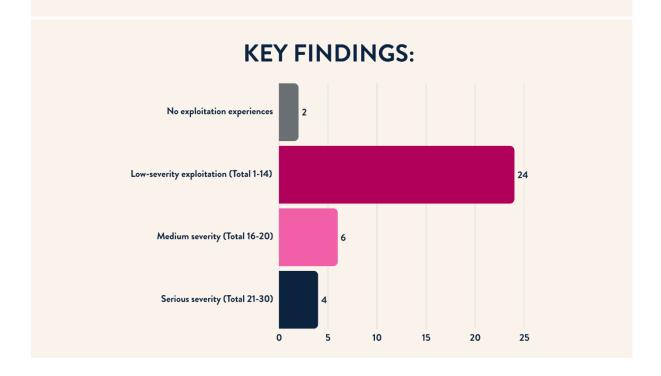
The survey conducted by STOP assessed exploitation severity using 10 key indicators:

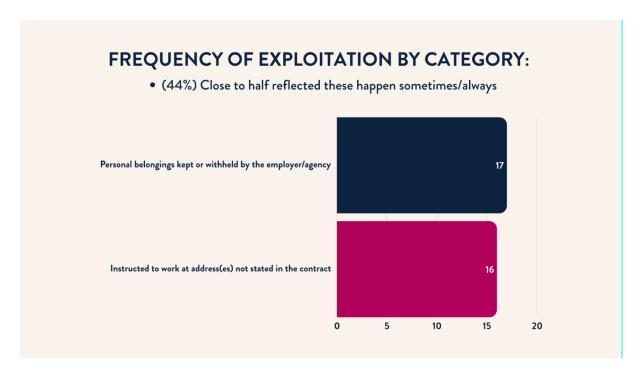
- 1. Get paid below Hong Kong's FDH minimum wage
- 2. Had your wages deducted unreasonably or excessively (i.e. >HK\$300 in a month)
- 3. Instructed to work at address(es) not stated in the contract, including accompanying the employer on their overseas travel
- 4. Instructed to work on a rest day or statutory holiday without compensation
- 5. Personal belongings kept or withheld by the employer/agency e.g. phone, identification documents/passports, credit card/bank cards
- 6. Physical assault/violence Including aggressive or offensive physical contact that do not cause pain or harm (e.g. poking at the chest)
- 7. Sexual harassment/violence

- 8. Hostility, racism, verbal violence and other discriminatory acts e.g. intimidation, threat of punishment, yelling, cursing/insulting, demeaning comments about your race, age, or gender (e.g. calling you dishonest, unclean or unsmart) etc.
- 9. Poor/Insufficient rest due to work-related stress and anxiety, or other human factors e.g. loud or sudden noises in late hours; midnight care requests etc.
- 10. Stopped from contacting your family, spend time with friends, or go where you want to go e.g. unfree to enter/exit the workplace unless with permission of employer; heavily monitored with surveillance camera inside, and always accompanied by the employer when outside.

PARTICIPANTS RATED THEIR EXPERIENCE WITH EACH INDICATOR ON A FREQUENCY SCALE:

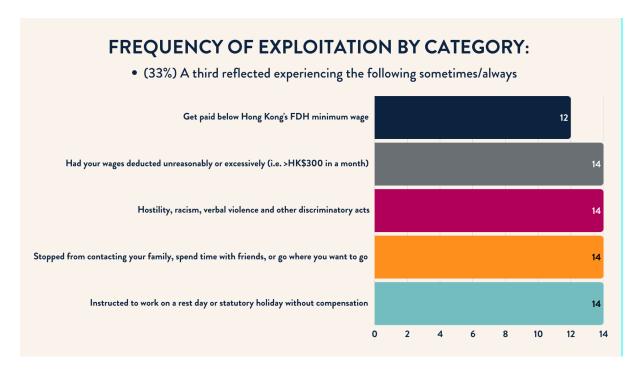
point - Rarely point - Sometimes point - Always





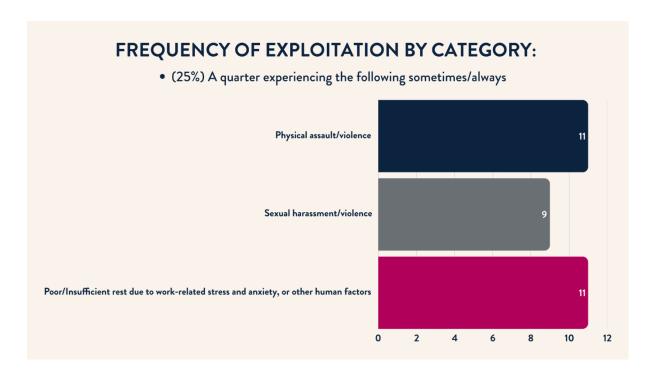
...so, it's usually some girls or mothers who really are in a dire situation and they want to provide for their family, so they can't really say no to anything. Some of the clients that we had, they were really young, so because they come from a poor family, the parents just facilitated this whole thing, and they were just agreed upon. They didn't argue with their parents, they didn't argue with the agent, they didn't argue with the employer, because for them it was just a way to provide for their families. And I guess that's the culture aspect, is that first of all, they don't know how to fight back, they're not informed about their rights, and they're doing it for their family so it's like "oh I need to provide for my family, their reputation and the whole situation". For some of them, they have no other option, they will kind of stay quiet and go through a very abusive employment.

