

# SEEFAR



## Making Migration Work

Understanding forced labour amongst migrant domestic workers in Asia

October 2019



## ABOUT US

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The purpose of our social enterprise is to work with those people to build a better future.

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## Executive Summary

Modern slavery - the worst form of forced labour - continues to be a major global issue. Despite increased attention from policy makers, academia and the media, very little has changed for victims and potential victims across the globe. Seefar is dedicated to conducting robust research and implementing innovative programmes that can reduce the vulnerability of those at greatest risk.

This report examines the experiences of migrant female domestic workers in South-East Asia. It compares recruitment processes and working conditions for female migrant domestic workers based on two rounds of fieldwork conducted in 2016 and 2019 across Singapore, Hong Kong, the Philippines, and Indonesia. In 2019, we follow the process of recruitment, migration, work, and return from the perspective of over 3,000 current, future, and former female migrant domestic workers.

The 2019 round of data collection focused on current migrant domestic workers in Singapore and Hong Kong, and prospective and returned workers in Indonesia and the Philippines. In addition, we analyse the evolution of legal frameworks in countries of origin and destination against the real-lived experiences of respondents.

The report's findings show the relationship between how migrant workers arrive at the decision to migrate and the information and influences which inform their choices. The report looks at where ill-informed choices lead to situations of exploitation, at times amounting to modern slavery. Insight into how potential victims become vulnerable - and the measures which might help mitigate that - show there is opportunity for intervention that brings real change.

## Key findings

### 1. Indicators of forced labour remain prevalent

The data used in this report adapts forced labour indicators from those set out by the ILO in *Hard to See, Harder to Count*<sup>1</sup>.

**In 2016 and 2019 evidence of forced labour was found at all stages of the migration journey.** The majority of the total of the current and returned migrant workers interviewed in 2018<sup>2</sup> (77%) reported indicators of forced labour. They were highest among Indonesians returning from Singapore (98%) or Hong Kong (94%). In 2016 and 2019 most (88%) of current migrants in Singapore were likely victims. In Hong Kong, there was a big jump from 2016 (17%) to 2019 (79%) – largely due to the exploitation that these migrants have experienced in their home countries during recruitment, though the use of a different survey instrument in 2019 that was only following ILO's methodology may have played a part in this.

<sup>1</sup> ILO (2012). *Hard to see, harder to count. Survey guidelines to estimate forced labour of adults and children.* [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182096.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf)

<sup>2</sup> 1834 of 2397 current and returned migrants



**Indonesian respondents were significantly more likely to have experienced indicators of forced labour overall** (91% versus 62% of Filipina respondents).<sup>3</sup> Responses collected from almost all interviewed returned Indonesian migrants (96%) indicated they are likely victims of forced labour, compared to 63% of Filipinas.

**Respondents working in Singapore (71%) were marginally less likely to be victims than in Hong Kong (79%).** However, the reverse was true among returnees: 88% who worked in Singapore were likely victims, compared to 74% who worked in Hong Kong. The most common indicators of forced labour included:

- **Confiscation of identity papers or travel documents** - Indonesians (79%) were significantly more likely to have their personal documents confiscated during recruitment for Hong Kong and Singapore than Filipinas (29%). Dismissal, isolation, and having wages withheld are also more common in Singapore than Hong Kong.
- **Exclusion from community and social life** - Exclusion from community and social life may arise out of restricted ability to leave the recruitment or employer facility. Returned Indonesian migrants report exclusion during recruitment at much higher rates than returned Filipinas (64% versus 16%).
- **Debt-led recruitment** - Indonesian returned respondents experienced these at higher rates than Filipinas. Over half of the total sample<sup>4</sup> experienced recruitment linked to debt (54%) compared to around one-third in 2016 (28%). On average, current and returned Filipina respondents paid recruitment agencies USD 700 and took just under five months<sup>5</sup> to repay the debt. Most Indonesians paid USD 1,000 and paid this back in 7 months.<sup>6</sup>

## 2. Poor planning made migrants vulnerable

**Prospective migrants made migration decisions based on immediate economic needs - not long-term economic planning.** Most (75%) prospective migrants said that their household income did not cover their expenses and most (73%) planned to use their earnings abroad for household running costs (75% of Filipina respondents; 70% Indonesian). Indonesian prospective migrants (76%) were more likely than Filipina prospective migrants (56%) to say finances were their primary driver.

**Most Indonesian (76%) and Filipina (99%) prospective migrant respondents felt they did not have a choice in their decision to work abroad.** This was due to economic need, family pressure, and perceived lack of opportunities at home.

**Family and friends at home and abroad were most influential in the decision to go.** Over half of Indonesian (54%) respondents spoke to friends in their home country about migration but when it came to making the decision to go, family at home (33%) were most influential. For Filipinas, family abroad was the most common (38%) and most widely influential (27%).

<sup>3</sup> Reg,  $p < .01$ , current and returned migrants

<sup>4</sup> Current and returned migrants from Indonesia and the Philippines

<sup>5</sup> 4.88 months

<sup>6</sup> 6.8 months on average

**While recruiters - typically pointed to as the main source of deception and coercion - were common sources of migration information, they were not as influential as family and friends.** Nearly a quarter (24%) of Indonesian prospective migrants said recruiters were a key source of information but nearly none (4%) said they were influential. For Filipinas, it was 30% sourced versus 16% influential.

### 3. Recruitment practices make migrants vulnerable

**Debt-led recruitment rose significantly between 2016 and 2019 - and is strikingly high in Indonesia.** The number of Indonesian migrants (current and returned) experiencing recruitment linked to debt was 30% higher in 2019 (79%) than 2016 (51%). Further, almost all (91%) of the Indonesian sample reported going into debt at the time of recruitment compared to just 12% of Filipinas.

**Many workers agree to contracts they do not understand.** Interviews showed that many workers are uncertain about the content of their contractual obligations, what their contractual obligations are, what is forbidden and optional, and the discretionary provisions that agencies are inserting.

**Almost half of the total sample experienced coercive recruitment.** Indonesians are much more likely to experience coercive recruitment than Filipinas at 61% versus 30%.<sup>7</sup> The most prevalent form of control reported by respondents in Singapore was an inability to leave the recruitment facility during recruitment.

**Physical and sexual violence was reported at low levels but neglect was higher.** 20% of returned Indonesians report neglect - specifically deprivation of food or medical assistance - as a form of punishment during recruitment, compared to only 3% of returned Filipinas.

### 4. Hardship and help abroad and after return

**Working under duress was a key concern while abroad.** This included forced overtime work (32% current migrant workers in Hong Kong; 12% in Singapore), limiting freedom of movement (18% Hong Kong, 11% Singapore), constant surveillance (33% Hong Kong, 13% Singapore). Current migrants in Singapore (31%) and migrants returning to Indonesia (27%) were most likely to report they lacked the freedom to terminate contracts in line with legal provision.

**Abuse in employers' homes was low - but may be underreported.** Verbal abuse was most common (19% current migrant workers in Hong Kong, 8% in Singapore).

Despite these issues, **most (61%) of the current and returned respondents reported that they could not ask others for help if they had problems.** Yet many workers reported frequent contact with their friends and network in the same country. Stigma may be preventing existing social networks from providing dedicated support to those who need it.

**Few returned respondents accessed assistance** (16% Filipinas and 8% Indonesians). Most (63%) support for Filipinas came from their own government. Indonesians (46%) tended to rely on friends and family. Support for Filipinas was usually (83%) financial and for Indonesians primarily psychosocial (46%).

<sup>7</sup> Total sample (current and returned), Reg,  $p < .01$

## 5. Legislation changed for the better but practice remains poor

**In 2017, Indonesia adopted the “Migrant Workers Protection Law” to increase protection for migrant workers and regulate their recruitment, placement and return.** While this offers improved legal protection to migrant workers, the right to freedom of movement (in this case during recruitment and migration) is notably absent. Seefar’s 2016 report found that both prior and during migration, the freedom of movement of many Indonesian migrant workers was restricted. Additionally, neither the right to days off nor a maximum number of working hours is covered by the new Indonesian law.

**However, Indonesian law still permits recruitment practices which provoke forced labour concerns.** Indonesian laws also permit recruitment actors to charge significant fees to prospective migrant workers, thereby creating long-term indebtedness. While this practice is legal under national law, this report uses the ILO methodology that considers this an indicator of forced labour.

**In the Philippines, unlicensed recruitment agencies exist despite robust legal and policy frameworks.** Due to its long experience with migrant labour, the legal framework and its implementation offer a highly structured space from pre-departure seminars to monitoring agencies in receiving countries. The reports notes emerging efforts of local government offices to assist in the return and reintegration of workers. Despite this, unlicensed recruitment agencies and practices such as ‘replacement’ contract with less favorable terms upon arrival continue to exist.

**Migrant domestic workers are entitled to the same protection in Hong Kong as other workers there, including minimum wages, annual leave, rest days, sick time, and termination payments (among others).** However, abusive practices by employment agencies in Hong Kong and employers persist, and the current regulatory and legal framework relating to migrant domestic workers may exacerbate these exploitative situations by for example requiring migrant workers to live-in in all cases or only providing two weeks to find a new employment at the end of contract.

**Since 2016, Singapore has introduced further changes which increase protection for migrant domestic workers.** These include a stricter sentencing framework for physical abuse cases that carried elements of psychological abuse and banning employers from safekeeping a migrant domestic worker’s salary.

**Migrant domestic workers in Singapore are subject to a parallel set of rights and obligations to other migrant workers and Singaporean citizens.** These lack basic definitions of what constitutes legal and illegal working conditions, leaving space for interpretation and abuse. They also offer significant power to the employer, including cancelling work permits and repatriating workers without their prior consent. Migrant workers may file a complaint if they are illegally deployed, underpaid or abused by employers.



## 6. Benefitting from migration?

**For some, there are lasting economic gains from labour migration, but such gains are concentrated among a few people.** Most Indonesians (53%) and less than half Filipinas (41%) returning from abroad judged their financial position to have improved, while wages among employed returned Indonesian and Filipina migrants were significantly higher than prospective, employed migrants. However, the income gap narrows significantly when incorporating unemployment. Filipina prospective (21%) and returned (19%) migrant workers were employed at similar rates. Indonesian prospective (17%) and returned (28%) had more divergence.

## Recommendations

### 1. Make recruitment ethical

Addressing exploitation - such as deception and debt - from the earliest phases of migration has the potential to yield outsized gains during and after migration experiences. Stakeholders could aim to:

- **Enforce existing laws** - government actors must enforce laws aimed at unethical recruitment, including proper penalties for recruitment agencies which flout them.
- **Introduce new legislation in line with global standards** - governments should legislate to eliminate recruitment debt and fees - currently legal in Indonesia. Expanding the conditions under which workers can switch employers, with clearly defined notice periods; and (in Singapore) eliminating the SGD 5,000 security bond system, would enable more workers to 'vote with their feet' and shun abusive situations.
- **Incentivise ethical practices** - Donors should support ethical recruitment agencies that implement best-practice guidance, such as the Dhaka Principles.<sup>8</sup>
- **Hold recruitment agencies accountable** - Employers need to hold their agencies accountable for charging recruitment fees or deceiving workers.

### 2. Help workers prepare

Migrant labourers must be equipped with the right information to better understand their rights and make decisions that reduce their vulnerability. They must be given information before committing themselves to migration or to a specific agency. Stakeholders could aim to:

- **Make information accessible** - it should be available through trusted sources and be relevant for the individual worker. Language training can help ensure that the information is more accessible in host countries.
- **Open contracts to public scrutiny** - develop a mechanism to allow the worker to share their contract anonymously for feedback and advice, ensuring workers fully understand them. A government or international donor could support an experiment in transparent contracting. This would involve an electronic platform hosting contracting parties' standardised documents. The worker would be able to share their contract with anyone from whom they want advice. For ethical agencies, this would likely yield efficiency benefits. For unethical agencies, it will create

<sup>8</sup> <https://www.ihrb.org/dhaka-principles/>

pressure to review standard contracts. Hong Kong and Singapore's excellence in technology offers an excellent opportunity to pilot this.

### 3. Make in-country support accessible

Respondents in this report reported fear of repercussions in approaching authorities. These can include losing their job or reprisal. A combination of stigma and lack of assurance has also prevented them from reaching out to social networks or support.

- **Address stigma by changing attitudes** - sponsor the development of a network of more aware and trained women in origin and destination countries who become known as providing effective support. Use social media to connect as widely as possible with women in Hong Kong and Singapore, with a focus on identifying and offering support to women who seem isolated.
- **Support workers in planning for their financial futures** - many workers are spending their prime years of career and skills growth contributing cheap labour to a foreign economy and bolstering family consumption in their country of origin, with limited impact on household savings or investment. Training and education could allow them to step out of the overseas domestic worker market before they start feeling trapped in it.
- **Help workers access financial products** - research suggests savings, remittance and investment plans, opened early, can be beneficial.
- **Offer assistance to deal with trauma** - respondents who experienced abuse believe that counseling and psychological assistance could be improved during the return process.

### 4. Focus on career and financial planning, stop 'reintegration'

A common misunderstanding among researchers and migrants themselves is that female migrant workers will accumulate enough wealth to elevate their economic position at home. However, we found in 2016 and 2019 that this kind of labour migration does not lead to a stronger economic position and permanent return home but instead serves to sustain consumption and subsistence. To alter this dynamic, stakeholders could:

- **Focus on helping workers strategise** - training on longer-term career planning before deployment could help workers to strategise and avoid feelings of being trapped - aligned with respondents' ambitions to having savings and greater autonomy.
- **Adapt programming to realities at home** - key is understanding the benchmarks for financial planning, career planning or "reintegration" activities. For example, a worker with children in her 30s may not aspire to seek full-time formal employment; for her, employment-focused "reintegration" programmes would not be appropriate.
- **Screen effectively to make sure workers are included in appropriate programmes on return.** Some survivors of abuse may benefit from participating immediately in "mainstream" reintegration activities. Many will not. For example, many respondents told us they would not speak with their families or relatives about problems abroad, suggesting stigma may also affect their participation in certain programmes.

## 5. Implement market-friendly protections in Hong Kong and Singapore

Hong Kong and Singapore's reputation for efficiency and pragmatism is well-deserved and its approach to migrant domestic workers has been evolving positively. Efficiency and pragmatism offer opportunities to enhance the migrant domestic worker market in ways that benefit workers, Hong Kong and Singapore:

- **For workers, expand the conditions under which workers can switch employers beyond physical abuse** - include: restriction of movement or communication; verbal abuse; overwork; food deprivation; or unacceptable accommodation. This is not simply a humanitarian consideration - it is also good market regulation to empower workers to go wherever their labour will be used most efficiently. A verbally abused, food-deprived, tired migrant domestic worker is not going to work well and will raise costs for the industry in the medium term.
- **For employers in Singapore, eliminate the security bond system** - in theory, this bond can be forfeited in full or in part if the worker goes missing or if she violates work permit conditions. In reality, security bonds are rarely ever forfeited. The security bond system is thus an unnecessary source of anxiety for employers that incentivises them to exert strong - sometimes illegal - controls over the worker.
- **In Singapore, amend the Prevention of Human Trafficking Act** - include a clear definition of forced labour that is in line with international standards, such as that set out in the UNODC Model Law. Ensure that the Act is coherent with the UNODC Model Law in the way it defines abuse of vulnerability, coercion and deception.
- **In Hong Kong, refocus the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers.** The Action Plan is almost entirely directed at physical and sexual abuse. However, research such as this report suggest that psychological coercion is widespread, for example through debt bondage, excessive working hours or verbal abuse.
- **In Hong Kong, amend the Code of Practice for Employment Agencies to generate consistent and clear incentives for agency behaviour.** Consider criminal liability for non-compliance and stronger sentences rather than lesser punishments such as warning letters, fines or licence revocation. The goal is not simply to protect foreign workers; instead, it is to provide a market-enhancing framework in which recruitment agencies feel strong incentives to act in Hong Kong's best interests.

## Acronyms

CPDEP	Comprehensive Pre-Departure Education Program
GDP	Gross Domestic Product
HSW	Household Service Workers
ILO	International Labour Organization
OEC	Overseas Employment Certificate (The Philippines)
OFW	Overseas Filipino Workers
OWWA	Overseas Workers Welfare Administration
PDOS	Pre-Departure Seminars
POEA	Philippine Overseas Employment Administration
TESDA	Technical Education and Skills Development Authority
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar

## Introduction

Forced labour, which in its severest form constitutes modern slavery, affects 24.9 million people globally<sup>9</sup> and can be defined as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”<sup>10</sup> As indicated in the definition, the key tenets of forced labour are involuntariness and threat of penalty. Migrant workers and particularly female migrant workers are vulnerable to forced labour owing to a range of legal, cultural, social and economic factors. It is recognised that domestic workers are particularly vulnerable to abuse and exploitation. Within private homes, mistreatment and unfair working conditions are more difficult to detect. According to Seefar’s 2016 research, the issue is especially pressing in East Asia where 63% of migrant workers face exploitative practices while working abroad.<sup>11</sup>

## Results from the 2016 Report

In 2016 Seefar published the report *Modern Slavery in East Asia: Protecting the rights and promoting the autonomy of domestic migrant workers from Indonesia and the Philippines*. The report sampled more than 4,000 respondents over seven months and found that rights violations occur at all phases of migration. Seventeen percent of migrant workers in Hong Kong and 88% in Singapore were likely victims of modern slavery, while over half of returned workers in Indonesia and the Philippines counted as victims of forced labour.

Seventy one percent of respondents experienced exploitation during recruitment, with the most prevalent issues being: 1) confinement in the recruitment facility or confiscation of documents; 2) false information on the nature of work, contract, wages, or living/working conditions; and 3) verbal, physical, or sexual threats and abuse. Sixty three percent of respondents faced exploitative practices while abroad including: restrictions on movement and communications; difficult working and living conditions; and verbal, physical or sexual abuse. The report further concluded that Indonesians were more likely to report exploitative practices during recruitment than Filipinas, and that forced labour was more common in Singapore than in Hong Kong.

This report expands upon the findings of the 2016 study by firstly longitudinally comparing results (where possible) to track changes in forced labour conditions over time. It then looks deeper into the legislative landscape as a framework for understanding forced labour. Lastly, this research delves into forced labour indicators at different stages of migration.

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<sup>9</sup> Global Slavery Index (2018). Regional analysis Asia and the Pacific <https://www.globalslaveryindex.org/2018/findings/regional-analysis/asia-and-the-pacific/>

<sup>10</sup> ILO (1930), “Forced Labour Convention, (No. 29)”

<sup>11</sup> Seefar (2016). *Modern Slavery in East Asia: Protecting the rights and promoting the autonomy of domestic migrant workers from Indonesia and the Philippines*



## Analysing the Prevalence of Forced Labour

The prevalence of modern slavery was assessed using indicators modified from those set out by the ILO in *Hard to See, Harder to Count*,<sup>12</sup> which are survey guidelines to estimate forced labour amongst adults and children. These indicators can be grouped under three headings: 1) unfree recruitment; 2) work and life under duress; and 3) inability to leave the employer.

