




APPENDIX 1B: JUSTICE CENTRE TABLE OF INDICATORS

| DIMENSION | No. | INDICATOR | DEFINITION | Survey questions triggering indicator |
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| UNFREE RECRUITMENT  Strong  Medium | 1.1 | Deception about the nature of the work (UIS) | This indicator refers to cases where a MDW has been deceived about the type of occupation they are being recruited for. This might typically be in instances where an individual is recruited for domestic work but on arrival in Hong Kong finds that the work is in a shop for example. | B1, B49 |
| | 1.2 | Coercive recruitment (abduction, confinement during recruitment process) (UIS) | This indicator refers to cases where a MDW is abducted or confined against their will at some point during recruitment. Confinement includes being housed in a training facility but being unable to leave the facility at any point even when there are no training sessions or classes being conducted. | B1, B33 |
| | 1.3 | Physical violence during recruitment (UPS) | This indicator is triggered when violence is employed during the recruitment process in order to ensure compliance. | B36 |
| | 1.4 | Sexual violence during recruitment (UPS) | This indicator is triggered when sexual violence or harassment is employed during the recruitment process in order to ensure compliance. | B37 |
| | 1.5 | Threats against family members (UPS) | This indicator refers to the use or threat of violence or other forms of punishment against the family of a MDW in order to ensure their (continued) participation in the recruitment process. | B38, B39 |
| | 1.6 | Confiscation of identity papers or travel documents (UPS) | This indicator refers to instances where identity papers and/or travel documents have been confiscated during the recruitment process to prevent a MDW from withdrawing from the process. | B34, B35, B51 |
| | 1.7 | Deceptive recruitment (regarding working conditions, housing and living conditions, legal documentation, job location or employer, wages/earnings, loans) (UIM) | Deceptive recruitment refers to false or misleadingly information provided to a MDW by recruitment intermediaries about employment and living conditions. Instances where a MDW is not provided with any information about the employment and living conditions are also included in this indicator. For the purposes of calculation, where a MDW indicates that they been deceived on 3 or more counts, the indicator is weighted as "strong." | B14, B53 |
| | 1.8 | Excessive recruitment debt (UIM) | This indicator refers to excessive debt resulting from recruitment costs. The indicator is triggered when the total incurred recruitment debt for the current contract (whether it was paid off in the home country or in Hong Kong or in both countries) is greater than or equal to 30% of the annual income of the MDW in Hong Kong. The indicator is triggered if the debt has already been paid off or is still being paid off. | B8, B9, B20, B21, B26, B27, B52, C13 |