Legal support NGO



Actually, for one of the migrant workers, her employer helped the worker open a bank account and kept her ATM card and told her, "You don't need it, I'll keep it for you safe". And she would pay like, let's say, HK\$2,000 per month, but in the bank account, she'll be paying the full amount. And then she'll also take out that full amount, pretending to be the worker. And going forward, I guess it was her plan to be like, "oh, look, I've been paying her a full amount." But actually, she was only paying cash and a lesser amount. But if let's say, for some, there's a case against her, she'd be like, "oh, no, she had the money, she was taking out the money", and she would claim that [the MDW] had the card.

Legal support NGO



Their vulnerability mainly roots in their lack of knowledge of Hong Kong's system and labour laws – they really know nothing.

Sri Lankan Church community

The challenges faced by MDWs who have experienced exploitative employment conditions, when trying to seek redress, such as the two-week rule, the inability to work whilst the Labour claim is being assessed, and the fear of being seen as a 'job hopper' for terminating employment, are not confined to mMDW. They affect MDWs of all nationalities. However, this research has demonstrated that the process of understanding their rights, and being able to seek justice should they be violated, is more deleterious for mMDW.

When it comes to terminated workers, many get kicked out of the house without a place to stay. If their support network is small, or if they don't know the language, some may go missing, some may be forced to sign documents that are written in English or Cantonese, and which they do not understand.

Union leader

Many of the free shelters that are set up for MDWs whose employment has been terminated only accept either Filipino or Indonesian MDWs. For mMDW, it is often necessary to pay out of pocket for a boarding house in order to remain in Hong Kong to seek redress and restitution. This creates additional financial vulnerabilities that increase the possibility of exploitative illegal work or an inability to remain in Hong Kong to make a claim under the labour tribunal process.

Lack of information:

There is an imbalance surrounding the information available to MDW from minority source countries, particularly due to the language barrier. If one is unable to speak, understand or read English or Chinese, then finding information, attending classes and workshops, or knowing how to approach authorities or NGOs, is as difficult as it is daunting. The difficulties in accessing information results in a lack in knowledge or resources to effectively navigate the legal system should they require it.

Migrant Domestic workers from minority source countries are small in number, 2.6% of the total population of MDWs in Hong Kong. As such there are limited opportunities to form a community, to meet other nationals to share information, advice, and support, and they tend to not have a centralised hub to congregate in on their rest days. For those who do not already know other migrant domestic workers from their country or language, or spaces where they might meet their own community, the idea of trying to form connections on their rest days can be intimidating.

Language barriers:

When workers and employers do not share the same language, routine instructions and daily interactions can lead to unintended mistakes and misunderstandings. These errors typically stem from communication gaps rather than lack of competence or work ethic on the worker's part. However, such miscommunications frequently result in penalties or termination, treating language-based mistakes as performance issues. While contract termination creates inconvenience for both parties, the consequences are disproportionately severe for workers. Employers can relatively quickly seek replacements without significant financial pressure, but workers face immediate and severe challenges: the two-week rule limiting their job search window, immediate loss of income during processing periods, and potential visa complications. They must also manage urgent concerns like temporary housing and basic subsistence while seeking new employment.

Food Arrangements:

Workers from South Asian countries, where rice is a fundamental dietary staple consumed at every meal, often face misunderstanding and judgment from employers who have different dietary norms. Employers frequently misinterpret workers' need for rice-based meals and larger portions as excessive eating, rather than recognizing it as a legitimate cultural and nutritional requirement. This is especially problematic given the physically demanding nature of domestic work. When employers provide only bread or restrict portions based on their own cultural standards, workers often experience fatigue and weakness, lacking the energy needed for their labour-

intensive duties. This cultural misalignment around food reveals how differences in basic dietary practices can be misinterpreted as character flaws, leading to unnecessary conflict, and compromising workers' well-being.

Verbal and psychological violence:

Domestic workers frequently encounter verbal and psychological abuse in the workplace, yet these forms of violence remain among the most difficult to address through legal channels. The nature of psychological abuse - including constant criticism, belittling, threats, intimidation, and other forms of emotional manipulation - creates a toxic work environment that can severely impact workers' mental health and wellbeing. However, seeking justice for such treatment presents significant challenges.

The primary difficulty lies in proving psychological abuse. Unlike physical violence that may leave visible marks or can be documented through medical reports, verbal and psychological abuse often occurs behind closed doors with no witnesses. The evidence is largely intangible - there may be no recordings, written documentation, or third-party observers to verify the worker's experience. Even when workers document incidents through recordings, these might be inadmissible or face legal challenges.

The current redress system offers limited solutions. Even in successful cases through the Equal Opportunities Commission, the outcome typically amounts to only an apology from the employer. This minimal consequence fails to adequately address the serious nature of psychological abuse or serve as an effective deterrent. Moreover, the process of pursuing such cases can be emotionally draining and potentially traumatic for workers, who must repeatedly recount their experiences while facing scepticism about the validity of their claims.