Unfree recruitment refers to coercive recruitment, deceptive recruitment, and recruitment linked to debt. Coercive recruitment applies to practices that aim to bind prospective migrants to the process, including confiscation of identity papers, limited mobility, or confinement to recruitment agencies during pre-migration stages. This is closely related to recruitment linked to debt which, though treated as its own indicator, serves the same purpose. Deceptive recruitment is when a person is recruited using misinformation about aspects of their prospective work or living situation.

Work and life under duress covers adverse working or living situations imposed through force, penalty, or threat of penalty. While work under duress covers a number of indicators that may (or may not) be allowed under different national labour laws, life under duress refers to situations where degrading living conditions, limitations on freedom, or excessive dependency are imposed on a worker by the employer.

Although the impossibility of leaving an employer is a form of limited freedom and could therefore be considered as a condition of duress, the ILO defines it as an independent category as it is a key ingredient of forced labour. Impediments to leaving the employer are therefore characteristic of forced labour when they result in penalty or risk to the worker.

**Table 1: Indicators of unfree recruitment**

Indicators of unfree recruitment	
<i>Involuntariness (Strong indicators)</i>	<i>Involuntariness (Medium indicators)</i>
<ul style="list-style-type: none"> <li>• Deception about the nature of the work</li> <li>• Coercive recruitment (abduction; confinement during the recruitment process)</li> <li>• Recruitment linked to debt</li> </ul>	<ul style="list-style-type: none"> <li>• Deceptive recruitment (regarding working conditions; content or legality of employment contract; housing and living conditions; working wages; legal documentation or acquisition of legal migrant status; job location; or employer)</li> </ul>
<i>Penalty (Strong indicators)</i>	<i>Penalty (Medium indicators)</i>
<ul style="list-style-type: none"> <li>• Confiscation of identity papers or travel documents</li> <li>• Sexual violence</li> <li>• Physical violence</li> <li>• Other forms of punishment (e.g. verbal threats and abuse, neglect)</li> </ul>	<ul style="list-style-type: none"> <li>• Financial penalties (threat of debt or cancellation of contract by placement agency for changing employers)</li> <li>• Exclusion from community and social life</li> </ul>

<sup>12</sup>ILO (2012), "Hard to see, harder to count. Survey guidelines to estimate forced labour of adults and children", [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182096.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf)

<ul style="list-style-type: none"> <li>• Denunciation to authorities</li> <li>• Religious retribution</li> <li>• Withholding assets or wages</li> <li>• Threats against family members</li> </ul>	<ul style="list-style-type: none"> <li>• Exclusion from future employment</li> <li>• Informing family, community or public about worker's current situation (blackmail)</li> </ul>
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**Table 2: Indicators of work and life under duress**

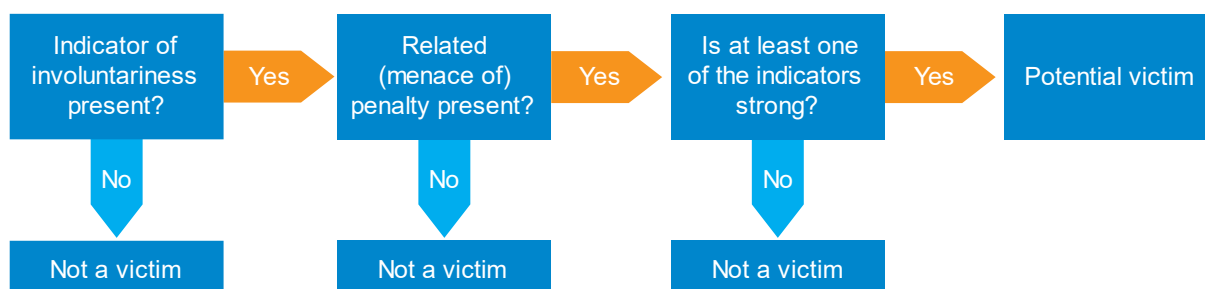
Indicators of work and life under duress	
<i>Involuntariness (Strong indicators)</i>	<i>Involuntariness (Medium indicators)</i>
<ul style="list-style-type: none"> <li>• Forced overtime</li> <li>• Limited freedom of movement</li> <li>• Limited freedom of communication</li> <li>• Degrading living conditions</li> <li>• Forced to work on call (24/7)</li> </ul>	<ul style="list-style-type: none"> <li>• Forced illicit or dangerous activities (dangerous work, several employers, outside contract)</li> <li>• Inflated indebtedness</li> </ul>
<i>Penalty (Strong indicators)</i>	<i>Penalty (Medium indicators)</i>
<ul style="list-style-type: none"> <li>• Denunciation to authorities</li> <li>• Confiscation of identity papers or travel documents</li> <li>• Confiscation of mobile phone</li> <li>• Constant surveillance</li> <li>• Locked in the workplace or living quarters</li> <li>• Other forms of punishment (e.g. deprivation of food, water, sleep)</li> <li>• Sexual violence</li> <li>• Physical violence</li> <li>• Withholding of assets or wages</li> <li>• Isolation</li> <li>• Further deterioration in working conditions</li> <li>• Violence against worker in front of other workers</li> <li>• Religious retribution</li> <li>• Constant surveillance</li> <li>• Threats against family members</li> </ul>	<ul style="list-style-type: none"> <li>• Dismissal</li> <li>• Exclusion from future employment</li> <li>• Exclusion from community and social life</li> <li>• Extra work for breaching labour discipline</li> <li>• Financial penalties</li> <li>• Informing family, community or public about worker's current situation (blackmail)</li> </ul>

Table 3: Indicators of impossibility of leaving the employer

Indicators of impossibility of leaving the employer	
<i>Involuntariness (Strong indicators)</i>	<i>Involuntariness (Medium indicators)</i>
<ul style="list-style-type: none"> <li>Reduced freedom to terminate contract</li> <li>No freedom to resign in accordance with legal requirements</li> <li>Forced to stay longer than agreed while waiting for wages due</li> </ul>	
<i>Penalty (Strong indicators)</i>	<i>Penalty (Medium indicators)</i>
<ul style="list-style-type: none"> <li>Denunciation to authorities</li> <li>Confiscation of identity papers or travel documents</li> <li>Locked in the workplace or living quarters</li> <li>Sexual violence</li> <li>Physical violence</li> <li>Other forms of punishments</li> <li>Constant surveillance</li> <li>Withholding of assets or wages</li> <li>Threats against family members</li> <li>Imposition of worse working conditions</li> <li>Religious retribution</li> <li>Violence imposed on other workers in front of all workers</li> </ul>	<ul style="list-style-type: none"> <li>Dismissal</li> <li>Exclusion from community and social life</li> <li>Financial penalties (deduct salary)</li> <li>Exclusion from future employment</li> <li>Extra work for breaching labour discipline</li> <li>Informing family, community or public about worker's current situation (blackmail)</li> </ul>

Under each category, the indicators are divided to first assess the level of involuntariness, and second the penalty. Respondents who classify as a likely victim in any of the three categories are considered likely victims of forced labour. Respondents are classified as a likely victim under a particular category if there was at least one indicator of involuntariness and one indicator of penalty present under that category, and if at least one of the indicators present is a strong one. This methodology helps pinpoint specific threats to migrant workers aimed at uncovering the main areas requiring intervention. Further, it permits an estimation of the percentage of migrants who are potential victims of modern slavery.

Figure 1:



## Context

### Sending countries

#### Indonesia

Indonesia, with an estimated 270 million inhabitants, is the fourth most populous nation in the world, the largest economy in Southeast Asia, and the tenth largest economy at purchasing power parity. The country's GDP per capita has steadily risen, from \$807 in 2000 to \$3,877 in 2019, meaning that it is now ranked a middle-income country. In the last three years, Indonesia has seen an annual economic growth rate of approximately 5%.<sup>13</sup>

Despite this period of sustained economic growth, a large number of Indonesians (estimated at 25.9 million)<sup>14</sup> still live below the national poverty line. Moreover, about 21% of Indonesians live only marginally above the poverty line and therefore remain very vulnerable.<sup>15</sup> Economic vulnerability is one of the push factors driving Indonesian women to become migrant domestic workers.

Women's participation in the labour market stood at 52% in 2018,<sup>16</sup> low by Southeast Asian standards (the regional average is 68%).<sup>17</sup> A total of 36 million women are of working age but take care of the household and are therefore not formally categorized as part of Indonesia's labour force. These women form a substantial potential labour force, and according to our research constitute the large majority of prospective migrant domestic workers.

Overall, Indonesia is one of the top three sending countries in the region, after China and the Philippines.<sup>18</sup> Estimates of the total number of Indonesian migrant workers vary. The World Bank, for instance, estimates that there are 9 million Indonesian migrant workers (of whom 4.7 million are legal migrant workers),<sup>19</sup> whereas the Indonesian government claims around half of that figure at 4.5 million (of whom 1.9 million are undocumented).<sup>20</sup> Indonesia's central bank recorded remittances from 3.7 million Indonesian nationals in 2018, which is likely an underestimation as not all Indonesian migrants pay remittances by bank transfer, if at all.<sup>21</sup>

The majority of Indonesian migrant workers are women. In the first three months of 2019, 68% of the Indonesians that emigrated to work were female. During the same time period, 29% of Indonesian labour migrants left the country to carry out housekeeping tasks (taking care of a household) and another 20% to offer caregiving services (looking after a person in need of care, e.g. a child, a disabled person, an ill person or an elderly person) - domestic jobs that are typically carried out by women.<sup>22</sup>

<sup>13</sup> World Bank, "The World Bank In Indonesia: overview", <https://www.worldbank.org/en/country/indonesia/overview>, (July 2019)

<sup>14</sup> Indonesia Central Statistics Agency, <https://www.bps.go.id/> (July 2019)

<sup>15</sup> World Bank, "The World Bank In Indonesia: overview", <https://www.worldbank.org/en/country/indonesia/overview>, (July 2019)

<sup>16</sup> World bank, "Labor force participation rate, female (% of female population ages 15+) - Indonesia", <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?end=2018&locations=ID&start=2014&view=chart>, (July 2019)

<sup>17</sup> World bank, "Access to childcare can improve women's labor market outcomes in Indonesia", <https://www.worldbank.org/en/country/indonesia/publication/access-to-childcare-can-improve-womens-labor-market-outcomes-in-indonesia>, (July 2019)

<sup>18</sup> World Bank Group, Australian Government (2017), "Indonesia's Global Worker: Juggling Opportunities & Risks", <http://pubdocs.worldbank.org/en/357131511778676366/Indonesias-Global-Workers-Juggling-Opportunities-Risks.pdf>, (July 2019), IMF average exchange rate in 2016 1\$=IDR 13,330.

<sup>19</sup> Ibid.

<sup>20</sup> Department of State United States of America (2018), "Trafficking in Persons Report", <https://www.state.gov/wp-content/uploads/2019/01/282798.pdf>, (July 2019)

<sup>21</sup> Bank Indonesia. [https://www.bi.go.id/seki/tabel/TABEL5\\_30.pdf](https://www.bi.go.id/seki/tabel/TABEL5_30.pdf), (July 2019)

<sup>22</sup> National Agency for Placement and Protection of Indonesian Labor, <http://www.bnptki.go.id/>, (2019)

## The Philippines

Hong Kong and Singapore remain popular destinations for Filipina migrant domestic workers, alongside countries in the Middle East and North Africa. According to the most recent Philippine Overseas Employment Administration (POEA) statistics (2016), there are 116,467 in Hong Kong and 171,014 domestic workers in Singapore, of which the majority are service workers.<sup>23</sup> These figures diverge from those published by the Hong Kong Immigration Department (2013) and Singapore Ministry of Manpower (2014), reporting the population of Filipina migrant workers as 163,703 and 70,000 in each country respectively. The POEA noted a sharp increase in the overseas deployment of Filipina household service workers from 2015-2017. In 2017, deployments shot up by 37% in Hong Kong and by 21% in Singapore.

Remittances comprise an important part of the Philippines economy, and migrant domestic workers contribute to remittances which continue to rise even during economic downturns. In 2017, the Philippines was the third-largest remittance-receiving country in the world,<sup>24</sup> and in 2018 personal remittances accounted for 10% of the country's GDP at around USD 34 billion.<sup>25</sup> As a result of remitting large portions of their salary, migrant workers often struggle to save for their own future. Since these workers rarely have access to social protection schemes such as pensions, benefits, health insurance, and financial planning, after years of work abroad they return home with little in savings, creating insecure futures.<sup>26</sup>

## Receiving countries

### Hong Kong

Migrant domestic workers represent approximately 5% of the total population of Hong Kong<sup>27</sup> and 10% of the working population aged 15 and over.<sup>28</sup> They are not only essential members of many Hong Kong households, providing help to about one in eight families,<sup>29</sup> but they also make a significant contribution to the economy of Hong Kong and their respective home countries. In their role as housekeeper or carer for children and the elderly, they allow mostly women who might otherwise have had to stay at home to enter the workforce, arguably increasing household income and quality of life.

<sup>23</sup> Philippine Overseas Employment Administration (2016), "Overseas Employment Statistics: Deployed Overseas Filipino Workers 2014-2015", <http://www.poea.gov.ph/ofwstat/compendium/2015.pdf>, (July 2019)

<sup>24</sup> World Bank (2019), "Migration and Development Brief 31: Recent Development and Outlooks", <https://www.worldbank.org/en/news/press-release/2019/04/08/record-high-remittances-sent-globally-in-2018>, (July 2019)

<sup>25</sup> World Bank (2019), "Data: Personal remittances, received (current \$) and % of GDP", <https://data.worldbank.org/indicator/BX.TR.F.PWKR.DT.GD.ZS?locations=PH>, (July 2019)

<sup>26</sup> UN Women, "Migrant Workers Lacking Work Benefits Learn How to Save in the Philippines.", <http://www.unwomen.org/en/news/stories/2019/3/feature-story-migrant-workers-lacking-work-benefits-learn-how-to-save-in-the-philippines>, (July 2019)

<sup>27</sup> Based on a total Hong Kong population in 2018 of 7,428,887, <https://www.worldometers.info/world-population/china-hong-kong-sar-population>, (May 2019)

<sup>28</sup> Based on a total working population (aged 15 and over) in 2018 of 3,979,000, <https://www.censtatd.gov.hk/hkstat/sub/sp200.jsp?tableID=008&ID=0&productType=8>, (May 2019).

<sup>29</sup> Inkstone, "Inkstone index: Hong Kong foreign domestic workers", <https://www.inkstonenews.com/society/inkstone-index-hong-kongs-foreign-domestic-workers/article/3001040>, (May 2019)



In 2018, migrant domestic workers made an estimated financial contribution of USD 12.6 billion to Hong Kong's economy, of which USD 2.6 billion is an indirect contribution attributable to freeing up women to work.<sup>30</sup> They also make a significant contribution to their home economies, with Indonesian migrant domestic workers working in Hong Kong remitting USD 551.8 million to Indonesia and Filipina migrant domestic workers likewise remitting USD 679.3 million to the Philippines in 2018.<sup>31</sup>

Estimates of the current number of female migrant domestic workers in Hong Kong vary. The Hong Kong government estimates that as of the end of 2017 there were a total of 364,037 female migrant domestic workers in Hong Kong,<sup>32</sup> with 98% of these women originating from the Philippines and Indonesia.<sup>33</sup> Recent research by Experian, in partnership with Enrich, places the total number of migrant domestic workers in Hong Kong in 2018 at 385,000.<sup>34</sup>

What is certain is that the number of migrant domestic workers in Hong Kong is rising and that trend is likely to continue. It is predicted that by 2047 the demand for migrant domestic workers in Hong Kong will increase to 600,000, primarily due to the demand for care for the elderly.<sup>35</sup> The Hong Kong Population Projections 2015-2064 predict that the proportion of the population aged 65 and over is expected to rise markedly from 15% in 2014 to 33% in 2064. Similarly, the elderly dependency ratio (i.e. the number of persons aged 65 and over per 1,000 persons aged 15-64) will rise from 198 in 2014 to 567 in 2064.<sup>36</sup> This is very likely to further drive demand for migrant domestic workers.

## Singapore

Similar to Hong Kong, Singapore's economy also relies heavily on foreign labour. As of 2018, Singapore's foreign workforce was 1.4 million, as against a resident workforce of 2.3 million.<sup>37</sup> This reliance is driven largely by population and economic concerns.<sup>38</sup> Imported labour is used to buffer workforce numbers against declining fertility rates and an aging population, thus reducing manpower shortages.<sup>39</sup> Foreign labour is also used to make up for a skills gap in the population, namely high-skilled jobs that locals may not be qualified for, or low-skilled jobs in sectors that Singapore's affluent population tends to avoid,<sup>40</sup> such as the rapidly growing care sector.

<sup>30</sup> Experian, Enrich, "The Value of Care: Key Contributions of Migrant Domestic Workers to Economic Growth and Family Well-being in Asia", [http://www.enrichhk.org/wp-content/uploads/2019/02/Final\\_The-Value-of-Care\\_Full-Report.pdf](http://www.enrichhk.org/wp-content/uploads/2019/02/Final_The-Value-of-Care_Full-Report.pdf)

<sup>31</sup> Ibid

<sup>32</sup> Note that including male migrant domestic workers the total estimated figure of migrant domestic workers in Hong Kong at the end of 2017 increases to approximately 370,000.

<sup>33</sup> Hong Kong Statistics, "Labour Force Characteristics: Foreign domestic helpers by nationality and sex", [https://www.censtatd.gov.hk/hkstat/sub/gender/labour\\_force/](https://www.censtatd.gov.hk/hkstat/sub/gender/labour_force/), (July 2019)

<sup>34</sup> Experian, Enrich, "The Value of Care: Key Contributions of Migrant Domestic Workers to Economic Growth and Family Well-being in Asia", [http://www.enrichhk.org/wp-content/uploads/2019/02/Final\\_The-Value-of-Care\\_Full-Report.pdf](http://www.enrichhk.org/wp-content/uploads/2019/02/Final_The-Value-of-Care_Full-Report.pdf)

<sup>35</sup> South China Morning Post, 5 November 2017, "Hong Kong will need 600,000 domestic helpers in next 30 years amid demand for elderly care, labour chief says", <https://www.scmp.com/news/hong-kong/community/article/2118462/hong-kong-will-need-600000-domestic-helpers-next-30-years>, (July 2019)

<sup>36</sup> Hong Kong Statistics (2015), "Hong Kong Population Projections", September 2015 <https://www.statistics.gov.hk/pub/B1120015062015XXXXB0100.pdf>, (July 2019).