| | 1.9 | Abuse of difficult family situation (UPM) | This indicator refers to situations in which a MDW's difficult family situation has been exploited by any parties to the recruitment process (brokers or employment agencies) to coerce them into accepting the job. | B5, B5a, B16, B16b |
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| | 1.10 | Abuse of lack of education (language) (UIM) | This indicator attempts to capture instances where parties to the recruitment process have abused a MDW's lack of education or skills in a particular language to ensure they sign documents which they would not otherwise sign. These documents may be about the employment contract or may be about any loans advanced to the individual as part of the recruitment process. | B11, B23, B29, B40 |
| | 1.11 | Abuse of lack of information (UIM) | Recruitment by abuse of lack of information refers to situations in which parties to the recruitment process either deliberately withhold information or give false information about conditions of employment, relying on a MDW's lack of awareness to ensure the individual's participation. | B10, B22, B28, B41, B44, B47 |
| | 1.12 | Abuse of economic vulnerabilities (UPM) | Recruitment by abuse of economic vulnerabilities refers to instances where parties to the recruitment process exploit the economic constraints of a MDW, for example being responsible for dependents or having debts. It is not enough for a MDW to have economic vulnerabilities, however. For the indicator to be positive, a party to the recruitment process must have taken advantage of these vulnerabilities during recruitment. | B45 |
| | 1.13 | False information about law or attitude of authorities (UIM) | This indicator is triggered when parties to the recruitment process provide false information about laws or the attitudes of authorities in order to dissuade the MDW from contacting authorities or seeking assistance once employed. | B43, B50 |
| DIMENSION | No. | INDICATOR | DEFINITION | Survey questions triggering indicator |
| WORK AND LIFE UNDER DURESS  Strong Medium | 2.1 | Being under the influence of employer or people related to employer for housing and non-work life (WIS) | This indicator refers to the controlling influence employers may exert on MDWs with regards to their life outside of work, for example in terms of housing or food. This indicator represents a combination of two medium indicators from the human trafficking indicators (5.12 and 6.1) and ILO forced labour indicators ("being under the influence for non-work life" and "multiple dependency on employer"). By law, all MDWs in Hong Kong must reside in the same dwelling as their employer. By law, all employees of MDWs must either provide them with food or with a separate allowance for food. Given these laws, employers of MDWs in Hong Kong exert tremendous influence on the non-work lives of their employee MDWs. The strength of this influence is further reinforced by Hong Kong Government policies which "punish" MDWs for "job-hopping". This influence creates fertile ground for exploitative work practices. It is therefore a key element in the work and life under duress of MDWs in Hong Kong. | C3 |
| | 2.2 | Excessive working days or hours (WIS) | This indicator is triggered when a MDW is required to work at least 12 hours a day and/or is not allowed to have at least one full day off (24 hours) per week in accordance with Hong Kong law. | C5, C7, C8 |
| | 2.3 | Forced to work on call (day and night) (WIS) | This indicator is triggered when a MDW is regularly woken from sleep during the night and made to work. | C6 |
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| 2.4 | Degrading living conditions (WIS) | Degrading living conditions is triggered when MDWs must live in conditions which are overcrowded, unsanitary or unsafe, have limited or no privacy, suffer from pest infestations, have poor ventilation, have no water or electricity, or have no working toilets, sinks or showers. Situations of overcrowding or absent privacy include those where a MDW must share a room with the child or elderly person they are employed to care for or where they must share a room with another worker. Degrading living conditions also include situations where a MDW must share the bed of the child they are employed to care for. | C4 |
| 2.5 | Limited freedom of movement and communication (WIS) | This indicator is triggered when an employer restricts the movement of their employed MDW outside the house or limit's their contact with their family and friends. | C31, C33 |
| 2.6 | Confiscation of identity papers or travel documents (WPS) | This indicator refers to situations in which the employer holds the passport of the employed MDW and the MDW does not have complete and free access to the passport. | C26 |
| 2.7 | Isolation (WPS) | This indicator is triggered when an employer removes or threatens to remove a MDW's access to the internet or house phone, isolating the MDW in the house. | C22E |
| 2.8 | Locked in workplace or living quarters (WPS) | This indicator is triggered when an employer locks their employed MDW in the house or threatens to lock them in the house. | C22F |
| 2.9 | Sexual violence in workplace (threat or actual) (WPS) | This indicator refers to instances where an employer sexually abuses their employed MDW. Abuse could include unwanted touching or sexual comments. | C22L |
| 2.10 | Physical violence in workplace (threat or actual) (WPS) | This indicator refers to instances where an employer uses physical violence or the threat of violence again | C22J |
| 2.11 | Other forms of punishment (deprivation of food, water, sleep, etc.) (WPS) | This indicator refers to instances where an employer punishes or threatens to punish an employed MDW through the withholding of food or food allowances or by taking away rest periods or time off work. This indicator is also triggered when an employer yells, screams or uses degrading language. | C22A, C22C, C22K |
| 2.12 | Confiscation of mobile phones (WPS) | This indicator is triggered when an employer takes away, or threatens to take away the mobile phone of their employed MDW. | C22D |
| 2.13 | Denunciation to authorities (threat or actual) (WPS) | This indicator is triggered when an employer reports or threatens to report their employed MDW to the police or other authorities (including perceived authorities like employment agencies) for living out of the employer's residence, stealing, or working illegally. | C22G, C22H, C22I |
| 2.14 | Threats against family members (WPS) | This indicator refers to instances where an employer threatens to harm the family of their employed MDW. | C22N |
| 2.15 | Withholding of wages (WPS) | Withholding of wages refers to instances where an employer withholds or deducts wages as punishment and to instances where an employer pays less than the Hong Kong minimum wage for MDWs. The ILO argues that penalties or the menace of penalties are a form of coercion which force a worker to work and live under conditions which they do not agree with. Below minimum wage salaries mean that recruitment debt takes longer to pay off and effectively tie MDWs to their employers for longer. Since it is also highly likely that recruitment | C11, C13, C22B, C24 |