Domestic Work Scope of duties:

Many mMDWs report needing to perform duties well beyond their contractual scope, often involving specialized care that demands professional training and expertise. A particularly concerning area is elderly care, where workers without proper medical or caregiving training are expected to perform physically demanding tasks like transferring elderly patients between bed and chair, or assisting with bathing. These tasks require specific techniques and understanding of body mechanics to prevent injury to both the caregiver and the patient. Without proper training, workers risk serious physical injury while attempting to provide this specialized care.

Similarly problematic is the expectation for workers to manage special needs care without proper preparation or support. Cases have emerged where workers are tasked with caring for individuals with behavioural challenges, such as managing violent outbursts from special needs children or teenagers. When workers face physical harm in these situations and seek help, they often find employers dismissive of their concerns, being told to simply accept these dangerous conditions as part of

the job. This creates an unsafe work environment where workers' physical wellbeing is compromised.

Perhaps most troubling are cases involving inappropriate demands that cross professional and personal boundaries, such as being required to provide massage services under problematic conditions - like late-night demands or situations involving unclothed employers. These requests not only deviate significantly from standard domestic work contracts but also create uncomfortable and potentially exploitative situations that workers may feel unable to refuse due to power dynamics and job security concerns.

3. WORKER AGENCY & CONTROL

The survey undertaken by STOP assessed participants' sense of self-agency and dignity throughout their migration journey using a self-assessment tool. Participants responded to 8 statements, indicating whether they agreed or disagreed with each. These responses were then tallied to measure how strongly workers felt about their sense of control and dignity during the employment process. This scoring system helped quantify workers' subjective experiences of empowerment or disempowerment during their employment journey.

4.1 Self-Agency

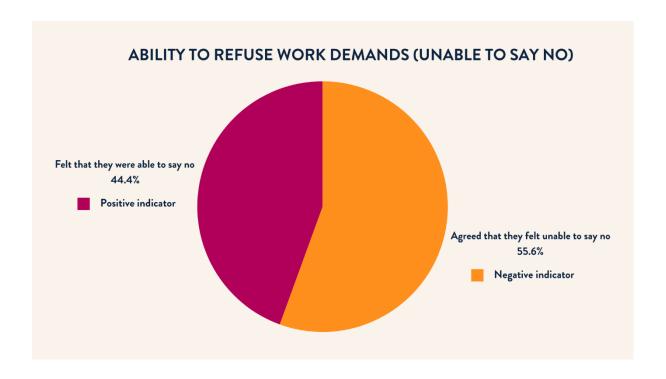
Participants evaluated four key aspects of self-agency during employment:

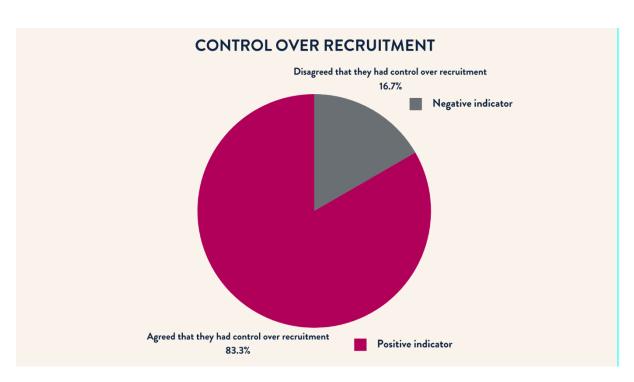
- 1. Ability to refuse unreasonable work demands
- 2. Freedom to terminate employment if conditions are unsuitable
- 3. Autonomy in employment decisions during recruitment
- 4. Knowledge of available support resources

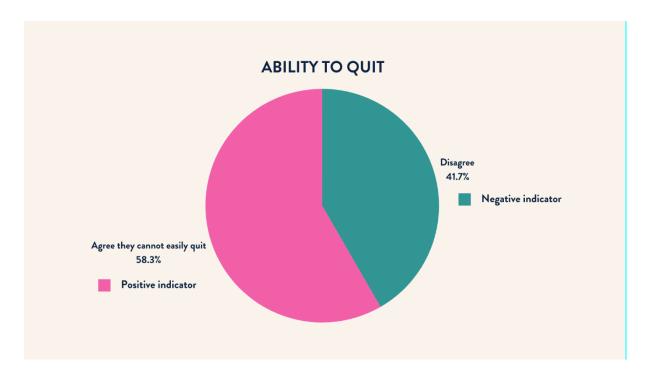


In Hong Kong, for example, this is the minimum wage they should be getting paid,... they have to get a holiday once a week, but they're not aware of these things. And then working probably the whole day and not being provided food. So sometimes these conditions really are unsatisfactory, very inhumane, and they're being exploited in that sense because they're unaware. Some of our clients we had, the employer just wouldn't let them go out, because they knew that if they went out, if they mingled within the community and they met other domestic workers, they would realize that, "actually, I'm being paid less." So, kind of restricting them in so many aspects, like even going out to have a holiday or going to meet friends.