<sup>37</sup> Singapore Ministry of Manpower, "Foreign workforce numbers", <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>, (July 2019)

<sup>38</sup> Today (10 February 2017), "Singapore will continue to need foreign workers in complementary role: Iswaran", <https://www.todayonline.com/singapore/spore-will-continue-need-foreign-workers-complementary-role-iswaran>, (July 2019)

<sup>39</sup> Siow Yue Chia, "Foreign Labour in Singapore: Rationale, Policies, Impacts, and Issues," Philippine Journal of Development 38, no. 70 (2011): 105-133, <https://dirp4.pids.gov.ph/webportal/CDN/PUBLICATIONS/pidspid11-singapore.pdf>

<sup>40</sup> Today (10 February 2017), "Singapore will continue to need foreign workers in complementary role: Iswaran", <https://www.todayonline.com/singapore/spore-will-continue-need-foreign-workers-complementary-role-iswaran>, (July 2019)

Migrant domestic workers provide essential care to Singapore's aging population, and enable women who would otherwise have had to stay at home to join the workforce.<sup>41</sup> One study estimates that migrant domestic workers contributed USD 8.2 billion to Singapore's economy in 2018 alone.<sup>42</sup> There are currently about 253,800 migrant domestic workers in Singapore, up from 5,000 when the Foreign Domestic Servant Scheme was first introduced in the late 1970s. This figure is expected to rise to 300,000 by 2030.<sup>43</sup> Most migrant domestic workers are women from Indonesia, Myanmar and the Philippines.

In 2017, the Philippines was the third-largest remittance-receiving country, receiving a total of USD 33 billion in remittances, while Indonesia was the fifteenth-largest remittance receiving country, receiving a total of USD 9 billion.<sup>44</sup> A network of agents in sending and destination countries facilitate migration out of the country.

Migrant domestic workers entering Singapore typically end up paying around four to eight months of their salary to agents who facilitate their migration. Instead of paying upfront, the fee is deducted from the worker's salary over the first few months of her employment, leaving her with little to no salary and contractually binding her to the agency until her debt is repaid.

## Legal Framework

### Sending countries

#### Indonesia

Indonesia has made significant policy changes relating to female migrant domestic workers. In 2015, the 2011 moratorium on sending female migrant domestic workers to Saudi Arabia was extended to 21 countries across the Middle East, North and East Africa, and Pakistan. The result of the moratorium has been that East and Southeast Asia have become more popular destinations for female migrant domestic workers. An unintended effect has been an increase in undocumented migration to the banned countries, which exposes migrant workers to greater risks.<sup>45</sup>

In 2017, Indonesia adopted the Migrant Workers Protection Law that aims to increase protection for migrant workers and regulates their recruitment, placement and return. The law focuses on:

1. Increased government powers to supervise recruitment agencies and issue sanctions against those who violate the law.

<sup>41</sup> Straits Times (5 June 2016), "Maids: Essential, or a Luxury?", <https://www.straitstimes.com/singapore/maids-essential-or-a-luxury>, (July 2019)

<sup>42</sup> Yahoo News (13 June 2019), "Foreign domestic workers contributed \$11.1B to Singapore's economy in 2018: study", <https://sg.news.yahoo.com/foreign-domestic-workers-contributed-111-b-to-singapores-economy-in-2018-study-141601420.html>, (July 2019)

<sup>43</sup> Straits Times (5 June 2016), "Maids: Essential, or a Luxury?", <https://www.straitstimes.com/singapore/maids-essential-or-a-luxury>, (July 2019)

<sup>44</sup> RemitSCOPE, "Indonesia", <https://www.remittancesgateway.org/country-profiles/indonesia/>, (July 2019)

Inquirer October 4 2017 "World Bank sees PH remittances hitting \$33 billion in 2017", <https://business.inquirer.net/237974/world-bank-sees-ph-remittances-hitting-33-billion-2017-remittance-dollars-peso-world-bank>, (July 2019)

<sup>45</sup> World Bank Group, Australian Government (2017), "Indonesia's Global Worker: Juggling Opportunities & Risks", <http://pubdocs.worldbank.org/en/357131511778676366/Indonesias-Global-Workers-Juggling-Opportunities-Risks.pdf>, (July 2019), IMF average exchange rate in 2016 1\$=IDR 13,330.

2. Establishing so-called 'One Roof Service Centres' for migrant workers (known as Layanan Terpadu Satu Atap in Indonesian). The objective of these service centres is to streamline the documentation process and encourage prospective workers to migrate through formal channels. Previously the recruitment process was seen as burdensome, as it involved 22 separate administrative steps and could take up to three months.<sup>46</sup> It is expected that a streamlined recruitment process will mean that it is also more transparent, thereby improving the efficiency and accountability of the recruitment process. By the end of 2018, there were 31 service centres set up in the 56 migrant sending districts, out of the total of 416 districts that exist in Indonesia.<sup>47</sup>
3. Adoption of almost all migrant workers' rights. Indonesia ratified The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2012 and has now followed up on this commitment by adopting these rights into national legislation (see the below section for a full list of rights).
4. Better protection for migrant workers. All formal migrant workers will now get access to national health insurance for workers.

### Migrant workers' legal rights

According to the 2017 Migrant Workers Protection Law, Indonesian migrant workers have the following rights:

- The right to receive work in accordance with one's capacities;
- The right to receive training prior to departure;
- The right to proper information about the working circumstances and the recruitment process;
- The right to information about and an explanation of the rights and duties in the employment contract;
- The right to a copy of the employment contract;
- The right to practice one's religion;
- The right to have access to communication;
- The right to control one's identity documents;
- The right to protection and legal assistance from the Indonesian government in case of degrading or unsafe working circumstances;
- The right to a safe return home to one's place of domicile; and
- The right to professional and humane treatment, free of discrimination, throughout the migration chain: During the recruitment and placement process prior to migration; during migration; and upon return.

However, there are two notable exceptions to migrant workers' rights that are not covered by the law.

First, the constitutional right to freedom of movement (in this case during recruitment and migration) is absent. Seefar's 2016 report found that both prior to and during migration the freedom of movement of many migrant workers is restricted – even during non-working days or times. This is also in line with recent ILO findings.<sup>48</sup> Second, neither the right to days off nor a maximum number of working hours is covered by the law. It only states that working conditions must be proper and safe.

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<sup>46</sup> Ibid.

<sup>47</sup> Republika (21 February 2019), "The Ministry of Manpower Opens One-Stop Integrated Services in Bima", <https://nasional.republika.co.id/berita/nasional/umum/19/02/21/pn9xnh423- kemnaker-resmikan-layanan-terpadu-satu-atap-di-bima>, (July 2019)

<sup>48</sup> ILO, Walk Free Foundation (2017), "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage"

## The Philippines

Filipinos have a long history of labour migration. As early as 1974, the government enacted the Labour Code to “establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress.”<sup>49</sup> In 1995, the saga of a Filipino domestic worker in Singapore accelerated the adoption of the Migrant Workers and Overseas Filipinos Act (also known as the Republic Act), which provides for:

- migration to countries that ensure protection and state prerogatives to ban labour migration to specific countries;
- providing support and assistance to overseas Filipinos, whether in legal or illegal situations;
- imposing stiff penalties for illegal recruiters;
- providing free legal assistance and witness protection programme for victims of illegal recruitment;
- the institution of advisory/information, repatriation, and reintegration services; and
- the protection and promotion of welfare, dignity, and the rights of Filipinos overseas.

The Act also established Migrant Workers and Other Overseas Filipinos Resource Centers in countries where there are large numbers of Filipinos and legal assistance centres and funds.<sup>50</sup>

In 2006, the Philippine Department of Labor announced a Household Service Worker (HSW) Reform Package that outlined further protections including:

- minimum age for labour migration of 23;
- requiring departing HSWs to secure a National Certificate for Household Workers from the Technical Education and Skills Development Authority (TESDA);
- requiring departing HSWs to secure a country-specific Language and Culture Certificate of Competence issued by the Overseas Workers Welfare Administration (OWWA) in addition to the Pre-Departure Seminars (PDOS);
- waiving placement fees; and
- setting a minimum monthly salary of USD 400.

The Department of Labor and Employment administers the OWWA, an overseas migrant worker membership institution providing programmes and services for migrant workers’ and their families’ welfare. OWWA’s programmes are present at all three stages of migration: pre-departure; at the recruitment centre; and upon arrival. Before the first-time workers leave, OWWA educates them on the realities of overseas work. Workers can also opt, as needed, for basic language training. Abroad, OWWA assists the Overseas Filipino Workers (OFW) whenever they encounter concerns with their employers. Finally, when the OFW returns, OWWA is ready with its livelihood trainings and programmes for the OFW’s reintegration. Among the major interventions of the OWWA are:

- Mandatory Country Orientation Program, a whole day orientation for OFWs consisting of a comprehensive module on employment contract familiarization, profile of the country of destination, stages of the OFWs life, health and safety, airport procedures, government programmes and services.

<sup>49</sup> Abrera-Mangahas, Ma. Alcestis, Presentation at the National Sociology Conference, October 7-8, 2016, Davao City

<sup>50</sup> Philippines Overseas Employment Administration (1995), "Migrant Workers and Overseas Filipinos Act of 1995 (No. 8042)", [http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html), (July 2019)

- Comprehensive Pre-Departure Education Program (CPDEP), a three- to six-day training for HSWs consisting of language training, culture familiarization and stress management to prepare them for life overseas.

The OWWA also accredits NGOs and recruitment agencies to conduct Pre-Departure Orientation Seminars (PDOS). These are organized prior to departure for both the OFWs and their families. The seminars provide information on labour rights and social and psychological preparation for migrant workers, including migrant domestic workers and families. In these seminars, some PDOS providers partner with banks to provide financial literacy training to OFWs.

Local governments are also mandated to create programmes for migrant workers and their families. The Philippine Overseas Employment Administration (POEA) and OWWA have signed Memorandums of Understanding with many local government units to cooperate in the conduct of pre-employment seminars and anti-illegal recruitment campaigns and also with the establishment of OFW help desks. Efforts of local government offices to assist in the return and reintegration of OFWs are also beginning to emerge.

Almost all migrant domestic workers from the Philippines go through recruitment agencies. This complex industry of recruitment intermediaries has thrived. Some are large firms, while a sizeable number are small enterprises that are unregistered.

The POEA is mandated by law to set minimum standards of employment and regulate recruitment for work abroad. The POEA oversees the recruitment and placement process, and is responsible for the licensing and monitoring of the agencies. Every agency in the Philippines must have a counterpart agency in the destination country, and all documentation is completed through these agencies. The POEA accredits these foreign employers and evaluates employment offers. The employment agencies in host countries are required to sign a standard contract with the POEA that stipulates minimum standards of employment, minimum wage and other benefits, and ensuring compliance of individual contracts. The POEA also has a legal division to combat illegal recruitment and adjudicate disputes concerning employment contracts and recruitment standards. This is arguably its most critical function, as workers need protection against fraud and other malpractices that have come to characterize labour migration processes.

Philippine laws also hold recruiters jointly and severely liable with foreign employers for any damages suffered by migrant workers. The POEA thus requires applicants for recruiting licences to post large guarantee bonds in designated banks as a security against fraud and non-payment of wages to migrants by their foreign employers.

Despite these efforts at strong legal protection and regulation, the recruitment industry is not free of malpractice, and has contributed to irregular migration. Many migrant workers are tricked or forced into signing a 'replacement' contract with less favourable terms upon arrival in the destination country.<sup>51</sup>

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<sup>51</sup> OHCHR, "Domestic Servitude", <https://www.ohchr.org/EN/NewsEvents/Pages/DomesticServitude.aspx>, (August 2019)



## Host countries

### Hong Kong

Migrant domestic workers are entitled to the protections set out in the Hong Kong Employment Ordinance - as is every worker in Hong Kong.<sup>52</sup> The ordinance covers wages, annual leave, rest days, sick time, and termination payments (among others). Hong Kong uses a standardised employment contract, which sets out basic employment terms including provision by employers of free food (or food allowance in lieu), free accommodation, free medical treatment, statutory holidays, a weekly rest day (no less than 24 hours), paid annual leave and return travel to and from the migrant domestic workers' country of origin.<sup>53</sup>

Employers in Hong Kong are required to pay migrant domestic workers a salary not less than the legislated Minimum Allowable Wage in force at the time of signing the contract. As of September 2018, the Minimum Allowable Wage was increased from HKD 4,410 to 4,520 per month (USD 560 to 576).<sup>54</sup> Seefar's research shows that the average monthly migrant domestic worker salary in Hong Kong is HKD 4,628 (USD 590). This is substantially lower than Hong Kong's statutory minimum wage of HKD 37.50 per hour (USD 4.75) which equals around HKD 5,960 (USD 750) per month.<sup>55</sup>

The employer is also required to provide food free of charge to the migrant domestic worker or pay a food allowance in lieu. The current statutory minimum for the food allowance is HKD 1,075 (USD 137) per month<sup>56</sup> with most employers electing to provide food rather than a monetary allowance.

However, abusive practices by employment agencies in Hong Kong and employers persist, and the current regulatory and legal framework relating to migrant domestic workers may exacerbate these exploitative situations.

For example, if a migrant domestic worker's employment contract is terminated before the end of the two-year period or if the contract has expired, the migrant domestic worker must find another employer or leave Hong Kong within two weeks. This is commonly known as the "Two Week Rule."<sup>57</sup> Finding employment within such a short time frame is, in practice, extremely difficult. Even if an employer is found, getting a work visa approved by the Hong Kong Immigration Department can take four to six weeks.<sup>58</sup> The department further closely scrutinises migrant domestic workers who have frequently changed employers, ostensibly to prevent "job-hopping" and severance payment abuses, which may add further delays to visa issuance.<sup>59</sup>

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<sup>52</sup> Ibid.

<sup>53</sup> Hong Kong Labour Department, "Sample Standard Employment Contract", <https://www.immd.gov.hk/eng/forms/forms/id407.html>, (May 2019)

<sup>54</sup> Hong Kong Labour Department (28 September 2018), "What's New: Minimum Allowable Wage and food allowance for foreign domestic helpers to increase", <https://www.labour.gov.hk/eng/news/press20180928.htm> (May 2019)

<sup>55</sup> Hong Kong Labour Department, "Public Services Employees' Rights & Benefits – Statutory Minimum Wage", <https://www.labour.gov.hk/eng/news/mwo.htm>, (July 2019)

<sup>56</sup> Ibid.

<sup>57</sup> Hong Kong Immigration Department (2019), "A General Guide to the Helper", <https://www.immd.gov.hk/pdfforms/ID911A.pdf>, (July 2019)

<sup>58</sup> Hong Kong Immigration Department, "Foreign Domestic Helpers", [https://www.immd.gov.hk/eng/services/visas/foreign\\_domestic\\_helpers.html](https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html), (July 2019)

<sup>59</sup> Government of Hong Kong "LCQ15 Combating job-hopping acts of foreign domestic helpers", <https://www.info.gov.hk/gia/general/201812/12/P2018121200629.htm>, (July 2019)  
Hong Kong News (17 December 2018), "More than 1,800 'job-hopping' FDHs denied entry in HK", <http://hongkongnews.com.hk/news/more-than-1800-job-hopping-fdhs-denied-entry-in-hk/> (July 2019)

Since 2003, the Hong Kong Government has required that migrant domestic workers “live-in” with their employers. Both the employer and the migrant domestic worker may be subject to criminal penalties and fines if the migrant domestic worker is permitted to “live-out.” The employer must provide suitable living arrangements within his or her residence with reasonable privacy, as specified in the employment contract. Examples of unsuitable accommodation provided by the Labour Department are “beds in the corridor with little privacy or sharing a room with an adult or teenager of the opposite sex”.

## Singapore

Migrant domestic workers are excluded from Singapore’s normal legal system for foreigners working in-country and instead subject to a parallel set of rights and obligations. Foreigners may enter Singapore to work under either a Work Permit, an S Pass, or an Employment Pass, with Work Permits being reserved for low-skilled workers, including migrant domestic workers. While S Pass and Employment Pass holders are eligible to apply for dependent’s passes for family members, permanent residency, or even citizenship, work permit holders are not eligible. They are further excluded from citizenship through marriage, as Singaporeans must seek permission from the Ministry of Manpower to marry any foreigner who has ever worked under a work permit. Female work permit holders are also not allowed to conceive or deliver children in Singapore unless married to a Singaporean or permanent resident. Those who are found to be pregnant are to be repatriated.

Singapore uses a sponsorship system, also known as a kafala system, to manage work permit holders. As part of the system, employers may cancel work permits and repatriate workers without their prior consent. Employers also bear the costs of the worker’s healthcare and repatriation. To protect the rights of migrant domestic workers, the Ministry of Manpower may allow a work permit holder to transfer employers, even without permission from the employer, if the employer has breached work permit regulations. Migrant domestic workers who have been illegally deployed, underpaid or abused by employers may thus file a complaint with the ministry to obtain permission to transfer. In the same way, if the agency is found to have violated agency licensing regulations, the ministry may allow a migrant domestic worker to change agencies before she has completely repaid her debt. However, this system is limited by gaps in current regulations.

Unlike other work permit holders, migrant domestic workers are excluded from the Employment Act, and are thus deprived of core labour rights such as overtime pay, limits on working hours and sick leave. Instead, most of their labour protections fall under the Employment of Foreign Manpower Act. Employers, for example, are required to provide medical and personal accident insurance. The act also requires employers to provide “adequate” rest, “adequate” food, “acceptable” accommodation, and “reasonable” notice of termination. However, no specifications are provided for what constitutes “adequate”, “acceptable”, or “reasonable”. While the Ministry of Manpower does list guidelines on working hours, food and accommodation, these are not enforced. Thus, in practice, only the most egregious cases of overwork, food deprivation, and poor living conditions are treated as violations against work permit regulations.

Migrant domestic workers and employers must also comply with the work permit conditions. This includes working only for the employer specified on the work permit and a general clause that work permit holders will not “be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore.” Failure to comply may result in deportation and blacklisting, which is when a migrant worker is barred from returning to work in Singapore. Employers must provide a SGD 5,000 (USD 3,600) security bond for each work permit holder hired as insurance against work permit violations. Security bond conditions also hold the employer liable for ensuring that workers do not go missing or overstay their visas.<sup>60</sup>

Since 2016 there have been other changes relating to the protection of migrant domestic workers. In 2018, the High Court laid down a new sentencing framework that included enhanced penalties for physical abuse cases that carried elements of psychological abuse, including humiliating and degrading treatment. Previously, penalties were decided purely by the severity of physical abuse.<sup>61</sup> Finally, a new work permit condition, introduced in January 2019, bans employers from safekeeping a migrant domestic worker’s salary, with or without her consent. However, no employer has been charged or convicted yet, despite some being found to have safe-kept a worker’s salary.<sup>62</sup>

## Research Methodology

The research follows a quantitative approach using large-sample surveys.

The research used a mixture of qualitative and quantitative methods to respond to the main research objective:

- A structured (quantitative) survey with a sample size of 3,168 respondents. The sampling method was snowball with quotas set according to research targets - see below. As such, the sample was non-random and therefore not representative.
- Eight case studies were commissioned to gain further insights into quantitative findings.

Interested readers can refer to Annex I for a complete overview of the research methodology.
















Seefar conducted research with eight target groups in four countries. These included prospective and returned migrants in Indonesia and the Philippines, and current (Indonesian and Filipina) female migrants in Singapore and Hong Kong. For each of the respondent groups, Seefar targeted 380 survey respondents. This sample size allows for meaningful comparisons between the groups.