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| | | | fees will have to paid for any new contracts, the pressure to pay off current recruitment fees and begin saving is even greater. The Minimum Allowable Wage (MAW) in April 2015 was \$4,110 and it came into effect 1 October 2014. The previous minimum wage was \$4,010. Since all legal MDW contracts in Hong Kong have a 2 year duration, no MDWs currently working in Hong Kong should be earning less than \$4,010. | |
| | 2.16 | Hazardous work (WIM) | This indicator refers to instances where a MDW is forced by their employer to undertake dangerous tasks or work. | C29 |
| | 2.17 | No respect of labour laws (WIM) | This indicator refers to instances where a MDW has not signed a Standard Employment Contract (SEC) for their current job and/or submitted it to the Hong Kong Immigration Department. Not submitting the SEC to the Immigration Department makes the work illegal. Since we haven't asked under what circumstances the work was undertaken, we cannot say whether it was forced. | C1 |
| | 2.18 | No social protection (WIM) | This indicator is triggered when an employer does not allow their employed MDW to go to the doctor when they are sick or pay for any medicine which might be required. | C30 |
| | 2.19 | Wage manipulation (WIM) | This indicator refers to cases where an employer manipulates the salary of their employed MDW through the underpayment of costs (for example work related transport costs) or food allowances, or by not providing sufficient food for their employed MDW. In cases where a MDW does not receive enough food to eat, the MDW is forced to spend salary on "topping up" their nutrient intake. This is essentially the manipulation of wages paid to MDW through the incurring of costs which should be covered by the employer. | C14, C15, C16, C18, C19 |
| | 2.20 | Forced engagement in illicit activities (including forced work for other people) (WIM) | This indicator is triggered when a MDW is forced to work for people other than their employer and without the MDW's consent. Any work outside of the employer's household or for people other than the employer is a breach of the Standard Employment Contract and therefore a contravention of a MDW's immigration status. This indicator was limited, however, to instances of work to which the MDW had not given consent. | B42, C3(7), C27 |
| | 2.21 | Forced tasks (WIM) | This indicator is triggered in instances when a MDW is forced to do work which is outside the scope of their contract or when they feel they are not in a real position to say "no" to their employer when asked to complete tasks. | C10, C28 |
| | 2.22 | Informing family, community or public about worker's current situation (blackmail) (WPM) | This indicator refers to instances where a MDW employer blackmails their employed MDW with the threat of contacting their family to tell them they have behaved badly in terms of work or in their personal lives in Hong Kong. | C22M |
| DIMENSION | No. | INDICATOR | DEFINITION | Survey questions triggering indicator |
| IMPOSSIBILITY OF LEAVING EMPLOYER | 3.1 | Reduced freedom to terminate labour contract after debts incurred with | This indicator refers to the power employment agencies can exert over MDW in Hong Kong who have not yet paid off their recruitment debt. For example, a MDW may want to terminate their contract but be told by the employment agency that they cannot quit until they have repaid their recruitment debt. In | C35a |

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| <div> <div>Strong</div> <div>Medium</div> </div> | | Hong Kong placement agency (IIS) | some instances, employment agencies also hold the passport of the MDW until the recruitment debt is paid. | |
| | 3.2 | No freedom to resign in accordance with legal requirements (IIS) | This indicator is triggered when the employment agency refuses to allow the MDW to change employers. | C36 |
| | 3.3 | Denunciation to authorities (IPS) | This indicator is triggered by the real or perceived threat of being reported to authorities on attempting to leave an employer. In some instances, the MDW believes their employer would report them. In other instances, the threat relates to illegal work or illegal documents. | C35a |
| | 3.4 | Threats against family members (violence or loss of land or jobs) (IPS) | This indicator refers to cases where a MDW believes their employer would threaten their family or tell stories about them if they tried to terminate their contract. | C35a |
| | 3.5 | Exclusion from future employment (IPM) | This indicator refers to the Hong Kong Government's concerns over MDWs "job hopping" and their denial of visas to those MDWs deemed to be "job hopping." The fear of being seen as "job hopping" can prevent MDWs from terminating their contract. | C35a |
| | 3.6 | Financial penalties (including perceived financial penalties resulting from unpaid recruitment debts and fees of new recruitment debt being accrued) (IPM) | This indicator refers to real or perceived financial penalties incurred should a MDW try to terminate their contract. Financial penalties include unpaid recruitment debts. | C35a |