Legal support NGO



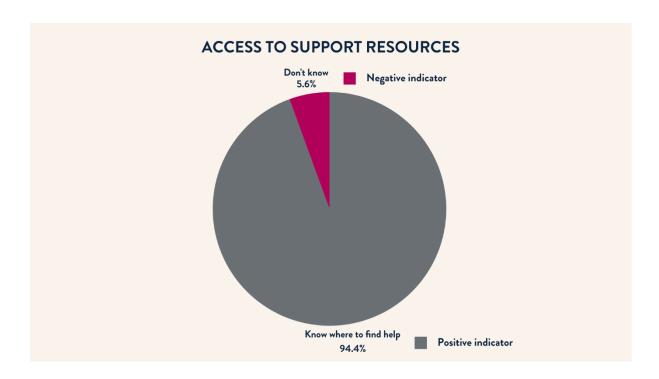




The primary reasons that mMDWs felt that they were unable to terminate bad or abusive employments were concerns regarding income security, risk of being seen as a job hopper, the situation in their home country and fear of retaliation from their employers.

So, the first stage is to be aware that one has rights, or one has an issue in the first place. And I think this is something that works well in the Indonesian or Filipino community because there are always rumours of what rights you have or not, [the community has] knowledge and can highlight, oh this is going wrong in your case - and I think this is the first step where a lot of the [mMDWs] are already having major trouble because they're not even aware that a possibility exists, that they have a remedy. And then the second stage is, I think, upon realizing that there is an issue, is to know concretely what the issue is and how to resolve it – that I can go to the Labour Department, or relevant authorities, explain to them my situation; and that I need to file a claim or whatever. [mMDWs] are struggling a lot because often they don't have this first point to approach and the people in their home country will probably not know about the Labour Department or anything.

Legal support NGO



Whilst this percentage related to knowing where to access support services is very high, the participants undertaking this research all became aware of the project through their links to NGOs, Unions and churches, and as such, had been made aware of the support networks and avenues to access advice and care. As the interviews with the stakeholders made clear, through their interactions with new clients, when mMDWs initially made contact with them, there was a severe lack of information.

So, a lot of them, especially South Asians probably have never left their country. And this is the first time they've left their country, they probably cannot speak or read English very fluently. And that really limits their ability to absorb information but also communicate and seek help. And because it's the first time they've travelled outside of their country, they don't know what to expect when working in Hong Kong. They don't know which authority to reach out to.

Migrant Domestic Workers support NGO

[With] Philippine or Indonesian MDWs, it's [NGOs] who are referring MDWs to us, and for [mMDWs] from other countries, it's a bit more diverse, and has also more direct contacts, I would say, because they don't have the networks that knows about us.

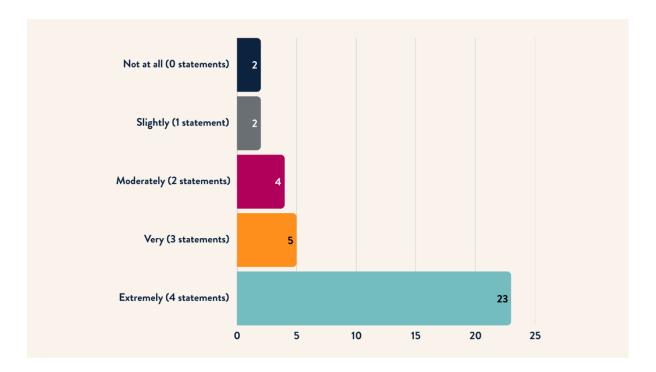
Legal support NGO

However, it is reassuring to note that of those who have a connection to NGOs, unions and churches, 94.4% felt that they knew where to access support, and shows the importance of tailoring services and programs to this vulnerable community.

4.2 Dignified treatment

The study assessed workers' perceptions of dignified treatment through four fundamental aspects of workplace welfare:

- 5. At work, I am provided proper and adequate food (or food allowance, if applicable).
- 6. My employer provides me with accommodation that is sufficiently private and suitable. Suitable accommodation would include a bed, pillow(s), blankets, wardrobe, a light, access to water, a toilet and bathing facilities; NOT sharing a room with a teenager/adult of the opposite sex, and NOT having CCTV installed in the private space.
- 7. Most days, I have enough time to rest. Including meal breaks, sleep, and non-work activities like calling family or exercising
- 8. My employer respects my personal space and time on my day-offs.



Many of workers are only given a piece of bread in the morning – but it's not nutritious enough, that's one thing; workers also won't have enough energy to get through the morning when their work is so labour intensive. Labour Department may not see this as a problem, because for local people here, the food provided may seem enough; but for many of us, especially when we first arrived and still adapting, we'd feel weak. Many workers also feel too shy to ask. Union leader





Agree (positive)

Disagree (negative)

10

5

0

There seems to be a disparity in the scores relating to self-agency and dignified treatment when compared to other observations elsewhere in the survey. Whilst 44.4% stated that they were able to refuse work demands, and 41.7% felt that they were able to terminate their employment, the earlier responses that related to lack of, or curtailed, rest days and excessive working hours, suggest that there might be a normalisation of what is an acceptable work demand, such as only taking a half-day rest day. Equally, feeling that you are able to terminate, and qualifying what conditions might make continuing with the employment impossible is a question often determined by the very vulnerabilities that make a consideration of terminating an employment contract so precarious.