<sup>60</sup> Singapore Ministry of Manpower, “Security bond requirements for foreign domestic worker”, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/security-bond>, (September 2019)

<sup>61</sup> Channel News Asia (2 March 2018), “New sentencing framework for maid abuse cases highlights impact of psychological harm”, <https://www.channelnewsasia.com/news/singapore/new-sentencing-framework-for-maid-abuse-cases-highlights-impact-10007342>, (August 2019)

<sup>62</sup> Straits Times (7 October 2018), “Employers will not be allowed to safekeep foreign domestic workers’ salaries from next year”, <https://www.straitstimes.com/singapore/employers-will-not-be-allowed-to-safekeep-foreign-domestic-workers-salaries-from-next-year>, (August 2019)

**Table 4: Research target groups**

 Country	 Nationality	 Migrant type	Target: 380	
			 Achieved	
 Indonesia	 Indonesian	Prospective Migrants	336	<div><div></div></div>
		Returned Migrants	429	<div><div></div></div>
 Philippines	 Filipina	Prospective Migrants	435	<div><div></div></div>
		Returned Migrants	409	<div><div></div></div>
 Singapore	 Indonesian	Current Migrants	401	<div><div></div></div>
	 Filipina	Current Migrants	393	<div><div></div></div>
 Hong Kong	 Indonesian	Current Migrants	383	<div><div></div></div>
	 Filipina	Current Migrants	382	<div><div></div></div>
 Total target: 3,040			3,168	<div><div></div></div>

## Migrant Profiles

### Prospective migrant domestic workers

A total of 771 prospective migrant domestic workers from Indonesia and the Philippines were interviewed. The top areas of origin in Indonesia included West, Central and East Java. The top areas of origin in the Philippines included Metro Manila, Soccsksargen, Western Visayas, Davao and Central Visayas.

Prospective migrant domestic workers in Indonesia and the Philippines in the sample were between 16 and 52 years of age, with an average age of 30. Around half of the prospective migrant domestic workers were married and almost 30% were single. The majority of the respondents had at least one child.

### Current migrant domestic workers

A total of 1,559 current migrant domestic workers from Indonesia and the Philippines were interviewed in Hong Kong and Singapore. The top areas of origin in Indonesia included West, Central and East Java and Lampung. The top areas of origin in the Philippines included Ilocos, Western Visayas and Cagayan Valley.

Current migrant domestic workers in the sample were between 23 and 68 years of age, with an average age of 39. A little less than half of the current migrant domestic workers were married and more than 30% were single. The majority of the respondents had at least one child.

## Returned migrant domestic workers

A total of 838 returned migrant domestic workers from Indonesia and the Philippines were interviewed. The top areas of origin in Indonesia included West, Central and East Java. The top areas of origin in the Philippines included Metro Manila, Soccsksargen, Western Visayas, Davao and Central Visayas.

Returned migrant domestic workers in Indonesia and the Philippines who returned from Singapore or Hong Kong were between 21 and 68 years of age, with an average age of 38. Around half of the returned migrant domestic workers were married, around 30% were single. The majority of the respondents had at least one child.

## Limitations and Challenges

The research approach is limited by methodological challenges common to studying an issue as challenging as forced labour. The research is not fully representative of prospective, current and returned migrant workers in the target countries due to geographic, sampling and response bias limitations. Similar to the 2016 study, quantitative findings reflect the large sample but cannot be considered national prevalence statistics.

In addition, there are challenges associated with adapting and applying the ILO *Hard to See, Harder to Count* methodology:

- Sensitive questions on coercion, violence and abuse experienced somewhat higher non-response rates. This may suggest that the research understates the most extreme forced labour indicators in the sample - those related to physical or psychological violence.
- Reaching victims of labour exploitation is challenging and the most vulnerable are often inaccessible. For example, people who have limited or no freedom of movement are less likely to be included in the sample, but 2016 research found that almost 40% of migrant workers in Singapore did not get a rest day. As a result, the sample may over-represent those with higher freedom of movement, despite the research team's efforts to approach migrant workers on different days of the week and in different locations.<sup>63</sup>
- Similarly, those who fear reprisal from participating in the research are less likely to speak with researchers. For example, in Hong Kong a number of migrant domestic workers told researchers that they were currently experiencing exploitative circumstances and would face repercussions if they participated in an interview. In a handful of cases, migrant workers feared that the researchers were agents of an employment agency or government office.
- Applying an international methodology to specific geographies carries the assumption that forced labour may be present in situations or practices that follow national laws. For example, Indonesian laws permit recruitment actors to charge significant fees to prospective migrant workers, thereby creating long-term indebtedness. Though legal in Indonesia, the research defers to the ILO definition and treats such practices as indicators of forced labour.
- Similarly, several technical terms (e.g. "religious retribution") required extensive explanation in respondents' native languages, suggesting a degree of confusion during the data collection process.
- The in-depth quantitative survey did not permit open-ended questions that are better suited for qualitative approaches. As such, certain explanatory nuances related to forced labour were not

<sup>63</sup> Despite efforts to approach migrant workers on weekdays, the vast majority of responses from migrants interviewed in Singapore (around 65%) were collected on their rest day.



collected and require further research. For example, the study asked respondents if they had experienced forced overtime but did not probe into the drivers of this form of exploitation (how much forced overtime).

It is also worth noting that the 2016 data and variables do not perfectly map onto 2019 data. Instead, the approach compares indicators where possible (i.e. comparing the percentage of the 2016 sample for which a particular indicator was present to the percentage of the 2019 sample for which the comparable indicator is present) and avoids comparing indicators with significantly different measurement approaches.

## Labour Migration: Motivations and Histories

Most prospective and returned migrant domestic workers migrated for economic reasons. A minority of respondents were looking for a better quality of life, and many Filipinas also moved for family and personal reasons. This finding is unsurprising considering that a low-skilled worker abroad stands to make more than double what they would in a professional role at home.

Table 5: Drivers of migration

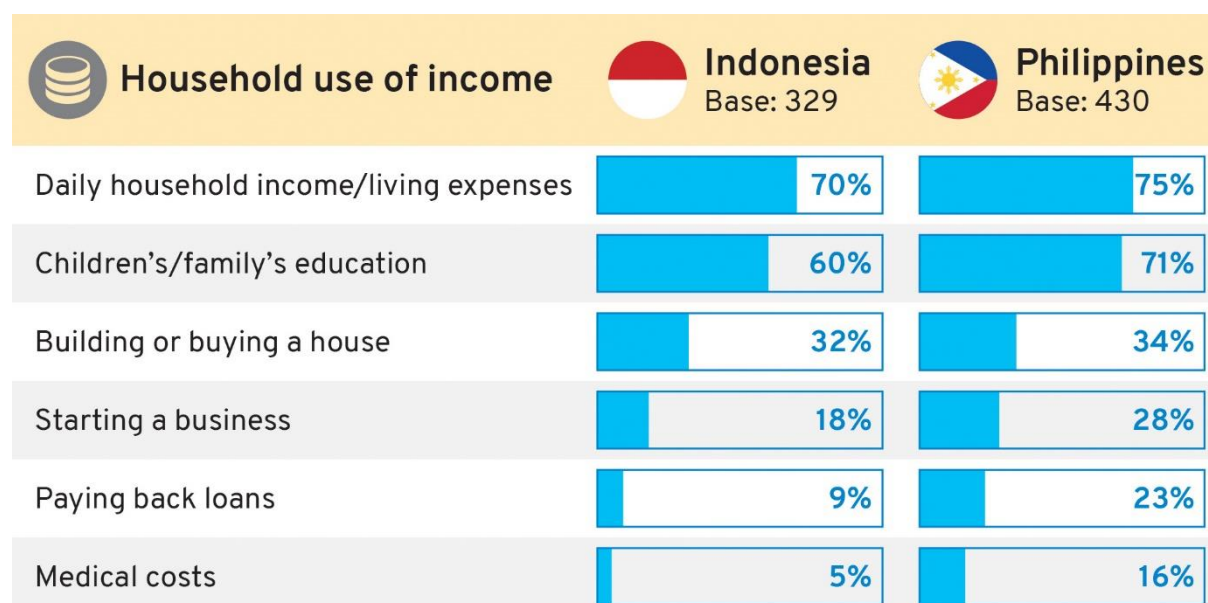


The large majority of prospective respondents' current household incomes do not cover all monthly expenses (75% for both Indonesians and Filipinas). Thus most prospective respondents plan to use their earnings abroad for immediate expenses, such as daily household income and children's education (66-73% overall). A minority indicated that they would use their money from working abroad to support longer-term plans including building a house (33% overall) and/or starting a business (24% overall).

Many prospective migrants are therefore approaching migration not as a long term solution but as what the labour market offers for immediate needs. As a result of this and other factors including family pressure and lack of opportunities at home, the majority of both Indonesian and Filipina prospective migrant respondents felt they did not have a choice in their decision to work abroad (76% and 99% respectively). The Asian economic crisis of 1997-1998 stagnated per capita GDP and both Indonesia and the Philippines saw a steady rise of unemployment rates until 2006. This resulted in domestic market declines and a further loss of jobs through factory closures, which forced many to seek employment elsewhere.<sup>64</sup>

<sup>64</sup> Setyawati, D. (2013), "Assets or commodities? Comparing regulations of placement and protection of migrant workers in Indonesia and the Philippines", ASEAS – Austrian Journal of South-East Asian Studies, 6(2)

Table 6: Planned household use of income send home by prospective migrants



These financial pushes are coupled with long histories of labour migration and deep-running cultural ideas on the benefits of overseas employment. Active labour export policies began in Indonesia in the late 1960s to generate economic growth from remittances.<sup>65</sup> Though Indonesian labour migrants have been hailed as the country's economic heroes, measures to protect labour migrants abroad did not begin in earnest until 1998<sup>66</sup> and as late as 2016 were still inadequate.<sup>67</sup> In the Philippines, labour migration became common following independence in 1946 as a response to emerging economic problems. Regulation around work abroad began as early as 1974.<sup>68</sup>

Despite mandatory government trainings in Indonesia and the Philippines, long histories of migration mean most prospective migrants receive and rely on information from informal social channels. Both Indonesians and Filipinas are most influenced by family and friends at home and abroad. Following family and friends, prospective migrants obtain information from recruiters, but view them as influential at much lower rates.

Very few Indonesian respondents received information from government sources, social media, and online sources or called these sources influential. More Filipinas received information from government and online sources but these sources' power to influence is again perceived as low.

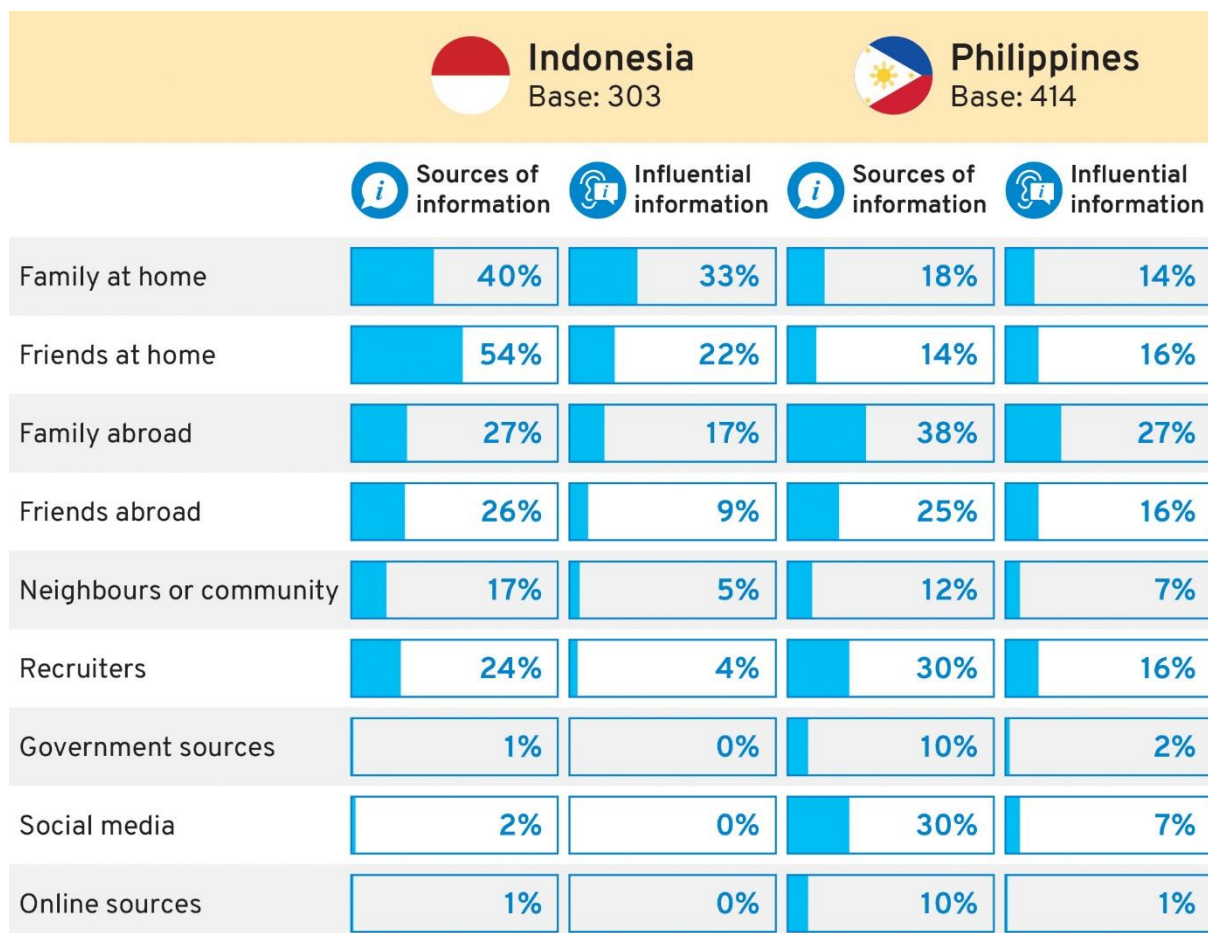
<sup>65</sup> Setyawati, D. (2013), "Assets or commodities? Comparing regulations of placement and protection of migrant workers in Indonesia and the Philippines", ASEAS – Austrian Journal of South-East Asian Studies, 6(2)

<sup>66</sup> Ibid.

<sup>67</sup> Seefar (2016), "Modern slavery in East Asia: protecting the rights and promoting the autonomy of domestic migrant workers from Indonesia and the Philippines"

<sup>68</sup> Setyawati, D. (2013), "Assets or commodities? Comparing regulations of placement and protection of migrant workers in Indonesia and the Philippines", ASEAS – Austrian Journal of South-East Asian Studies, 6(2)

Table 7: Sources of information and influential information



## Overall Prevalence of Forced Labour Indicators

As in 2016, evidence of forced labour was found at all stages of the migration journey. The majority of the total sample of current and returned migrant workers<sup>69</sup> (77%) reported indicators of forced labour. More returned migrants (80%)<sup>70</sup> report indicators of forced labour than current migrants (75%)<sup>71</sup>. Rates of reported forced labour are high among Indonesians and Filipinas, but Indonesians are reported to be significantly more likely victims, at 90.5% versus 62%.<sup>72</sup> Further, responses collected from almost all interviewed returned Indonesian migrants (96%) indicated they are likely victims of forced labour, compared to 63% of Filipinas.

Returned Indonesian and Filipina respondents broadly reported experiencing the same issues - primarily recruitment linked to debt, confiscation of identity papers or travel documents, and exclusion from community and social life during recruitment and life abroad - but at overall lower rates of prevalence for Filipinas.

Among current migrants in the sample, those in Singapore (71%) are less likely to be victims than migrants in Hong Kong (79%), with the same indicators strongly represented. The pattern is flipped among returned migrants in the sample: 88% of returned migrants who worked in Singapore were reported as likely victims, while 74% of returned migrants who worked in Hong Kong were likely victims. This aligns with the 2016 findings that 88% of current migrants in Singapore were likely victims.

The longitudinal trend in Hong Kong is less clear. The 2016 report found that 17% of the Hong Kong sample were likely victims, while 79% of the 2019 Hong Kong sample were found to be likely victims. It seems unlikely that exploitation in Hong Kong has increased by such a large amount, and it is possible that the increase could be attributable to a different survey instrument, among other factors.

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<sup>69</sup> 1834 of 2397 current and returned migrants

<sup>70</sup> 669 of 838 returned migrants

<sup>71</sup> 1165 of 1559 current migrants

<sup>72</sup> Reg,  $p < .01$ , current and returned migrants

Table 8: Breakdown of likely victims by migration phase, country and nationality

Country Abroad	Migration phase	Nationality	 Likely victims	 Total respondents	 Victim rate
 Work/ worked in Singapore	 Current migrants	 Indonesian	343	<div><div></div></div> 86%	401
		 Filipina	218	<div><div></div></div> 55%	393
			561	<div><div></div></div> 71%	794
	 Returned migrants	 Indonesian	229	<div><div></div></div> 98%	234
		 Filipina	94	<div><div></div></div> 70%	134
			323	<div><div></div></div> 88%	368
			884	<div><div></div></div> 76%	1,162
 Work/ worked in Hong Kong	 Current migrants	 Indonesian	343	<div><div></div></div> 90%	383
		 Filipina	261	<div><div></div></div> 68%	382
			604	<div><div></div></div> 79%	765
	 Returned migrants	 Indonesian	183	<div><div></div></div> 94%	195
		 Filipina	163	<div><div></div></div> 59%	275
			346	<div><div></div></div> 74%	470
			950	<div><div></div></div> 77%	1,235
	 Current migrants	 Indonesian	686	<div><div></div></div> 88%	784
		 Filipina	479	<div><div></div></div> 62%	775
			1,165	<div><div></div></div> 75%	1,559
	 Returned migrants	 Indonesian	412	<div><div></div></div> 96%	429
		 Filipina	257	<div><div></div></div> 63%	409
			669	<div><div></div></div> 80%	828
		 Indonesian	1,098	<div><div></div></div> 91%	1,213
		 Filipina	736	<div><div></div></div> 62%	1,184
			1,834	<div><div></div></div> 77%	2,397



## Prevalence of Forced Labour at Different Stages of Migration








### Pre-Migration - Unfree Recruitment

The relatively high levels of forced labour found in this study are primarily a result of unfree recruitment in source countries. Most exploitation occurs during the pre-migration phase when prospective migrants are preparing for their work abroad through recruitment agencies - 60% of current migrants and 59% of returned migrants are likely victims of unfree recruitment.

Compared with the Indonesian context, the Philippines displayed relatively few indicators of forced labour during the recruitment phase (see table below). Almost all (96%) of returned Indonesian migrants likely experienced unfree recruitment compared to 63% of returned Filipinas.

The high rates of reported unfree recruitment are driven by incidences of coercive recruitment, deceptive recruitment, recruitment linked to debt, confiscation of identity papers or travel documents, and exclusion from community and social life. Financial penalties are also experienced by a significant minority of current migrants.