10

5

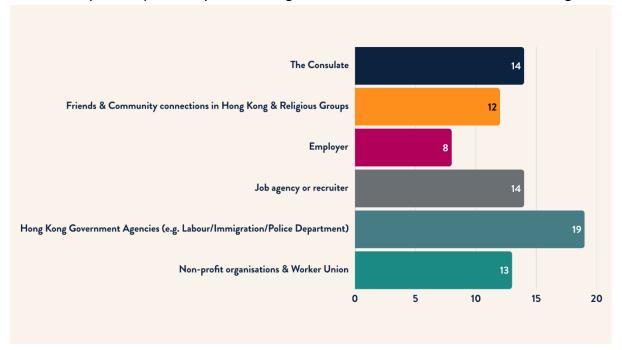
0

Agree (positive)

Disagree (negative)

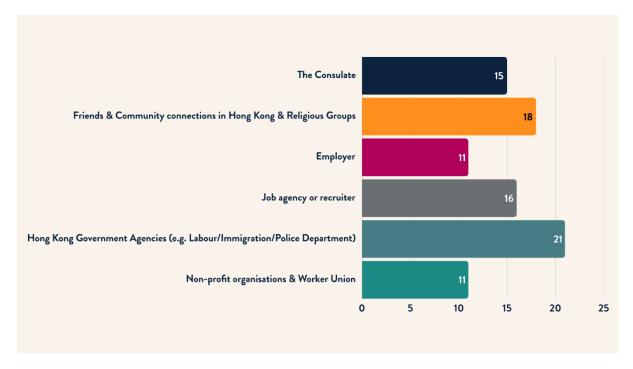
4.4 Access to information

Those surveyed had previously received Rights Related Information from the following:



NGOs can more provide rights training that are especially designed for these target group – I've noticed from the previous one conducted for Sri Lankan workers, those attending would ask questions that are rather basic, e.g. "Should employers be the ones to pay for air ticket?" Anti human trafficking NGO

Survey respondents stated that if they had enquiries or faced challenges at work, they would seek help from:



I definitely think some kind of standardized briefing, like a supposed arrival orientation would be really helpful. Just to let them know that if you find yourself in a questionable situation, this is a labour department number you can call, this is an immigration number you can call, these are NGOs you can ask to seek out, reach out to task advice, etc.

Migrant Domestic Workers support NGO

4.5 Redress

Other concerns arising from the interview with stakeholders consist of issues faced when mMDWs attempt to seek support and redress for exploitative practices.

Failure to tacking unethical brokers at the source:

Even if the agency is held accountable for overcharging, they are tried merely for the offence of overcharging, and not for the crime of trafficking. The penalty under the current framework is ineffective in deterring unethical recruitment practices; and unable to incentivize or obligate agencies to create better working conditions for workers. So far, there aren't enough examples where perpetrators have suffered the consequences, for people to take exploitation seriously.

MDW Thinktank

The fact that the agents who are arranging these employment opportunities and brokering the fees are not based in Hong Kong, along with the transient nature of verbal agreements or WhatsApp conversations, and the difficulties in providing documentation, result in an inability to hold people accountable for financial exploitation.

They tend to be too trusting of others and grow to become very dependent on the brokers. They also usually lack awareness about keeping paper trails/receipts or copies to protect themselves. A lot of them are also financially in not very ideal positions, and the desperation could cause them to take on jobs very abruptly, without carefully reviewing or questioning suspicious arrangements.

Sri Lankan Church community

Lack of consular assistance:

The difficulties MDWs from minority source countries face due to limited access to a consulate in Hong Kong, or a lack of experience supporting mMDWs needs, can be seen after an employment has been terminated. There can be a lack of empathy for the hardships faced, and a widespread practice of turning away vulnerable workers seeking help or redirecting them back to exploitative situation.

Between the union and consulate, we work very closely together on cases – though the consulate never refers cases to us. We also observe that those who reach out to them without us accompanying, the treatment would be different. Some would ask workers, "why can't you endure it?"

Union leader

Statutory support:

As seen elsewhere in this report there are serious gaps in information for workers regarding their legal rights in Hong Kong. The limited information available, not all of it reliable, can create an echo chamber of misinformation, spread by brokers and recruitment agents, that exacerbates vulnerabilities, financial hardships, and exploitative practices. This narrative is rarely contradicted due to the limited availability of factual information provided for mMDWs.

While this information gap is not limited to the mMDWs, there is an incomplete understanding at the Labour and Immigration Departments regarding the complex nature of MDWs from minority source countries, and processes involved.

But it seems [Philippines and Indonesia] have proper agencies, and the process is also organized by the government, whilst the other countries, to our expertise, it's a greater risk of human trafficking, because they don't have these policies and agencies.

Legal support NGO

As such, currently, the processes are not adequately able to handle problems that arise through the recruitment process and monitor the treatment and conditions for mMDWs.

Without having come through an agency in Hong Kong, it is also the case that a person needs to know where to go to find support, in order to be able to access it. Not all statutory offices are open on MDWs rest days, and hotlines and websites would benefit from being more user-friendly, particularly for those who speak minor source languages.

A mandatory orientation training, provided by the Labour Department, outlining MDW rights, rules, conditions, duties and how and where to access support, would ensure that all MDWs, from all countries, had access to information and pathways to support. This would also provide the means to monitor unethical practices such as broker's fees and recruitment processes.

Language:

Whilst government offices provide access to translation and interpretation services, such as Cheer, not all languages are covered by this service. Given the limited English and Cantonese abilities of this vulnerable community and bearing in mind the complexities of their recruitment process, the ability to be able to adequately explain their experiences is necessary in order to seek appropriate redress.

Information is widely available and easily accessible for majority languages such as Tagalog and Bahasa. However, for some of the languages understood by MDWs from minority source countries, this information can be difficult to find.

5. RECOMMENDATIONS

The service gaps that have become apparent over the course of this research relate to three aspects of the journey for Migrant Domestic Workers from Minority Source Countries. This research has demonstrated the importance of minimizing the exposure of mMDWs to exploitation, through the following methods:

At the point of recruitment:

- Facilitate and incentivize employment agencies to adopt ethical recruitment practices and fees.
- Widen the definition of human trafficking under the Hong Kong legislation, to include recruitment exploitation and forced labour.
- Broaden the requirement for agency involvement to include MDWs from all sourcing countries.
- Uniformly ban excessive placement fees across all sourcing countries/regions.
- Collaborate with sourcing country governments to hold agencies and unlicensed brokers accountable.
- Require transparency in fee structures.
- Sending countries to offer pre-departure consular orientations to educate workers about their rights, and where to seek help.

Over the course of employment:

- Labour and Welfare Department to run mandatory
 orientation and information sessions to all new MDWs
 (suggestion to use pre-recorded videos, translated into
 multiple languages to ensure accessibility for all)
- Labour and Welfare Department to run mandatory training for all new employers regarding roles, responsibilities, and worker rights (such as conflict management, statutory holidays and required 24-hour rest period per week)
- Expand the **funding** opportunities for organisations that work to support mMDWs, such as Jockey club and Community Chest funds
- Establish maximum working hours;
- Implement **spot checks** at employer homes to verify living and working conditions.
- Increase awareness of **inquiry platforms** to combat misinformation.
- Increase mechanisms for mMDWs to challenge unethical employment practices without needing to resort to terminating, or risk being terminated.
- Community building for MDWs from minority source countries though English and Cantonese language and culture classes
- Ensure accessibility of consular and government services to migrant domestic workers.

Post employment	Improve the blacklisting system for employers/agencies
redress:	who violate regulations.
	Reassess policies regarding job changes, acknowledging
	power imbalances in employment relationships.
	Avoid penalizing workers for justified early terminations.
	Allow mMDWs who have faced unethical and abusive
	employments to process new visas in Hong Kong.

Next steps:

Based on the information collected and collated through this report, and on the experiences and vulnerabilities of mMDWs as relayed through the surveys and stakeholder interviewed, STOP has produced a 'Rights and Wellness guide' for Migrant Domestic Workers from minority source countries.

This includes pre-departure information that can be found here:

And a post arrival resource guide that will be printed and distributed to relevant communities and the organisations that support them. An online version can be found here:

Thank you:

This research would not have been possible without the generous support of HERFund and the staff there.

Thank you to all of the organisations that shared their time, knowledge, and experience with us.

Thank you to the MDWs from minority source countries for trusting STOP to share their experiences.

Thank you to Veronica Sui for undertaking the research and to Dr Chloe Martin for writing up the findings. Thank you also to Mandy Lam for her excellent graphics and polishing.

6. APPENDICES

STOP Research: Anti-trafficking Capacity Building among Minority Migrant Communities in Hong Kong

Online Survey Consent Form

1. INTRODUCTION

We invite you to take part in this survey by STOP (Stop Trafficking of People), which is an NGO (Non-Governmental Organisation) that supports people who have faced trafficking and exploitative labour conditions. STOP is doing research on 'anti-trafficking capacity building among Minority Migrant Communities' in Hong Kong. We would like to understand how your journey to and with your job is like as a smaller group of domestic workers in Hong Kong (including those from Sri Lanka, Bangladesh, Nepal, Thailand, Kenya and Madagascar, etc.), as supposed to the bigger groups, like those from the Philippines and Indonesia. You are invited to fill out the online survey with questions about your recruitment process, work conditions, and access to rights information & resources. The survey will take about 10 minutes to complete. Taking part in this survey is entirely voluntary and you can choose to quit the survey at any time without negative consequences.

2. POTENTIAL BENEFITS OF THE STUDY

Your answers will help STOP to better understand your experiences and the difficulties you face, and improve our support services for minority migrant domestic workers. We will run workshops and training to the community, and share information with other organisations that support migrant domestic workers in Hong Kong about what we have learned.

3. POTENTIAL RISKS OF THE STUDY

There are no known risks to taking part in this study. If you feel uncomfortable or upset at any time and don't want to do it anymore, that is ok and you may close the survey window. Please tell us if you have any questions or worries.

4. ANONYMITY AND CONFIDENTIALITY

Everything you tell us will be kept confidential, and only the STOP team will see your answers. When we share the information, your real name will not be used. We will keep your information for 3 years and then delete it. If you have any questions, please feel free to contact us via message +852 6465 2224 (Whatsapp) or email vsiu@branchesofhope.org.hk.

- o I understand and agree to take part in the survey.
- o I do not agree to take part in the survey.

Q2 Have you worked in Hong Kong as a migrant domestic worker in the past five years (i.e. at any point in time between now and the year of 2019)?