Table 9: Unfree recruitment indicators

 Unfree Recruitment Indicators	 Current		 Returned	
	 Hong Kong	 Singapore	 Indonesia	 Philippines
<b>Involuntariness</b>				
Recruitment linked to debt	54%	57%	91%	12%
Coercive recruitment	42%	48%	67%	23%
Deceptive recruitment - working hours	42%	14%	21%	21%
Deceptive recruitment - treatment by employer	24%	7%	16%	16%
Deceptive recruitment - living conditions	20%	5%	14%	9%
Deceptive recruitment - employer/location of job	15%	3%	12%	12%
Deceptive recruitment - legal documents/status	3%	4%	16%	3%
<b>Penalty</b>				
Confiscation of ID papers or travel documents	36%	44%	74%	17%
Exclusion from community and social life	49%	35%	63%	16%
Financial penalties	17%	13%	4%	4%

## Recruitment linked to debt

Recruitment agencies are the first step in a prospective migrant's journey abroad. Indonesians are required by law to use a recruitment agency for their placement abroad. Though Philippine law does not require migrants to use recruitment agencies, they are an extremely common method of work placement - 93% of prospective migrant respondents had registered with an agency at the time of research.

Recruitment linked to debt is the most common indicator of forced labour within unfree recruitment and is increasing for both Indonesians and Filipinas. Over half of the total sample<sup>73</sup> experienced recruitment linked to debt (54%) compared to around one third in 2016 (28%).

The number of Indonesian migrants (current and returned) experiencing recruitment linked to debt rose almost 30 percentage points between 2016 and 2019, from 51% to 79%. Further, there is a striking gap between returned Indonesians and Filipinas - almost all (91%) of the Indonesian sample reported indebted recruitment compared to just 12% of Filipinas.

Whereas Filipino recruitment agencies are prohibited from charging recruitment fees, recruiters in Indonesia are legally allowed to charge around USD 1,050 (IDR 14.8 million) for migrants to Hong Kong, USD 895 (IDR 12.6 million) for migrants from Java to Singapore, and USD 980 (IDR 13.8 million) for migrants from outside Java to Singapore. Costs are shared by the migrant worker and their employer.

Table 10:

Paid by female migrant domestic worker	Singapore IDR/USD(~)	Hong Kong IDR/USD(~)
Insurance	400,000/28	400,000/28
Psychology test	250,000/18	250,000/18
Medical check-up	700,000	700,000
Passport	255,000/18	255,000/18
Training	400 hrs/80 days	600 hrs/110 days
Training fee (incl. accommodation and food)	4,000,000/282	5,500,000/388
Training equipment	2,000,000/140	3,000,000/211
Competency test	150,000/10.50	150,000/10.50
Costs recruitment agency	3,150,000/222	4,114,000/290
Service costs (10%)	-	411,400/29.50
Ticket flight Indonesia - destination country		By employer
From the island Java	1,424,000/100	
From outside Java	2,583,000/180	
Airport tax	300,000/21	
<b>Total to be paid by female migrant domestic worker</b>		<b>14,780,400/1043</b>
- female migrant domestic worker from Java	<b>12,647,000/890</b>	
- female migrant domestic worker from outside Java	<b>13,778,000/970</b>	

<sup>73</sup> Current and returned migrants from Indonesia and the Philippines

<b>Paid by employer</b>	<b>Singapore</b>	<b>Hong Kong</b>
Legalisation of work contract	-	341,000/24
Settling in programme	525,000/37	-
Work permit	280,000/20	176,000
Foreign Employees Assurance	3,150,000	1,320,000
Health tests	1,050,000/73.85 (every 6 months)	660,000/4
Government levy	1,855,000/130.50	-
Ticket <ul style="list-style-type: none"> <li>- Destination in Java</li> <li>- Destination outside Java</li> <li>- Airport tax</li> <li>- Local transport in receiving country</li> </ul>	Singapore (one way) 1,422,000/100 2,583,000/181.60 231,000/16 1,750,000/123	Return ticket 4,000,000/281 7,000,000/492 300,000/21
Accommodation	560,000/39	-
Photograph	42,000/3	-
Airport service in receiving country	91,000/6.50	-
Recruitment agency costs <ul style="list-style-type: none"> <li>- Indonesian</li> <li>- Counterpart in receiving country</li> </ul>	483,000/34 3,633,000/255	5,500,000/387
<b>Total costs paid by employer</b> <ul style="list-style-type: none"> <li>- female migrant domestic workers from Java</li> <li>- female migrant domestic worker from outside Java</li> </ul>	<b>15,092,000/1061.50</b> <b>16,233,000/1142</b>	<b>12,290,000/864.5</b> <b>15,297,000/1076</b>

Most Indonesian returned migrant workers paid USD 1000 (IDR 14.1 million) or less to their recruitment agency through salary deductions for just under seven months,<sup>74</sup> which does not differ greatly from the legal cap. However, when factoring in a minority of respondents that had to pay back much higher amounts, the average amount repaid across the sample was USD 1171 (IDR 16.5 million), exceeding the maximum legal fee by around USD 170 (IDR 2 million). Though such excesses have become less common than in 2016, at which time the average debt was USD 1985,<sup>75</sup> there are extreme cases in which recruitment fees were three times higher than the legally allowed amount and for which deductions took place for a period of 24 months.

<sup>74</sup> 6.8 months on average

<sup>75</sup> And much less common than in 2007 when the Asian Migration Centre found the recruitment fee for Hong Kong to be payment of seven full month-salaries

There has been heavy criticism of the Indonesian government allowing migrant workers to become indebted to recruitment agencies.<sup>76</sup> Almost all of the 29% of respondents who had not repaid their recruitment debt in Singapore at the time of the research were Indonesians<sup>77</sup>. On average, they needed just under another seven months<sup>78</sup> to repay their debts. This exacerbates their vulnerability as they are usually made to remain with their recruitment agency until the debt is repaid, even if enduring mistreatment and verbal abuse. If the migrant worker asks to resign during this period, the agency or employer may refuse, citing her outstanding debt.<sup>79</sup> Agents and employers, who often fear that workers will attempt to escape employment before the debt is repaid, may also seek to control the migrant worker through other means.<sup>80</sup>

Recruitment agencies in the Philippines have had a zero recruitment fee policy since 2006. Despite this, the number of current and returned Filipina migrants reporting experiencing recruitment linked to debt rose significantly between 2016 and 2019, from 3% to 29%. On average, Filipina respondents paid recruitment agencies USD 700 (PHP 36,800) and took just under five months<sup>81</sup> to repay the debt. This is an average rise of almost two months in payback time since 2016.

Indebted recruitment is growing in the Philippines as a result of indirect costs associated with departure and recruitment. Though agencies cannot charge recruitment fees specifically, they fill a useful - and lucrative - role by facilitating several required processes of pre-departure. For example, prospective Filipina migrants need passports, birth certificates, and medical/health exams.

Prospective migrants must enrol in a training course approved by the Technical Education Skills Development Authority (TESDA), a government unit that regulates and monitors training centres across the country. The cost of these courses, based on government regulations, must not exceed USD 100 (PHP 5,000). Without evidence of attending the course, the government may refuse to notarise migrant domestic workers' contracts.<sup>82</sup> Migrants are also required to attend a performance assessment before receiving their "National Certificate". The certificate is mandatory and submitted to the POEA to receive an Overseas Employment Certificate (OEC), which is required to leave the country.<sup>83</sup> According to POEA rules and regulations, foreign employers must cover some other expenses: visa (including the stamping fee); round-trip airfare; work permit and residence permit; transportation from the airport to the job site; and insurance coverage.<sup>84</sup>

When Hayma was told by her employers she would have to pay them SGD 1,500 (USD 1,085) if she wanted to go home, she turned to the police. They told her they couldn't help her because she wasn't being physically abused. A few days later, the employment agency got involved. She was allowed to go home but was first made to sign a document agreeing to further deductions from her outstanding wages.

<sup>76</sup> Asian Migrant Centre (2007), "Underpayment 2: the continuing systematic extortion of Indonesian migrant workers in Hong Kong - an in-depth study."

<sup>77</sup> Only 5 individual Filipina respondents still had recruitment debt at the time of the interview

<sup>78</sup> 6.9 months

<sup>79</sup> Humanitarian Organization for Migration Economics, Liberty Shared (2019), "Behind Closed Doors: Forced Labour in the Domestic Work Sector in Singapore"

<sup>80</sup> Asia Research Institute (2016), "The current system is no good: The challenges of Singapore's domestic work industry", <http://migratingoutofpoverty.dfid.gov.uk/files/file.php?name=rp08-mig-ind-mi-policy-brief-v9.pdf&site=354>, (July 2019)

<sup>81</sup> 4.88 months

<sup>82</sup> Helper Choice, "Compulsory Training Prior to Employment for Domestic Helpers", <https://www.helperchoice.com/singapore/tesda-training-domestic-helpers>, (July 2019)

<sup>83</sup> Ibid.

<sup>84</sup> MoneyMax, "How Much Does It Cost to Apply for Work Abroad?", <https://www.moneymax.ph/personal-finance/articles/ofw-fees-work-abroad/>, (July 2019)

The majority of prospective respondents had registered for a pre-migration training (60%) and around half of them incurred debt to pay for it (32%). Indonesians are more likely to take on debt for their trainings than pay up-front (50% versus 20%). This flipped for Filipinas, the majority of whom pay in cash (71% versus 24% pay through debts).

Spending time at a recruitment facility to arrange migration is linked to lower average salaries, as are longer workdays. For every hour worked extra, monthly salaries are reduced on average by USD 5.60.

## Coercive recruitment

Almost half of the total sample experienced coercive recruitment, making it the second most common indicator following recruitment linked to debt. Again Indonesians were much more likely to have experienced coercive recruitment than Filipinas at 61% versus 30%.<sup>85</sup> Acknowledging the difference in methodology between 2016 and 2019, a comparison of the coercive recruitment indicators shows that the number of Indonesians who experienced coercive recruitment in 2016 has remained relatively unchanged (64%), but has decreased by 9% for Filipinas from 47% in 2016.

The most prevalent form of control reported by respondents in Singapore was an inability to leave the recruitment facility during recruitment, which was reported by 48% of respondents. Indonesian respondents were more likely to have experienced this indicator, with 62% of Indonesian respondents being unable to always leave their recruitment facility, and only 35% Filipina respondents reporting the same.<sup>86</sup>

Prior to their departure, Indonesian migrant domestic workers tend to live at the facilities provided by the recruitment agency. During their stay they receive training, follow the compulsory preparation courses, and wait for the agency to find an employer in the country of destination and arrange the required documents. This makes them vulnerable to excess oversight and control by agencies.

## Confiscation of identity papers or travel documents

Recruitment agencies may use coercive methods to ensure that migrants remain bound to them through their pre-migration preparation. A common method is the confiscation of important personal documents. Indonesians reported that they were significantly more likely to have their personal documents confiscated during recruitment than Filipinas at 79% compared to 29%. Indonesian recruitment agencies arrange travel documents for migrant domestic workers which results in an extended period in which prospective migrants are without their legal documents. They also commonly hold documents as collateral for the debt migrants incur, which makes them vulnerable to excessive control by the agencies.

<sup>85</sup> Total sample (current and returned), Reg,  $p < .01$

<sup>86</sup> Humanitarian Organization for Migration Economics, Liberty Shared (2019), "Behind Closed Doors: Forced Labour in the Domestic Work Sector in Singapore"



Agencies in source countries are known to coordinate with placement agencies in destination countries to pressure migrant workers to fully repay outstanding debts.<sup>87</sup> To this end, whilst passports which have been confiscated by the recruiter in the source country are, as a matter of necessity, returned to migrant domestic workers just prior to travel, in many cases the passports are re-confiscated by the placement agency upon the migrant domestic workers' arrival and are often retained until the debt has been repaid. Among current migrants, 26% and 38% reported confiscation of personal documents while staying at the employment agency upon arrival in Hong Kong and Singapore respectively.

## Exclusion from community and social life

Exclusion from community and social life may arise out of restricted ability to leave the recruitment facility. Returned Indonesian migrants reported exclusion during recruitment at much higher rates than returned Filipinas (64% versus 16%). This was virtually unchanged for Indonesians from 2016 which is likely a result of the extended periods Indonesians spend at recruitment facilities and indicates restriction of movement remains common.

Married respondents were also more likely to have experienced coercive recruitment. This may be due to the fact that female work permit holders "shall not become pregnant or deliver any child in Singapore", unless she is already married to a Singaporean or permanent resident — migrant workers who are found to be pregnant are to be repatriated; they may also be blacklisted.<sup>88</sup> While Hong Kong does not have official bans on pregnancy for migrant workers, in practice many employers will dismiss workers who are or become pregnant. Recruitment agents may thus be inclined to keep married domestic workers away from their families so as to reduce the chances of their conceiving before leaving for Singapore.

## Deceptive recruitment<sup>89</sup>

Around 39% of current and returned respondents had experienced at least one type of deceptive recruitment. As is the case for the previous two indicators, Indonesians are more likely than Filipinas to experience deceptive recruitment at 41% versus 36%.

Compared to their pre-departure information, differences in working hours, treatment by employer, and the job location are common for both returned Indonesians and Filipinas. Current migrants in both Hong Kong and Singapore also report the biggest gap in knowledge around working hours and treatment by employer, though at much higher rates in Hong Kong than in Singapore.

In the sample of current and returned workers, 82% signed an employment contract before they departed their home country. Without a contract, the remaining 18% were highly vulnerable to deceptive practices. Yet even when workers signed contracts they frequently reported confusion, as just 84% of workers who signed contracts said that they fully understood their contract. 27% of Indonesians who signed employment contracts reported that they did not understand their contract when they signed it compared to just 3% of Filipina respondents.

<sup>87</sup> Amnesty International (2013), "Exploited for profit, failed by governments: Indonesian migrant domestic workers trafficked to Hong Kong"

<sup>88</sup> Humanitarian Organization for Migration Economics, Liberty Shared (2019), "Behind Closed Doors: Forced Labour in the Domestic Work Sector in Singapore"

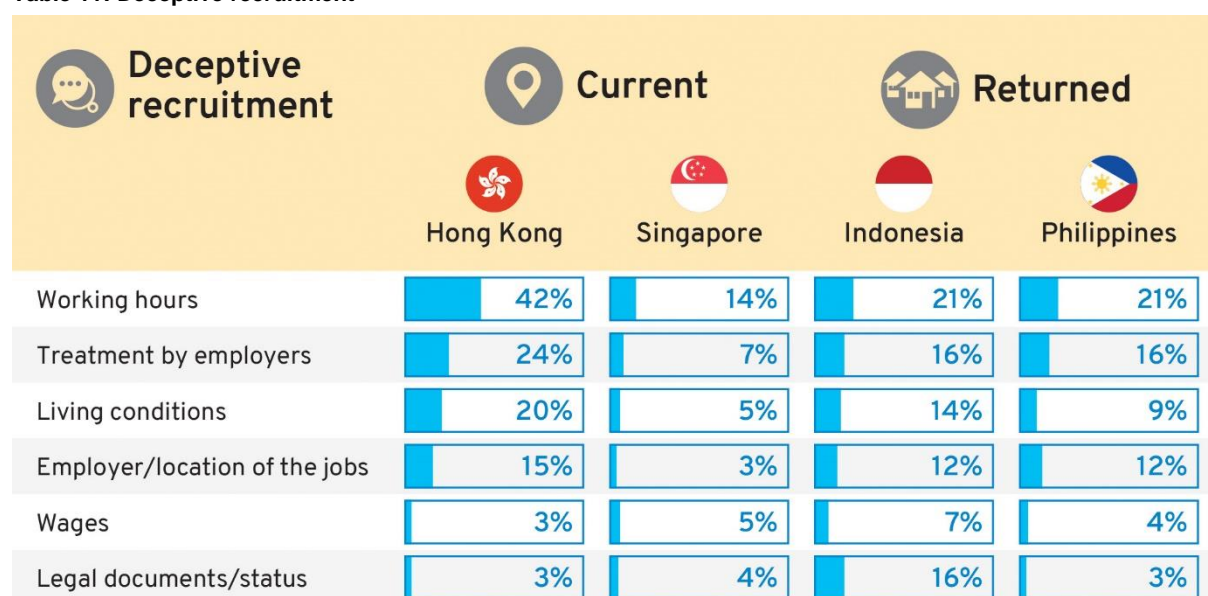
<sup>89</sup> Given the findings on how influential information from recruiters is, it is likely that prospective migrants have other sources of information and sets of expectations



Respondents highlighted that contracts were often presented in a foreign language, thereby preventing respondents' understanding of the document they were signing. Respondents also reported inadequate time for review, recruiters requiring the worker to sign a "blank" contract to demonstrate that they are motivated to find an employer, and recruiters briefly explaining the contract terms instead of having the migrants review it themselves.

The effect of such practices is that migrant domestic workers do not always have a complete awareness of the rights and obligations of both parties to the contract, the terms of their employment or the extent of their responsibilities; nor to the benefits to which they are entitled such as leave entitlement or medical insurance cover. This can make workers more vulnerable to exploitation as they may be unaware of whether tasks requested by their employer fall within the scope of their duties. Employers may also be able to use a migrant's lack of awareness of the terms of the contract to withhold rights and benefits to which the worker in question is entitled.<sup>90</sup> Furthermore, respondents who reported not fully understanding their contract were correspondingly more likely to work long hours, by a few hours on average.

Table 11: Deceptive recruitment



## Abuse during recruitment

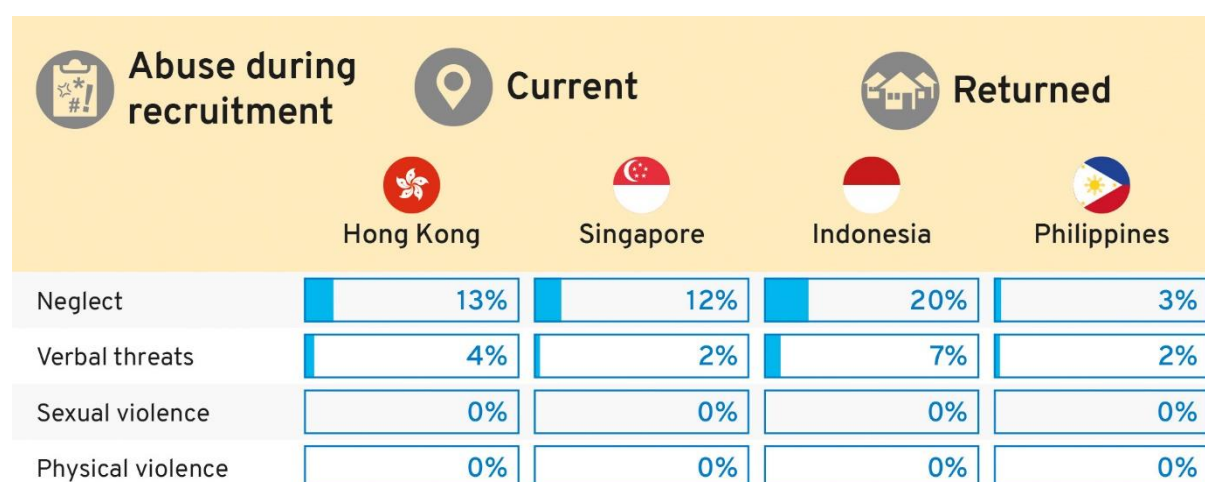
Physical and sexual violence was reported at extremely low rates by current and returned migrants. There is a substantial chance that sexual and physical abuse is underreported due to the sensitivity and gravity of the issue. While there are no hard figures about the incidence of abuse, anecdotal evidence indicates that physical and sexual abuse is much more common than our survey indicates.<sup>91</sup>

<sup>90</sup> Amnesty International (2013), "Exploited for profit, failed by governments: Indonesian migrant domestic workers trafficked to Hong Kong"

<sup>91</sup> The News Lens (25 March 2019), "Southeast Asian Workers Rally to Protest Sexual Abuse, Poor Labor Standards", <https://international.thenewslens.com/article/116085>, (August 2019);

When abuse is expanded to include verbal threats and neglect, rates increase for both groups but at again higher rates for Indonesians. Twenty percent of returned Indonesians report neglect - specifically deprivation of food or medical assistance - as a form of punishment during recruitment, compared to only 3% of returned Filipinas. The more time since a migrant's return, the *more* likely they were to report being deprived of food or medical help during the recruitment process.<sup>92</sup> Among returned Indonesians, 7% were verbally threatened (versus 2% of returned Filipinas).

Table 12: Abuse during recruitment



## During Migration - Work and Life Under Duress

### Employment agencies

Employment agencies (also called placement agencies) in destination countries are often the first contact for arriving domestic workers. They work in partnership with recruitment agencies from sending countries to screen incoming domestic workers, connect them to employers, and process all paperwork, including contracts and visas. Overall, 67% and 77% of current migrants reported spending time at employment facilities upon arrival in Hong Kong and Singapore, respectively. In Hong Kong, current migrants reported spending an average of three days in an employment agency and in Singapore an average of six days.

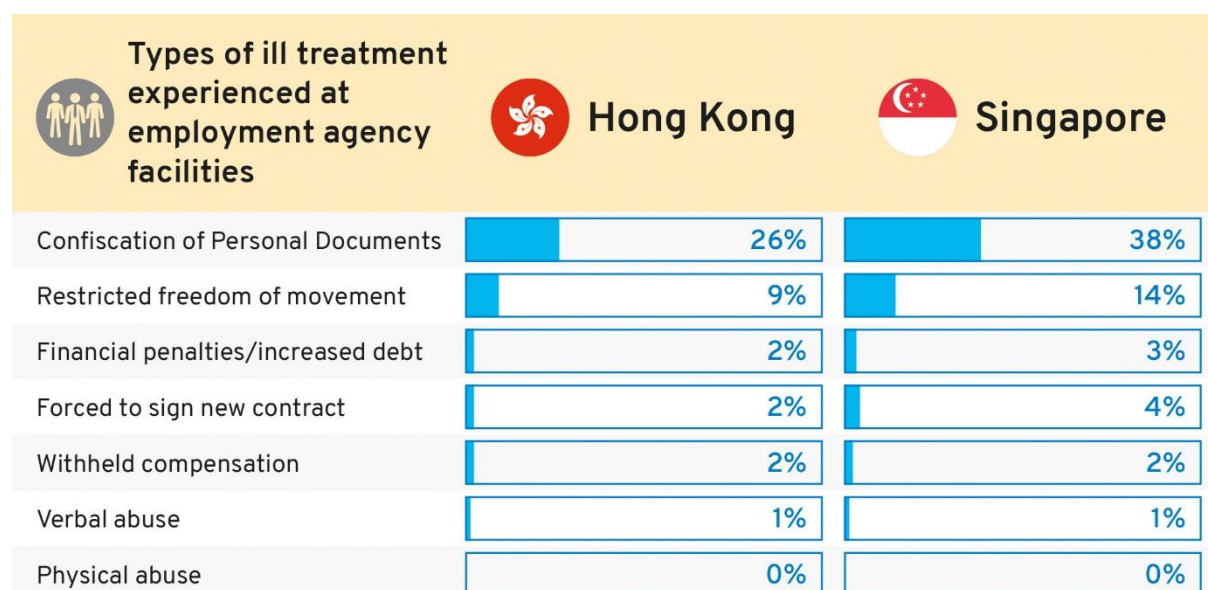
Though migrant workers spend limited time at employment agencies, exploitative incidents do occur. The most prevalent forms of abuse suffered at facilities was the confiscation of identity papers and travel documents, and restricted freedom of movement.

ILO (16 August 2016), "A slow road to end abuse of Indonesia's domestic workers", [https://www.ilo.org/jakarta/info/public/pr/WCMS\\_513770/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/pr/WCMS_513770/lang--en/index.htm), (August 2019);

Human Rights Watch (2004), "Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia"

<sup>92</sup> Regression analysis,  $p < .01$

Table 13: Types of ill treatment experienced at employment agency facilities in Hong Kong and Singapore



There are various reasons that passports are held by the employment agency. While in some cases migrants volunteer their documents for safekeeping, in Hong Kong it has also been reported that employment agencies keep passports to compel migrant domestic workers to pay additional or excessive fees to the agencies.<sup>93</sup> It is also likely that agencies restrict access to documents and freedom of movement for the same reason - to ensure incoming migrant workers are unable to leave the facilities with outstanding debts.

Though employment agencies are overseen and regulated by government in Hong Kong and Singapore, persistent issues reported during the survey indicate enforcement is lacking. For example, in addition to limiting movement and confiscating documents, some Hong Kong employment agencies reportedly charge excessive placement fees. Under Hong Kong law, an employment agency may not charge fees totalling more than 10% of the worker's first month's income<sup>94</sup> (these provisions are applicable to all employees in Hong Kong, not just migrant domestic workers). However, 3.39% of the surveyed migrant domestic workers who had spent time at an employment agency in Hong Kong reported being asked to pay additional fees.

<sup>93</sup> South China Morning Post (27 November 2016), "Employer retrieves domestic helper's passport from agency, calls for government crackdown on illegal fees", <https://www.scmp.com/news/hong-kong/law-crime/article/2049567/employer-retrieves-domestic-helpers-passport-agency-calls>, (July 2019)

<sup>94</sup> Hong Kong Labour Department, "Employment Ordinance Chapter 57", <https://www.labour.gov.hk/eng/legislat/content2.htm>, (July 2019)

In Singapore, contracts provided by recruitment agencies in home countries are routinely substituted with less favourable terms upon arrival to the host country. Respondents (current and returned) who reported to have stayed at an employment agency when they first arrived in Singapore were more likely to be classified as likely victims in the work and life under duress category (45% of those who first stayed at an employment agency versus 32% who did not).<sup>95</sup> Employment agencies are regulated under the Employment Agencies Act. In general, however, the Employment Agencies Act lacks key provisions to prevent deceptive recruitment and forced labour - namely it does not touch on the administration of employment contracts, including the issue of contract substitution<sup>96</sup>.

## Work and life under duress

Thirty seven percent of current migrants are likely victims under the work and life under duress category, based on the information they shared during the interviews. Current migrants in Hong Kong reported a higher likelihood of being victims at 50%, as against 23% in Singapore. Returned Indonesians are more likely to have been victims while abroad under this category than returned Filipinas (59% versus 39%). Current migrant workers who have been abroad longer are less likely to be likely victims, which could be because those who have better experiences are more likely to stay abroad while those who experience abuse or exploitation may be more likely to return.<sup>97</sup>

Current migrants in both Hong Kong and Singapore reported regularly having identity papers or travel documents confiscated and being excluded from community or social life - though at higher rates in Singapore than in Hong Kong. Dismissal, isolation, and having wages withheld are also more common in Singapore than Hong Kong.

Conversely, forced overtime and being on call at all times were reported at higher rates in Hong Kong than in Singapore. Constant surveillance, limited freedom of movement, and limited communication are also experienced by a significant portion of the Hong Kong sample.

The same indicators are strongly represented among returned migrants.








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<sup>95</sup> Regression analysis,  $p < .01$

<sup>96</sup> Humanitarian Organization for Migration Economics (2013), "The Invisible Help: Trafficking into Domestic Servitude in Singapore", [https://www.home.org.sg/s/Report\\_trafficking-into-domestic-servitude-lpee.pdf](https://www.home.org.sg/s/Report_trafficking-into-domestic-servitude-lpee.pdf)

<sup>97</sup> Reg,  $p < .01$

Table 14: Work and life under duress indicators<sup>98</sup>

 Work and life under duress indicators	 Current		 Returned	
	 Hong Kong	 Singapore	 Indonesia	 Philippines
<b>Involuntariness</b>				
Forced overtime	32%	12%	26%	16%
Forced to work on call (24/7)	22%	8%	21%	17%
Limited freedom of movement	18%	11%	34%	18%
Limited freedom of communication	17%	8%	28%	16%
Forced illicit/dangerous activities (outside contract)	13%	6%	21%	14%
Forced illicit/dangerous activities (several employers)	11%	5%	18%	13%
Forced illicit/dangerous activities (dangerous work)	5%	3%	12%	6%
<b>Penalty</b>				
Constant surveillance	33%	13%	36%	31%
Confiscation of identity papers or travel documents	26%	38%	53%	14%
Exclusion from community and social life	26%	35%	45%	37%
Deterioration in working conditions	18%	12%	19%	25%
Religious retribution	18%	11%	45%	1%
Dismissal	9%	23%	32%	34%
Isolation	8%	17%	34%	12%
Withholding assets of wages (access to money)	4%	14%	17%	12%

As can be seen in the table above, exploitation experiences among current migrants are varied with no indicator being reported by more than 32.5% of respondents in Hong Kong and 38% in Singapore. Penalties are more widespread than involuntariness in both places (76% in Singapore and Hong Kong respectively).

<sup>98</sup> Confiscation of identity papers or travel documents by the employment agency. The survey did not ask if the documents were given back



## Confiscation of personal documents and exclusion from community and social life

As in recruitment, confiscation of personal documents and exclusion from community and social life continue to be common experiences through a migrant's working life. Thirty two percent of current migrant workers and 34% of returned migrant workers have had documents taken from them. Thirty one percent of current and 41% of returned migrants reported exclusion from community and social life.

Those working in Singapore were significantly more likely to report these indicators than those in Hong Kong. Thirty eight percent of current migrants reported confiscation of personal documents and 35% exclusion in Singapore - compared to 26% in Hong Kong for both. Older respondents were less likely to experience confiscation of documents than younger respondents.<sup>99</sup>

This is likely a result of the SGD 5,000 (USD 3,600) security bond required of migrant workers' employers in Singapore. The bond is liable to be forfeited if the employer or worker is found to have violated work permit conditions - including those around pregnancy and marriage to a Singaporean citizen. Security bond conditions also hold the employer liable for ensuring that workers do not go missing or overstay their visas.<sup>100</sup> As a result, a fear of losing the security bond drives some employers to adopt strict measures of control to prevent migrant workers from forming relationships or running away. This reportedly involves confiscating travel documents, restricting freedom of movement, and limiting social time with their community.<sup>101</sup>

Indah worked in Singapore for nearly ten years. During that time, she was only allowed outside to do chores in the garden. Her employer didn't allow her to have a mobile phone or to go home to visit her family, meaning that she wasn't able to speak to them for almost seven years. She was also forbidden from speaking to strangers, including other domestic workers.

As is the case for indicators of unfree recruitment, Indonesians are considerably more likely to report these measures than Filipinas - 53% of returned Indonesians reported that their documents were confiscated and 45% that they were excluded from community and social life compared to 14% and 33% respectively for Filipinas. Relatedly, isolation and limited freedom of movement were both reported by 34% of returned Indonesians and only 12% and 18% of returned Filipinas, respectively. For Filipina returned migrants, exclusion was related to respondent education as those with lower levels of education are more likely to report this indicator.<sup>102</sup>

<sup>99</sup> Regression analysis,  $p < .05$

<sup>100</sup> Singapore Ministry of Manpower, "Security bond requirements for foreign domestic worker", <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/security-bond>, (September 2019)

<sup>101</sup> Humanitarian Organization for Migration Economics, Liberty Shared (2019), "Behind Closed Doors: Forced Labour in the Domestic Work Sector in Singapore"

<sup>102</sup> Regression analysis,  $p < .05$ ; not found with Indonesian returned migrants



## Constant surveillance

Those in Hong Kong are significantly more likely to report surveillance than in Singapore, at 32.5% compared to 12%. In Hong Kong, respondents reported being monitored by the employer, the employer's parents, or other migrant domestic workers in the household. Surveillance took the form of being closely watched by one of the above parties, constant phone calls from the employer to report on whereabouts, or the presence of surveillance cameras around the living areas. In addition, because Hong Kong living quarters tend to be very small, surveyed migrant domestic workers reported sleeping in beds with children, on the floor between or next to the children's beds on a pallet, in the living room, or in storage closets. Close living quarters add to the lack of privacy and feeling of constantly being monitored.

In Hong Kong, the prevalence of surveillance generally decreases as the migrant domestic worker gains experience. Nearly half of migrant domestic workers with less than one year's experience reported constant surveillance, whereas a lesser amount of about 20% of migrant domestic workers with five or more years of experience reported constant surveillance. Generally, older migrant domestic workers (ages 41-60) were not monitored as much as younger domestic workers (age 21-40).

Returned Indonesians are again more likely than Filipinas to report this indicator at 36% compared to 31%.

## Religious retribution

Religious retribution is almost exclusively experienced by Indonesians at 44.5% compared to 1% of Filipinas among returned migrants, and 29% versus 9% for current migrants. Returned migrants who had worked abroad in Singapore were significantly more likely to report this indicator than those in Hong Kong.<sup>103</sup>

## Dismissal

Premature dismissals were reported at nearly equal rates by returned Indonesians and Filipinas at 32% and 34% respectively. However, current migrants in Singapore are significantly more likely to report having their contracts terminated than those in Hong Kong at 23% versus 9%. In Singapore employers routinely dismiss their domestic workers and deny them transfer to a new employer as a form of punishment. As migrant workers must be employed to retain their work permit, this triggers repatriation and will force the worker to re-engage a recruitment agency to enter back into employment abroad.

Interestingly, less educated respondents were less likely to report this indicator than more educated respondents. This may be due to the common mindset by Singaporean employers that migrant workers who are "too smart" are undesirable as they are harder to control.

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<sup>103</sup> Regression analysis,  $p < .05$

## Abuse in the employer's home

As in the recruitment stage, physical and sexual violence is reported at very low rates. Again it is worth stating that violence is again likely to be underreported.

Table 15: Abuse in the employer's home

Abuse in the employer's home	Current		Returned	
	Hong Kong	Singapore	Indonesia	Philippines
Verbal threats	19%	8%	20%	17%
Neglect	13%	8%	11%	15%
Physical violence	2%	1%	2%	1%
Sexual violence	1%	0%	4%	3%

As can be seen in the table above, verbal abuse and neglect (deprived of food or medical help) are fairly common in Hong Kong, and are reported at similar rates by returned Indonesians and Filipinas.

In Singapore, employment agencies are not legally obligated to look into or report complaints of abuse by migrant domestic workers to the authorities, nor do they have a legal obligation to respond to requests to change employers or to return home<sup>104</sup> Migrant domestic workers who are left stranded with abusive employers have little recourse against their agents as failure to respond to repeated pleas for help is not a violation of licensing regulations.

During her time as a domestic worker in Singapore, Winnah faced brutal abuse. Her employer would frequently fly into a violent rage, beating her with a stick. She would also threaten her verbally and deprive her of food. Winnah was told that the abuse was punishment for her mistakes. When she couldn't stand the violence any longer, she attempted suicide.

<sup>104</sup>Humanitarian Organization for Migration Economics (2013), "The Invisible Help: Trafficking into Domestic Servitude in Singapore", [https://www.home.org.sg/s/Report\\_trafficking-into-domestic-servitude-lpee.pdf](https://www.home.org.sg/s/Report_trafficking-into-domestic-servitude-lpee.pdf)

## Inability to Leave the Employer

An important aspect of forced labour is limited possibilities to leave the employer. Note should be made that penalty indicators for inability to leave the employer are the same as those in work and life under duress and thus will not be repeated here. Factors highlighted in this study – including confiscation of personal documents, restricted freedom of movement and constant surveillance – all clearly impede the ability to leave one's employer. Other research also indicates that it is difficult for migrant domestic workers to leave an abusive employer.<sup>105</sup>

More migrant workers reported facing impediments to leaving their employers in Singapore than in Hong Kong, at 31% versus 17%. Returned migrants to Indonesia and the Philippines are almost equally likely (within a few percentage points) to be unable to break their contracts and be unable to resign. Similarly, both rarely wait for due wages (see table below).

Table 16: Inability to leave the employer indicators



Unlike the other categories, nationality is not predictive of experiencing inability to leave the employer. In Singapore, this may be due to local regulations requiring that employers grant permission before migrant workers can change employers, which applies regardless of nationality. If permission is denied, migrant workers must leave the country and incur another round of recruitment fees to return under a new employer. Leaving an employer without the employer's permission thus comes with hefty financial cost. In general, older repeat migrant workers were less likely to report experiencing at least one indicator, possibly because they are better able to bear the financial burden.

<sup>105</sup> CSEAS (2018), "Protection of Human Rights and Labour Migration for Employment Purpose Across ASEAN", <https://www.netherlandsandyou.nl/binaries/netherlandsandyou/documents/publications/2018/02/02/protection-of-human-rights-and-labour-migration/02-Feb-18+Protection+of+Human+Rights+and+Labour+Migration.pdf>

As detailed above, denials of transfers are often used as a way of exerting control over migrant workers and compelling them to continue working for the employer. Such patterns of coercive behaviour often come with other controlling behaviours, such as restricting interactions with those outside the home. If the migrant cannot tolerate her working conditions any longer, often her only way of leaving the employer is through returning home, incurring agent fees to re-enter under a different employer.

Hong Kong has legislation that similarly serves to restrict migrant workers' ability to leave their employer - namely the Two Week Rule which stipulates a migrant domestic worker must find another employer or leave Hong Kong within two weeks if their contract is terminated by either party.<sup>106</sup> Eighty three percent of the surveyed migrant domestic workers reported feeling they cannot return to their countries of origin because they need to provide for their families by working in Hong Kong. In addition to this personal pressure, finding employment within such a short time frame is, in practice, extremely difficult. Even if an employer is found, getting a work visa approved by the Hong Kong Immigration Department can take four to six weeks.<sup>107</sup> The Hong Kong Immigration Department further closely scrutinises migrant domestic workers who have frequently changed employers, ostensibly to prevent "job-hopping" and severance payment abuses, which may add delays to visa issuance.<sup>108</sup> Therefore, the Two Week Rule can compel migrant domestic workers to endure abusive or degrading work conditions, or to accept unfair employment terms.

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<sup>106</sup> Hong Kong Immigration Department, "A General Guide to the Helper", <https://www.immd.gov.hk/pdfforms/ID911A.pdf> (July 2019)

<sup>107</sup> Hong Kong Immigration Department, "Foreign Domestic Helpers", [https://www.immd.gov.hk/eng/services/visas/foreign\\_domestic\\_helpers.html](https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html), (July 2019)

<sup>108</sup> Government of Hong Kong "LCQ15 Combating job-hopping acts of foreign domestic helpers", <https://www.info.gov.hk/gia/general/201812/12/P2018121200629.htm>, (July 2019); Hong Kong News (17 December 2018), "More than 1,800 'job-hopping' FDHs denied entry in HK", <http://hongkongnews.com.hk/news/more-than-1800-job-hopping-fdhs-denied-entry-in-hk/>, (July 2019)

## After Return

### Return assistance

Return and reintegration support is comparatively more robust in the Philippines than in Indonesia. While relatively few respondents received assistance overall (16% of returned Filipinas and 8% of Indonesians) the highest number of returned Filipinas who received return assistance did so through the Philippines government (62.5%). Indonesians conversely received the most support from friends and family (46%). Filipinas overwhelmingly received financial assistance (83%) whereas Indonesians more often sought psycho-social support or counselling (46%). Financial assistance and job placement are deemed to be the most important support mechanisms a migrant worker can access after their return.

Jane's employers overworked her, confiscated her mobile phone and passport, and often called her names, like "stupid" and "useless". The employment agency told her that she would have to pay SGD 1,200 (USD 866) if she wanted to go home. Unable to pay that amount, she was sent back to the same abusive employer by the agency.

### Impacts of Labour Migration

While the majority of returned migrants judge their financial position to have improved since prior to working abroad (53% of Indonesians and 41% of Filipinas), a significant minority also report no change (33% of Indonesians and 27% of Filipinas). Very few respondents - 1% of returned Indonesians and 5% of returned Filipinas - returned to their home country because their financial objectives had been reached (i.e. they had "earned enough money").

Respondents rather returned after their contract ended or their visa expired (33% of Indonesians and 59% of Filipinas) which implies that most were unable to achieve their financial goals over the course of their contract. Therefore the majority of returned respondents are likely to re-migrate (47% of Indonesians and 70% of Filipinas<sup>109</sup>). Indeed, most returned migrants have been abroad twice.<sup>110</sup>

Current migrants earn significantly more than prospective and returned migrant workers<sup>111</sup>, illustrating the incentive of financial gains of working abroad. As a consequence, a significantly larger percentage of the current migrants said that their current household in their home country could cover all of the household expenses.

In Hong Kong even though current migrant workers were sending around 50% of their monthly salary home, 22% of respondents said that the household income in their home country was still not sufficient to cover their monthly expenses. For current migrants in Singapore, this percentage was twice as large, illustrating that there are important differences not only within nationalities but also between countries of work abroad.

<sup>109</sup> Of returned Indonesians 21% are very likely to re-migrate and 26% are likely. Of returned Filipinas, 41% are very likely to re-migrate and 30% are likely.

<sup>110</sup> Average of 2.13 times abroad for returned Indonesians, and 2.43 times abroad for returned Filipinas.

<sup>111</sup> T-test ( $p < .01$ )

As in 2016, current and returned Indonesians and Filipinas reported similar wages, suggesting the country of origin does not substantially impact migrants' earnings abroad. Older current migrant domestic workers, however, do tend to earn higher monthly salaries. Those in Hong Kong make on average USD 98 more than those in Singapore, but the wage gap has narrowed since 2016 at which time migrants in Hong Kong made USD 136 more.

Data collected during the research shows that wages among returned Indonesian and Filipina migrants were significantly higher than wages among prospective, employed migrants. However, the difference in wages belies the fact that returned migrants had overall low employment rates. Filipina prospective and returned migrants were employed at similar rates (21% and 19%, respectively), while the rate among Indonesian returned migrants (28%) was slightly higher than among prospective migrants (17%). Incorporating unemployment, the gap in wages between prospective and returned migrants narrows significantly. Thus there are long-term economic gains from labour migration, but such gains are concentrated among a few.



## Drivers of Forced Labour Conditions

### Indebted and Exploitative Recruitment

Of all indicators, none is as outstanding as recruitment linked to debt. Unfree recruitment is the driving force behind the high prevalence of forced labour found in this study with an overall likely victim rate of 59% for returned migrants and 60% for current migrants. Recruitment linked to debt is the most prominent indicator within unfree recruitment at 54% overall - and has increased by almost 30 percentage points for both Indonesians and Filipinas since 2016 (51% to 79% for Indonesians and 3% to 29% for Filipinas). Almost all returned Indonesian migrants experienced indebted recruitment (91%).

Debt bondage, or bonded labour, remains one of the most widespread forms of modern slavery in the world.<sup>112</sup> Indebted recruitment ties migrant workers not only to their employers but to their agencies. As will be detailed in the section below, agencies have been known to ignore requests for help, send workers back to abusive employers, or deny repatriation appeals due to outstanding fees. The coercive power of debt and its strong connection to forced labour has also been recognized by other research.<sup>113</sup> The Indonesian government has therefore come under intense scrutiny for funnelling migrant domestic workers into indebted recruitment by requiring them to use recruitment agencies that charge exorbitant fees for work abroad.

There is a broader failing of regulation in the Indonesian recruitment industry. The Indonesian recruitment system – while ostensibly overseen by the government – seems to work more in favour of expediting placement by whatever means necessary than protecting migrants' rights. The data from our survey respondents show that 89% of returned Indonesian migrants (compared to 27% of returned Filipinas) are likely victims of unfree recruitment. Further, deceptive recruitment is on the rise from 4% in 2016 to 19% in 2019. 67% of returned Indonesians had their personal documents confiscated at recruitment agencies (versus 31% of Filipinas), 20% were forced to sign a new contract (compared to 4% of Filipinas), 55% had restricted freedom of movement (compared to 16% of Filipinas), and 11% experienced verbal abuse (compared to 3% of Filipinas). Indonesian migrant workers are significantly more likely to be victims of forced labour at all stages of migration than Filipinas – a pattern which likely starts with recruitment and continues from there.

While recruitment is more strictly regulated in the Philippines, indebted recruitment is increasing in spite of zero-recruitment fee policies. Like Indonesia, deceptive recruitment in the Philippines is also growing – from 5% to 30% between 2016 and 2019. This points to the need for increased oversight in both countries.

### Legislation Gaps and Lack of Enforcement

Both Hong Kong and Singapore have legislative practices that exacerbate or create forced labour conditions. Singapore's immigration laws serve to retain highly skilled foreign talent while excluding lower-skilled workers from permanent immigration. This results in a two-tiered system of rules and regulations between migrant domestic workers and all other foreign hires.

<sup>112</sup> UNHCR (2016). "Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences"

<sup>113</sup> Humanitarian Organization for Migration Economics, Liberty Shared (2019), "Behind closed doors: Forced labour in the domestic work sector in Singapore."

The sponsorship system in Singapore (the *kafala* system described earlier) often serves to tie migrant domestic workers to the employment agency. While these workers are only contractually bound to the agency until their debt is repaid, employers still have the right to deny the worker a transfer if she requests to be transferred under a different agency.<sup>114</sup> Many agencies lock migrant domestic workers in by offering “free replacements” to employers within a stipulated period, usually conditional on the workers being “returned” to the agency.<sup>115</sup> Thus, if a migrant domestic worker engages a different agency, the employer will have to pay to hire a new person from the agency. Employers may thus refuse to transfer a migrant domestic worker unless she returns to her existing agency, binding her to the agency even though the debt has been paid off.

The sponsorship system also stipulates that employers bear the costs of the worker’s healthcare and repatriation. Although such regulations are meant to protect the worker’s interests, in practice this regulation gives employers the power to deny workers the right to seek medical assistance, or to ignore repeated requests to return home. Work permit holders must also obtain permission from their current employer before they change to another employer. If the employer denies the worker permission to transfer, the worker must typically make a choice between going home or continuing to work for the same employer.

Migrant workers in Singapore are excluded from the Employment Act and are not entitled to core labour rights such as defined working hours, limits on overtime and sick leave. The bulk of labour protections are instead set out in the Employment of Foreign Manpower Act. However, crucial protections are worded in vague terms. For example, the Employment of Foreign Manpower Act requires employers to provide “adequate” rest, “adequate” food, and “acceptable” accommodation. The tendency to leave employment conditions to negotiations between employer/employment agent and domestic worker ignores the grave inequalities in bargaining powers between parties, and the limited ability to contest the imposition of exploitative conditions, which may continue to deteriorate. In the course of our work, we have observed that Singapore Ministry of Manpower officers more consistently enforce provisions with clearer definitions, such as provisions against illegal deployment. For complaints of overwork, food deprivation and poor living conditions, only the most egregious of complaints are taken seriously.

Outside of labour protections, migrant workers in Singapore are also protected against physical abuse, sexual abuse and verbal abuse amounting to criminal intimidation under the penal code. However, the penal code does not sufficiently protect against non-physical abuse such as isolation, verbal abuse, or unreasonable restriction of movement or communication. Instead, enforcement tends to focus on physical and sexual abuse. The majority of likely victims identified in our research would thus have flown under the radar of enforcement officers.

Lastly, the Employment Agencies Act in Singapore also does not set out any “code of conduct” for employment agencies. There is no legal responsibility imposed on agents to investigate or report violations by employers against the worker’s legal rights. There is also no requirement that agents respond to migrant workers’ requests to return home in a timely manner. Agencies often ignore requests for months on end, compelling her to continue working until recruitment fees are paid off, or she can persuade the employer to repatriate her.

<sup>114</sup> Humanitarian Organization for Migration Economics, Liberty Shared (2019), “Behind closed doors: Forced labour in the domestic work sector in Singapore.”

<sup>115</sup> Asia Research Institute (2016), “Who’s holding the bomb? Debt-financed migration in Singapore’s domestic work industry”, [https://assets.publishing.service.gov.uk/media/5992fd1040f0b679518fb4f0/WP38\\_Goh\\_et\\_al\\_2016\\_Who\\_s\\_holding\\_the\\_bomb\\_Debt-financed\\_migration\\_in\\_Singapore\\_s\\_domestic\\_work\\_industry.pdf](https://assets.publishing.service.gov.uk/media/5992fd1040f0b679518fb4f0/WP38_Goh_et_al_2016_Who_s_holding_the_bomb_Debt-financed_migration_in_Singapore_s_domestic_work_industry.pdf)

Whilst Hong Kong does provide relatively robust protection for domestic workers, some existing structures and policies exacerbate vulnerabilities that migrant domestic workers can face. Migrant domestic workers are subject to susceptibilities caused by multiple factors such as a lack of effective regulation of working conditions (e.g. working hours), imbalances of power between them and employers/agents, as well as the nature of the job which requires (by law) working in private homes, away from the public eye, where abusive and exploitative practices by employers can occur with little consequence. These susceptibilities are only exacerbated by the burden of debt which often serves to trap workers in their current unsatisfactory working situation.

The live-in rule (requiring migrant domestic workers to live at their employer's home) and the two week rule (requiring migrant domestic workers to leave Hong Kong within two weeks of the termination or end of their employment contract) often have the effect of compelling migrant domestic workers to endure abusive, degrading and exploitative situations at the employment agency and/or the employer's home. This is reinforced by many migrants' debt and remittance burdens.

Lack of enforcement and oversight from Hong Kong authorities on the extent to which these regulations are complied with opens space for exploitation. Employers must only submit a written description of the accommodation they will provide under the live-in rule. There are no inspections undertaken to ensure accommodations are as described or more broadly suitable for comfortable inhabitation.<sup>116</sup> The live-in rule thus simultaneously leads to migrant workers often being denied appropriate living spaces and also opens the possibility of abuse and excessive working hours – both of which were confirmed by this research.

As in Singapore, vaguely defined clauses in certain Hong Kong labour protections leave room for exploitation. Employers' discretion to replace a food allowance – set at HKD 1,075 per month (USD 137) – with food provision leads to inadequate amounts or poor quality food. Approximately 10% of current migrants in Hong Kong reported the food provided as not enough or of poor quality (e.g. receiving a pack of instant noodles or white rice for every meal).

Hong Kong does not have regulations that limit the maximum daily working hours, set a cap on overtime hours, or standardise overtime pay (this is true for all workers in Hong Kong).<sup>117</sup> Migrant domestic workers worked an average of 14.7 hours each day, with a mode of 16 hours each day. Only about 5% of the surveyed migrant domestic workers worked for eight hours or less each day. Indonesian domestic workers, on average, work longer hours than Filipina domestic workers.

<sup>116</sup> Justice Centre Hong Kong (2016), "Coming clean: the prevalence of forced labour and human trafficking for the purpose of forced labour amongst migrant domestic workers in Hong Kong",

<https://www.justicecentre.org.hk/framework/uploads/2016/02/Coming-Clean-2016-Justice-Centre-Hong-Kong.pdf>

<sup>117</sup> South China Morning Post (21 June 2017), "Hong Kong government working hours plan slammed in Legislative Council", <https://www.scmp.com/news/hong-kong/politics/article/2099240/hong-kong-government-working-hours-plan-slammed-legislative>, (July 2019).

## Education and Knowledge Gaps

Despite mandatory government pre-migration trainings, around half (47%) of prospective Indonesian migrants and a quarter of Filipinas (24%) have very little to no knowledge about working abroad. Comparing data from prospective, current, and returned migrants shows that prospective migrants had varied understandings of what their experiences abroad would be. While migrants generally understand how much they will earn abroad, many are more opaque on their future working conditions and potential risks they may face.

Prospective migrants have a clear idea of how much they will earn and remit. Almost all prospective respondents planned to send money back to family. After repaying debts to the recruitment agencies, Indonesian prospective respondents expect to earn around USD 590 and Filipinas USD 465, and both plan to send approximately half of their salaries home - Indonesians USD 300 and Filipinas USD 260. This expectation aligns quite closely with remittances reported by current migrants: Indonesian current migrants remit an average of USD 284 and Filipina current migrants remitted an average of USD 295.

However, prospective migrants have a lesser understanding of their working conditions and risks they may face abroad. Most prospective migrants expect to work around 11 hours per day, while current migrants report workdays of around 14.5 hours. Prospective Indonesian migrants believe they will be abroad for two to four years and Filipinas for one to two years. However, the majority of returned respondents worked abroad for more than five years (51% of Indonesians and 49% of Filipinas).

Similarly, while almost no respondents expected to work forced overtime, have wages withheld, or live and work in poor conditions (see table 17 below), current and returned migrants reported these experiences at varying levels of regularity. Forced overtime and being permanently on-call occur at rates much higher than assumed by prospective migrants at 20% for returned migrants and 18.5% for current migrants. Having wages withheld and performing dangerous or unexpected work outside of their contract were also commonly reported by returned migrants at 14% overall and 17% overall, respectively. Further, 41% of overall returned migrants reported unsanitary or unsafe living conditions as a result of overcrowding (52%), limited or no privacy (59%), pest infestations (20%) and poor ventilation (25%). These numbers clearly represent a significant jump from the 0.65% of overall prospective migrants who expect poor living conditions.

Table 17: Prospective migrants' expectations about risks they may face abroad

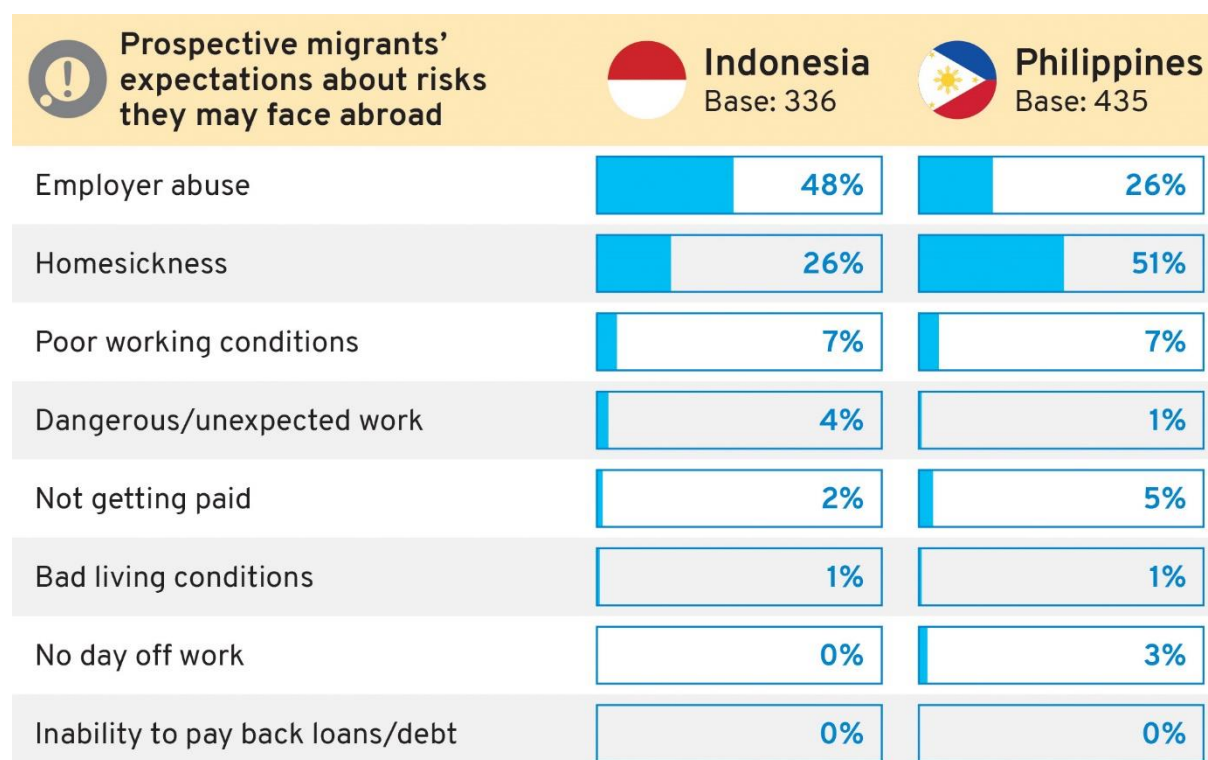


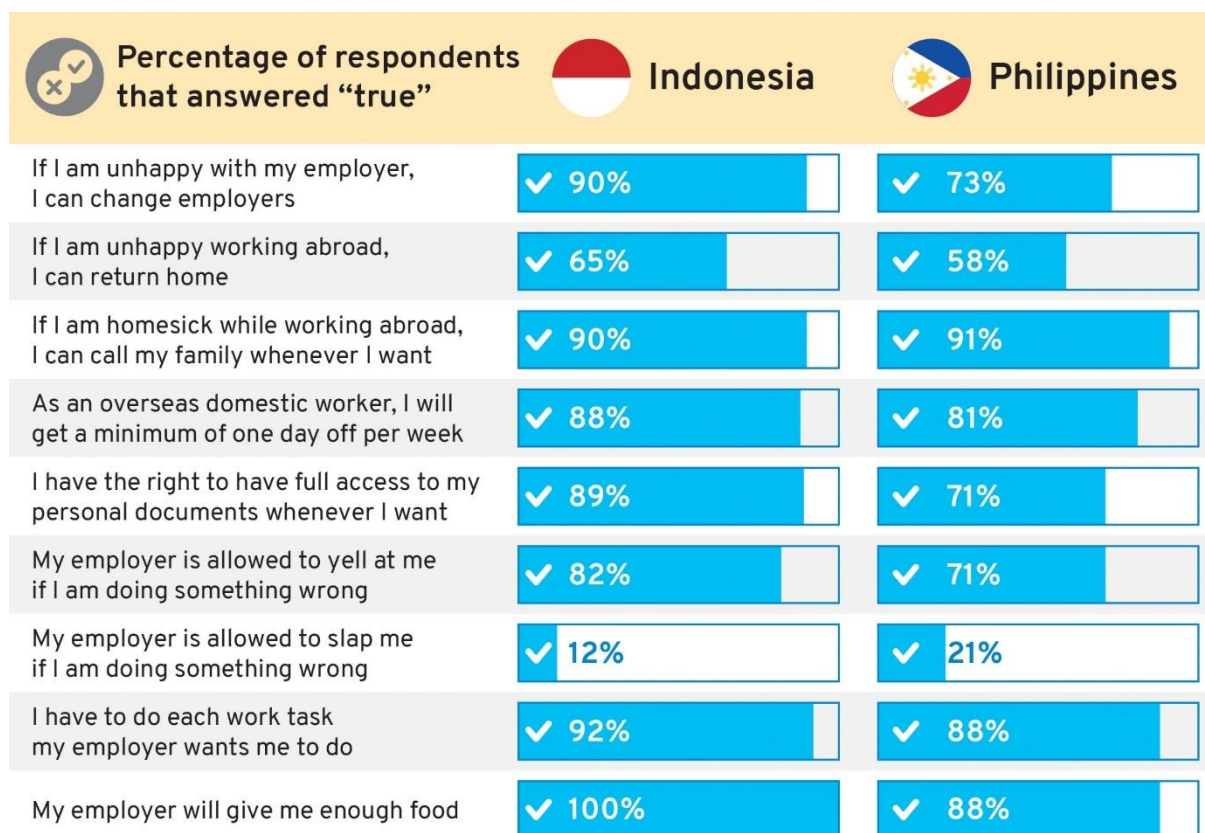
Table 18 below illustrates a further disconnect between the expectations of prospective migrants and the experiences of returned migrants. In particular it indicates that prospective migrants do not fully grasp the difficulties in changing employers as 90% of Indonesians and 73% of Filipinas believe they can move to a new employer should they be unhappy. This indicates most prospective migrants are unaware of legislation in receiving countries that favours keeping migrant workers with their employers through transfer approvals and work permit and visa regulations. It also suggests that migrants are unaware of the more subtle forms of restrictions they may face as a result of indebted recruitment.

A large majority (92% of Indonesians and 88% of Filipinas) believe that they are required to do every work task asked of them by their employer. This is contrary to the defined set of tasks outlined in a migrant workers contract, indicating that they do not understand their contract terms or expect that they will need to work outside of their contract.

Though only 10% of prospective migrants did not anticipate they would be able to call their families whenever they wish, a combined 17% and 36% of current and returned migrants respectively had their communications limited and had their mobile phones confiscated.



Table 18: Percentage of respondents that answered “true”





## Conclusions and Recommendations

This study adds to the evidence of exploitation in all phases of migration by domestic workers. Migrant domestic workers commonly reported indicators of forced labour before, during and after migration. Aligning their reports with the ILO framework suggests that a majority of the total sample<sup>118</sup> (77%) could be victims of forced labour.

This report also sheds new light on the powerful link between recruitment and subsequent experiences abroad. Nearly 60% of the sample were found to be likely victims of forced labour solely due to exploitation during recruitment. **These respondents were significantly more likely to experience exploitation while abroad than those who had less exploitative recruitment experiences.**<sup>119</sup> This pattern was evident for both Indonesians and Filipinas, whether current or returned migrants.

Thus, while the data shows widespread exploitation, it also offers a roadmap for intervention; reducing deception, debt, coercion and other forms of exploitation during recruitment may yield disproportionately large reductions in women experiencing indicators of forced labour abroad. **Improving recruitment is likely to be the highest-impact way to empower workers to benefit from migration.**

The data also highlights the importance of tailoring interventions to local contexts. Since Seefar's 2016 Modern Slavery in East Asia Report, the Government of Indonesia has introduced legislation aimed at increasing protections and regulations for migrant workers.<sup>120</sup> Despite this progress, **Indonesian respondents were significantly more likely to report indicators of forced labour than Filipina respondents.**<sup>121</sup> Most concerning, 96% of returned Indonesian respondents reported indicators of forced labour, compared to 63% of returned Filipina migrants. Such dynamics are driven by high rates of debt and coercion during recruitment, highlighting the need to translate improved policies into concrete change on the ground. Conversely, the relatively robust policy regime in the Philippines helps explain lower rates of exploitation during recruitment.

Migrant domestic workers in Hong Kong and Singapore are much more likely to report problems with recruitment and psychological coercion or abuse than they are to report physical or sexual abuse. When the ILO framework is applied to identifying likely victims of forced labour, the high proportions identified (79% in Hong Kong and 71% in Singapore) are driven primarily by **failures in market regulation and predation during recruitment**. If Singapore and Hong Kong wish to reduce these high proportions, they will need to focus more attention on the entire "supply chain" of informal and formal agencies that send them workers.

Respondents who are in or have been in Hong Kong reported more indicators of forced labour than those experienced in Singapore. In particular, migrant domestic workers in Hong Kong are significantly more likely to report deception during recruitment related to working hours, living conditions and how they would be treated by the employer. Those who have worked in Singapore are somewhat more likely to report coercive recruitment, recruitment linked to debt and the confiscation of travel documents. A particular problem in Singapore that migrant domestic workers report is the substitution of contracts.

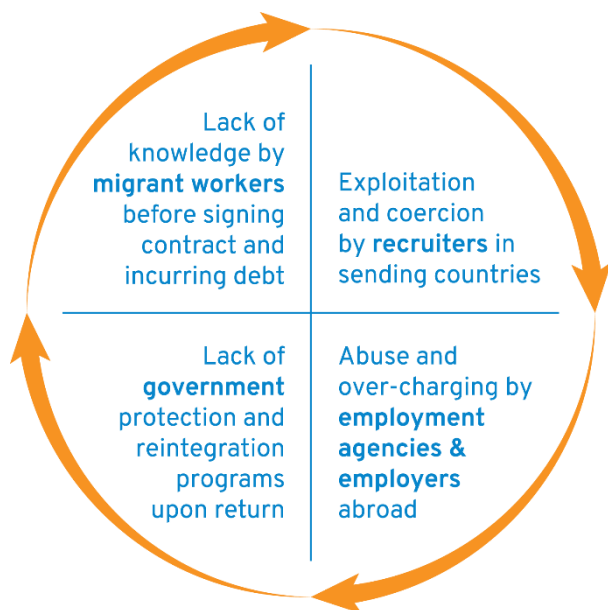
<sup>118</sup> 1834 out of 2397 of current and returned migrants were found to be likely victims of forced labour.

<sup>119</sup> Reg,  $p < .01$  examining the relationship between the computed likely victim variable due to unfree recruitment and the computed likely victim variable for work and life under duress.

<sup>120</sup> Such as the 2017 Migrant Workers Protection Law

<sup>121</sup> Reg,  $p < .01$ , current/returned migrants

**Figure 2:**



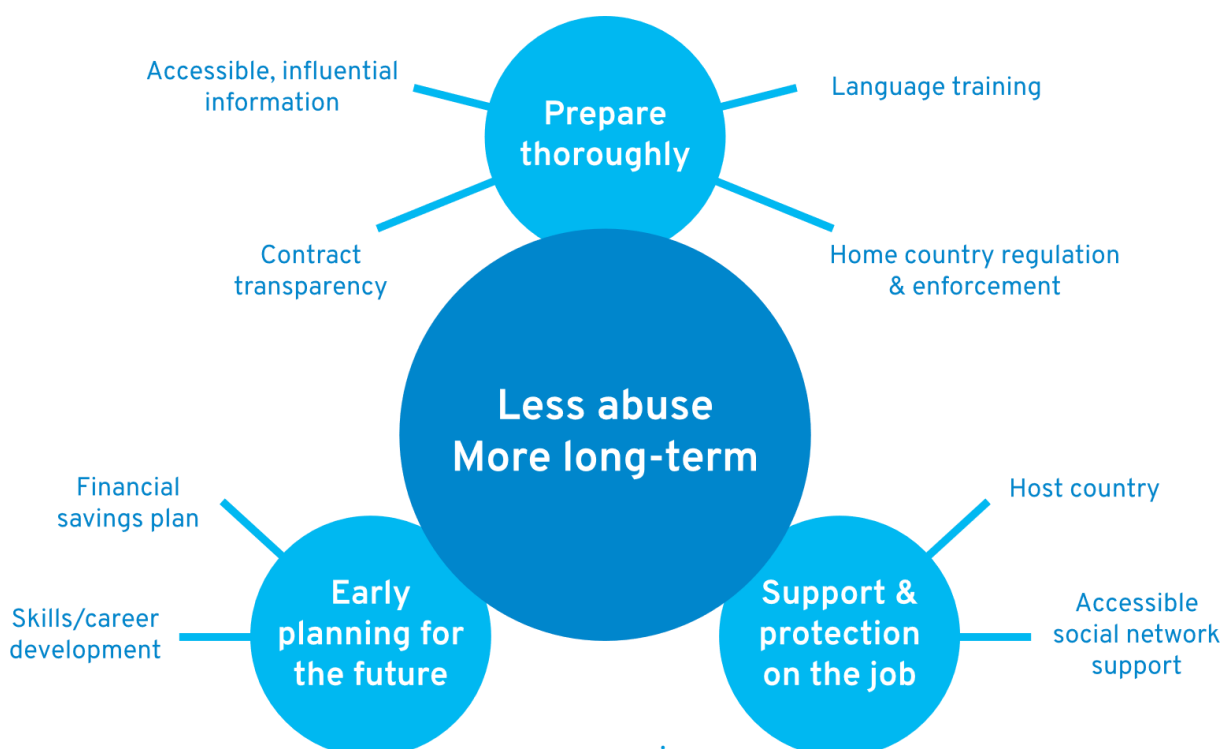
In 2016 we visualised the cycle of problems affecting this industry, which is shown in Figure 2.

Based on the data from 2019, Figure 3 focuses on the migrant's personal perspective and opportunities.

The most important opportunities are in preparing more thoroughly for the job; using social support networks to mitigate risks and respond to problems; and planning earlier for possibilities other than overseas domestic work. Crucially, when workers are facing the structural problems shown in Figure 2, many will struggle to grasp the opportunities in Figure 3.

Figure 3 provides a framework for governments, international donors and NGOs to work effectively with migrants' needs and ambitions.

**Figure 3:**



## Annex I: Research Methodology

### Surveys

The research centred on quantitative, structured surveys with prospective, current and returned migrant respondents. This method provides specific and large-sample empirical evidence on the research questions. The surveys were administered to a total sample of 3,168 Indonesian and Filipina migrants; findings were disaggregated by nationality, migration status and survey country.

Surveys (more details on the instruments below) were written in English and translated into Bahasa Indonesian and Tagalog to improve respondent understanding. Enumerators were hired based on their ability to communicate with the target population. Data was collected using Kobo Collect, a free open-source tool for mobile data collection.

### Survey instruments

There were three unique survey instruments used for this research tailored to the target migration phase: prospective, current and former migrants. The survey tools mainly consisted of closed-ended questions related to the research questions. All three survey tools followed the same format:

- A clear introduction explaining the purpose of the research to the respondent;
- A standard set of filter questions and participant consent;
- A standard set of management questions;
- A standard set of demographic questions (e.g. age, education).

After this set of questions, the three survey instruments asked a series of questions that were specific to the respondent's migration phase:

- **Prospective migrants:** Questions focused on motivations, intentions, and sources of information feeding into migration decisions, drawing heavily from the 2016 survey. This data provides an insight into the expected outcomes of migration, and how well-prepared prospective migrants are to achieve their goals.
- **Current migrants:** While limited questions were asked on motivations and information, most questions focused on the operationalised indicators on forced labour, including experiences during recruitment and current employment abroad.
- **Returned migrants:** This group was asked the same set of questions assessing indicators of forced labour during recruitment and migration. It also focused more on migration outcomes (such as current economic status and debt) and current perceptions of migration.

It is worth noting that data compatibility was a key component of the research to permit comparisons between groups and across time. To this end, question harmonization (drawing questions from 2016 into the 2019 research tool) was applied where possible. As the 2016 research did not consistently harmonise questions (surveys in different countries asked different questions), the 2019 approach is limited with regards to the comparison of indicators between 2016 and 2019.

## Case Studies

Data derived from closed-ended questions in surveys was complemented by case studies where appropriate. These aim to provide a more nuanced understanding of the situation of prospective, current and returned migrants in The Philippines, Indonesia, Hong Kong and Singapore. However, given the small number of proposed case studies, they do not claim validity beyond the particular case analysed.

A total of 3,168 in-depth, semi-structured qualitative interviews were conducted with prospective, current and returned migrants. Case study participants were identified by the local researchers after a number of surveys had been completed. Survey respondents were asked if they were interested in being contacted again for a more in-depth conversation with a member of the project team.

The semi-structured case study tool (see Annex 2) has been developed to collect the qualitative data. It includes a small number of structured demographic questions and screening questions to ensure that interviewers a) are speaking with the correct target demographic, and b) choose the correct set of questions for the respective interviewee (prospective, current or returned migrant). Based on the screening questions, the interviewer selected the appropriate tool from a set of three designs in line with the different migration phases. The case study tool allows respondents to elaborate through storytelling. Beyond demographic and screening questions its open design serves as a guidance for researchers. The tool thus includes probes to enable interviewers to stay focused on relevant areas but is otherwise non-prescriptive and allows for researchers and case study participants to explore other topics.

In line with the aim of the survey questionnaire, the case study tool allows for interviewees to elaborate on:

- motivations, intentions, and sources of information feeding into migration decisions (prospective migrants);
- experiences during recruitment and current employment abroad (current migrants);
- experiences of forced labour during recruitment and migration, migration outcomes (such as current economic status and debt) and current perceptions of migration (returned migrants).

## Annex II: Hard to See, Harder to Count Indicators

Indicators taken from *Hard to See, Harder to Count* guidance.<sup>122123</sup>

### 2012 ILO Operational Definition of Trafficking in Human Beings for Forced Labour

#### Indicators of unfree recruitment of adults

Indicators of involuntariness	Indicators of penalty (or menace of penalty)
<b>Strong indicators</b>	<b>Strong indicators</b>
Tradition, birth Coercive treatment (abduction, confinement during process) Sale of the worker Recruitment linked to debt (advance or loan) Deception about the nature of the work	Denunciation to authorities Confiscation of identity papers or travel documents Sexual violence Physical violence Other forms of punishment Removal of rights or privileges (including promotion) Religious retribution Withholding of assets (cash or other) Threats against family members
<b>Medium indicators</b>	<b>Medium indicators</b>
Deceptive recruitment (regarding working conditions, content or legality of employment contract housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/earnings) Deceptive recruitment through promise of marriage	Exclusion from future employment Exclusion from community and social life Financial penalties Informing family, community or public about worker's current situation (blackmail)

<sup>122</sup>ILO (2012), "Hard to see, harder to count. Survey guidelines to estimate forced labour of adults and children".  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182096.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf)

<sup>123</sup> Note that the following Indicators from the Hard to See, Harder to Count guidelines are not used for this report: "Tradition, birth (birth/descent into "slave" or bonded status)", "Deceptive recruitment through promise of marriage", "Sale of the worker" "Removal of rights or privileges (including promotion)" "Forced to work for employer's private home or family", "Induced addiction to illegal substances", "Multiple dependency on employer", "Pre-existence of a dependency relationship with employer" and "Being under the influence of employer or people related to employer for non-work life" Reasons for this include the non-applicability of these indicators for the current research context and related questions that are not understood in the local context.

## Indicators of work and life under duress of adults

Indicators of involuntariness	Indicators of penalty (or menace of penalty)
Strong indicators	Strong indicators
<p>Forced overtime (beyond legal limits)</p> <p>Forced to work on call (day and night)</p> <p>Limited freedom of movement and communication</p> <p>Degrading living conditions</p>	<p>Denunciation to authorities</p> <p>Confiscation of identity papers or travel documents</p> <p>Confiscation of mobile phones</p> <p>Further deterioration in working conditions</p> <p>Isolation</p> <p>Locked in workplace or living quarters</p> <p>Sexual violence</p> <p>Physical violence</p> <p>Other forms of punishment (deprivation of food, water, sleep, etc.)</p> <p>Violence against worker in front of other workers</p> <p>Removal of rights or privileges (including promotion)</p> <p>Religious retribution</p> <p>Constant surveillance</p> <p>Withholding of assets (cash or other)</p> <p>Threats against family members</p>
Medium indicators	Medium indicators
<p>Forced engagement in illicit activities</p> <p>Forced to work for employer's private home or family</p> <p>Induced addiction to illegal substances</p> <p>Induced or inflated indebtedness</p> <p>Multiple dependency on employer (jobs for relatives, housing, etc.)</p> <p>Pre-existence of a dependency relationship with employer</p> <p>Being under the influence of employer or people related to employer for non-work life</p>	<p>Dismissal</p> <p>Exclusion from future employment</p> <p>Exclusion from community and social life</p> <p>Extra work for breaching labour discipline</p> <p>Financial penalties</p> <p>Informing family, community or public about worker's current situation (blackmail)</p>



## Indicators of impossibility of leaving employer for adults

Indicators of involuntariness	Indicators of penalty (or menace of penalty)
<b>Strong indicators</b>	<b>Strong indicators</b>
<p>Reduced freedom to terminate labour contract after training or other benefit paid by employer</p> <p>No freedom to resign in accordance with legal requirements</p> <p>Forced to stay longer than agreed while waiting for wages due</p> <p>Forced to work for indeterminate period in order to repay outstanding debt or wage advance</p>	<p>Denunciation to authorities</p> <p>Confiscation of identity papers or travel documents</p> <p>Imposition of worse working conditions</p> <p>Locked in work or living quarters</p> <p>Sexual violence</p> <p>Physical violence</p> <p>Other forms of punishment</p> <p>Removal of rights or privileges (including promotion)</p> <p>Religious retribution</p> <p>Under constant surveillance</p> <p>Violence imposed on other workers in front of all workers</p> <p>Withholding of wages</p> <p>Threats against family members (violence or loss of land or jobs)</p>
<b>Medium indicators</b>	<b>Medium indicators</b>
	<p>Dismissal</p> <p>Exclusion from future employment</p> <p>Exclusion from community and social life</p> <p>Extra work for breaching discipline</p> <p>Financial penalties</p> <p>Informing family, community or public about worker's current situation (blackmail)</p>

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