- Yes, I worked as a foreign domestic helper
- Yes, I worked as a foreign domestic helper and driver
- o No

0	Bangladesh
0	Burma
0	Philippines
0	Indonesia
0	India
0	Kenya
0	Laos
0	Madagascar
0	Nepal Sri Lenka
0	Sri Lanka
0	Thailand Other
0	Other
End of Block: Criter	ia & Informed Consent
Start of Block: Dem	ographic
Q4 How old are you?	
0	Under 18
0	18-24 years old
0	25-34 years old
0	35-44 years old
0	45-54 years old
0	55-64 years old
0	65+ years old
Q5 How do you desc	ribe yourself? Male Female Non-binary / third gender Prefer to self-describe
0	Prefer not to say
0014/1	
Q6 What is your level	
0	No formal schooling
0	Primary (Grade 1-6)
0	Lower secondary (Grade 10.13/High Seheel Diplome)
0	Upper secondary (Grade 10-12/High School Diploma) Post-secondary
0	
Q7 Year(s) of experie	ence as a migrant domestic worker (MDW)
0	Less than 1 year
0	1-2 years
0	3-5 years
0	More than 5 years

Q8 What is your level of proficiency in Hong Kong's official languages?

	Less than basic	Basic	Advanced	Native
English Chinese	0	0	0	0
(Cantones e or Mandarin)	0	0	0	0

Q9 Please answer questions in the following section based on your most recent/current MDW contract.

Which of the following methods best describes how you found your employer(s)?

- Online platforms (e.g. social media, like Facebook; forums, like Hong Kong Expat; recruitment websites, like HelperChoice etc.)
 - Employment agency 0
 - Independent recruiter 0
 - 0 Referral of a friend/family/acquaintance

Q10 Were you already in Hong Kong when you applied for the job?

- No, I was in my home country/outside of Hong Kong
- Yes, I was in Hong Kong 0

Q11 To get the job, how much money did you pay in total (in HK\$)?

- Recruiter in home country
- Recruiter in **Hong Kong**
- Other (Please specify whom and how much.)

Q12 For the amount you paid for, what is included? (you may choose more than one answer)

- Placement fee
- Training fee
- Food, transportation and lodging while waiting for the job to begin
- Flight ticket to Hong Kong
- Medical examinations
- Insurance
- Visa (other than the application fee itself)
- Contract certification at your Consulate/government offices
- Qualifications, certificates and/or endorsements
- Other (please specify)

	•	⊗I don't know
Q13 Did yo	u take oւ ∘	ut any loans to get the job? If yes, how much (in HK\$)?
	0	Yes No
O14 Defere		
Q 14 Belore	signing	the contract, did you have an interview with the employer? Yes - Online/Phone Call
	0	Yes - In Person
	0	No
Q15 Tick th		s) if the following statements about the contract of your current/most apply.
	•	The contract was written in or translated to language(s) I understand.
	•	The terms were fully and clearly explained to me.
	•	The contract contains my true signature. I was given a copy to keep for record.
	•	
	•	There was no written contract.
Q16 How m	nany peo	ple (and animals) do you take care of at work?
	•	Child (0-16 years old)
-	•	Adult (17-64 years old)
-	•	Elderly (65 years old and above)
-	•	Pet
Q17 What is	s the nat	ionality of your employer?
	•	Chinese
	•	South Asian
-	•	Other Asian
-	•	White/Caucasian
-	•	Black/African
-	•	Middle Eastern
-	•	Hispanic/Latino

•	Prefer not to say
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Q18 On average, how many hours do you work a day? o Work day

- Rest day (expected or requested by employer)

Q19 How frequently do you experience the following in your current/most recent employment?

	Never	Rarely	Sometimes	Always
1. Get paid below Hong Kong's FDH minimum wage 2. Had your wages deducted	0	0	0	0
unreasonably or excessively (i.e. >HK\$300 in a month) 3. Instructed to work at	0	0	0	0
address(es) not stated in the contract <i>Including</i> accompanying the employer on their overseas	0	0	0	0
travel 4. Instructed to work on a rest day or statutory holiday without compensation 5. Personal	0	0	0	0
belongings kept or withheld by the employer/agency e.g. phone, identification documents/passp orts, credit card/bank cards	0	0	0	0
6. Physical assault/violence Including aggressive or offensive physical	0	0	0	0

contact that do			
not cause pain or			
harm (e.g. poking			
at the chest)			
7. Sexual			
harassment/viole	0	0	0 0
nce	O .	Ŭ	O O
8. Hostility,			
racism, verbal			
violence and			
other			
disciminatory acts			
e.g. intimidation,			
threat of			
punishment,			
yelling,			
cursing/insulting,	0	0	0 0
demeaning			
comments about			
your race, age, or			
gender (e.g.			
calling you			
dishonest,			
unclean or			
unsmart) etc.			
9.			
Poor/Insufficient			
rest due to work-			
related stress and			
anxiety, or other			
human factors	0	0	0 0
e.g. loud or		· ·	ŭ
sudden noises in			
late hours;			
midnight care			
requests etc.			
10. Stopped from			
contacting your			
family, spend			
time with friends,			
or go where you			
want to go <i>e.g.</i>			
unfree to			
enter/exit the			
workplace unless			
with permission	0	0	0 0
of employer;			
heavily monitored			
with surveillance			
camera inside,			
and always			
accompanied by			
the employer			
when outside			

Q20 Do you agree with the following statements?

Q20 B0 you agroo with the following	Yes, I agree	No, I disagree
1. I did not feel taken	,	,
advantage of, cheated on,		
tricked or pressured against		
my will into any unfavourable	0	0
arrangement(s) related to the		
job.		
e.g. predatory loan		
agreements, hidden	0	0
charges	, and the second	Ç
2. I feel I have sufficient		
control over my recruitment		
process. You can answer this		
based on how your own		
understanding of control. It		
can come from, but not		
limited to, being well informed	0	0
about the procedures and		
costs; having the choice to		
use a different agency, or		
reject a potential employer		
you do not feel right about		
3. My actual working & living		
conditions, the scope of my		
work responsibilities and	0	0
salary match what I was		
promised.		
4. I feel unable to say "no" to		
my employer's unreasonable	0	0
or illegal requests, as I worry		C
about getting fired.		
5. At work, I am provided		
proper and adequate food (or	0	0
food allowance, if	-	-
applicable).		
6. My employer provides me		
with accommodation that is		
sufficiently private and suitable. <i>Suitable</i>		
accommodation would		
include a bed, pillow(s),	_	_
blankets, wardrobe, a light, access to water, a toilet and	0	0
bathing facilities; NOT sharing		
a room with a teenager/adult		
of the opposite sex, and NOT		
having CCTV installed in the		
private space.		
private space.		

7. Most days, I have enough time to rest. <i>Including meal</i> breaks, sleep, and non-work activities like calling family or	0	0
exercising 8. My employer respects my		
personal space and time on my day-offs.	0	0
9. Quitting or ending my contract early is not an option, even if the treatment at work is bad.	0	0
10. If I encounter bad agency practices or poor treatment at work, I know where to find help.	0	0

Q21 Why do you feel you have no option to quit? You may choose more than one answer.

- Given my financial and/or family situation, I cannot afford having no income.
- I worry that the record of premature termination would affect my future visa applications for work in Hong Kong.
- I am afraid of how my employer would react and the possibility of retaliation.
- Other reasons (please specify).

Q22 If you encounter work-related difficulties in Hong Kong, whom of the following would you seek help and advice from? You may choose more than one answer.

- The Consulate
- Friends & Community connections in Hong Kong
- Employer
- Job agency or recruiter
- Hong Kong Government Agencies (e.g. Labour/Immigration/Police Department)
 - Non-profit organisations
 - Worker Union
 - Religious groups
 - o Others

0	

Q23 Have you previously received any information, training, or workshops related to recognizing, responding to, and addressing labor exploitation/human trafficking from the following sources? Please check all that apply.

• The Consulate

Departmer • • • • • • • • • •		Hong Kong Government Agencies (e.g. Labour/Immigration/Police nt) Non-profit organisations & Worker unions Employer Job agency or recruiter Friends & Community connections in Hong Kong Religious groups Worker Union Other (please specify)
	•	I have not received any such information or training before
Q24 Please you as a dor		scribe what topics were covered and how helpful or relevant it was for rker.
Q25 Please worker.	share wh	at kind of resources or support would be helpful for you as a domestic
		ferred way of receiving information about your rights, benefits, and you as a domestic worker in Hong Kong? Please check all that apply. In-person information sessions or workshops Pamphlets/brochures distributed by NGOs or government Social media (e.g. Facebook) Enquiry Line/WhatsApp groups Others
e.g. Are ther observed? V	re other cl Vhat are y do you thi	e anything else you would like to share with us? hallenges at work, or trends of exploitation you have experienced or your thoughts on Hong Kong's policies and services? What other nk would be helpful in cultivating n exploitation-free workplace for FDH

Q28 Thank you for completing the survey on or before **5 August**, **2024**. As a token of thanks, a supermarket voucher of HK\$50 will be given to you.

If you wish to receive the voucher, please share with us your contact information. The voucher collection time and location (Wanchai & Tung Chung) will be announced later.

- Yes, I would like to receive a voucher.
- No thanks, I will skip the offer.

We thank you for your time spent taking this survey. Your response has been recorded.

Stay Connected

Join <u>our Facebook Group</u> for Migrant Domestic Workers to find out more about our upcoming events and workshops, volunteer opportunities, as well as the survey findings (to be released in the later half of 2024)!

Useful Resources

If you or someone you know is facing mistreatment or exploitation, please don't hesitate to reach out to us via Whatsapp message/Phone: +852 6465 2224

Feel free to use and share also our <u>MDW resource card</u>, which provides contact information on available services for migrants facing exploitation in Hong Kong.

Participants needed

Share your opinion and help improve worker protection and empowerment for migrant domestic workers in Hong Kong!

Are you...

- A migrant domestic worker (foreign domestic helper) in Hong Kong; and,
- NOT from the Philippines or Indonesia?

If so, we want to hear from you.

STOP is a non-profit conducting an online survey with minority domestic workers to learn about their experiences and challenges in finding a job abroad and working in Hong Kong.

Fill in the survey by _	to receive a	supermarket	voucher!
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Scan to go to the survey: