

APPENDIX 4: Dimensions Up Close

DETAILS ABOUT THE RESPONDENTS COUNTED IN FORCED LABOUR BY DIMENSION

The following discussion looks at the dimensions of forced labour in more detail and the combination of indicators that enables a respondent to be counted towards that dimension and therefore counted in forced labour. Although a respondent needs to be positive in at least one dimension to be counted as in forced labour, it is possible for a respondent to be positive in more than one dimension. For the overall prevalence rate of forced labour, respondents were only counted once even if they were positive in more than one dimension.

According to the Forced Labour Convention, forced labour is labour “for which a person has not offered him or herself voluntarily (concept of involuntariness) and which is performed under the menace of any penalty (concept of coercion) applied by an employer or third party to the worker” as it is effected during the recruitment process, during the working process and during any potential processes in which the worker tries to leave the job.

That is, the three dimensions reflect the three stages of employment during which a worker can experience involuntariness and coercion to the extent that their labour is not performed freely: during recruitment (unfree recruitment), during every day working life (work and life under duress), and during any attempt to quit or change employment (impossibility of leaving). It is the combination of indicators of involuntariness and menace of penalty in a given dimension that makes a respondent positive for a dimension of forced labour, and therefore in forced labour. Moreover, at least one of the indicators needs to be weighted as strong.

In the following diagrams, indicators are coded as follows, showing the dimension they are included in, the category of the indicator (involuntariness or menace of penalty) and the indicator strength (strong or medium):

| | |
|------------|---|
| UIS | Unfree recruitment, Involuntariness, Strong |
| UIM | Unfree recruitment, Involuntariness, Medium |
| UPS | Unfree recruitment, Menace of penalty, Strong |
| UPM | Unfree recruitment, Menace of penalty, Medium |
| WIS | Work and life under duress, Involuntariness, Strong |
| WIM | Work and life under duress, Involuntariness, Medium |
| WPS | Work and life under duress, Menace of penalty, Strong |
| WPM | Work and life under duress, Menace of penalty, Medium |
| IIS | Impossibility of leaving, Involuntariness, Strong |
| IIM | Impossibility of leaving, Involuntariness, Medium |
| IPS | Impossibility of leaving, Menace of penalty, Strong |
| IPM | Impossibility of leaving, Menace of penalty, Medium |

DIMENSION: Unfree Recruitment

A series of 44 questions were used to assess a MDW’s experience of recruitment and whether it was free or not. Survey questions were adapted for those MDWs who had secured their contract in Hong Kong and those who had secured their contract in their home country.¹ Some of these questions included:

- Were you given a copy of the loan agreement?
Indicator 1.11 Abuse of lack of information, medium involuntariness
- At the time you signed the loan agreement, did you understand what you were signing and agree to the terms of the agreement?
Indicator 1.10 Abuse of lack of education, medium involuntariness
- If you spend time in a recruitment training facility, were you free to leave the premises of the recruitment training facility when you were not in classes or training?
Indicator 1.2 coercive recruitment, strong involuntariness
- Was your passport kept from you during the whole period of your time at the recruitment training facility?
Indicator 1.6 confiscation of identity papers, strong menace of penalty
- Was the contract you signed in your home country in a language that you could read and understand?
Indicator 1.10 Abuse of lack of education medium involuntariness
- Before you left your home country, did you decide that you didn't want to be a domestic worker in Hong Kong but you were forced to go because you had already incurred debt?
Indicator 1.12 abuse of economic vulnerabilities medium menace of penalty

Note: The full survey instrument is available at Appendix 1.

The responses to survey questions on recruitment triggered specific indicators in the unfree recruitment dimension. The following table shows how many respondents triggered the indicators of unfree recruitment.

| Indicator No. | INVOLUNTARINESS INDICATORS | No. of Respondents | Indicator No. | MENACE OF PENALTY INDICATORS | No. of Respondents |
|---------------|---|--------------------|---------------|---|--------------------|
| 1.1 | Deception about the nature of the work | 0 | 1.3 | Physical violence during recruitment | 7 |
| 1.2 | Coercive recruitment (abduction, confinement during recruitment process) | 161 | 1.4 | Sexual violence during recruitment | 2 |
| 1.7 | Deceptive recruitment (regarding working conditions, housing and living conditions, legal documentation, job location or employer, wages/earnings, loans) | 139 | 1.5 | Threats against family members | 5 |
| 1.8 | Induced or inflated indebtedness (excessive interest rates on loans, manipulated recruitment costs, inflated prices for goods/services purchased, reduced value of goods/services produced, etc.) | 94 | 1.6 | Confiscation of identity papers or travel documents | 103 |
| 1.10 | Abuse of lack of education (language) | 11 | 1.9 | Abuse of difficult family situation | 25 |

| | | |
|------|--|----|
| 1.11 | Abuse of lack of information | 65 |
| 1.13 | False information about law or attitude of authorities | 21 |

| | | |
|------|-----------------------------------|----|
| 1.12 | Abuse of economic vulnerabilities | 29 |
|------|-----------------------------------|----|

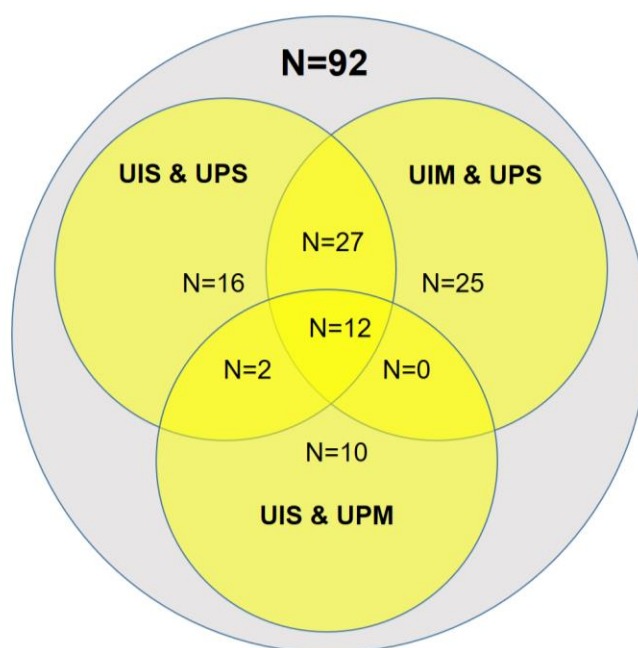
To be counted in the dimension unfree recruitment (and therefore counted towards the estimation of forced labour), a respondent needs to trigger at least one indicator of involuntariness and one indicator of menace of penalty and at least one of these indicators needs to be strong.

That is, it is not enough for a respondent to trigger one or more indicators of unfree recruitment to be counted towards the estimation of forced labour. Only the triggering of a specific combination of unfree recruitment indicators is sufficient for a respondent to be counted as positive for the dimension unfree recruitment.

Thus respondents could be counted towards the unfree recruitment dimension because they triggered at least one strong indicator of involuntariness and at least one strong indicator of menace of penalty in that dimension. Or they could be counted towards the dimension because they triggered at least one strong indicator of involuntariness and at least one medium indicator of menace of penalty. Or they could be counted towards the dimension because they triggered at least one medium indicator of involuntariness and at least one strong indicator of menace of penalty.

In addition, because respondents could trigger more than one of these combinations (that is, they could have triggered a strong indicator of involuntariness, a strong indicator of menace of penalty *and* a medium indicator of menace of penalty) it is essential to understand exactly which combinations respondents triggered and only count each respondent once.

The following diagram shows how respondents were counted towards the dimension unfree recruitment by the combination of indicators triggered through their survey responses.



Justice Centre identified 92 survey respondents, 9% of the sample, as positive for the dimension unfree recruitment, and therefore in forced labour. Of the 92 respondents classified as positive for the dimension unfree recruitment, 88 secured their contracts in their home country and 4 secured their contracts in Hong Kong.

Of the 88 who secured their contracts in their home countries, 63 were positive for coercive recruitment (indicator 1.2 strong involuntariness), 66 were positive for confiscation of identity papers (indicator 1.6 strong penalty), 7 were positive for physical violence during recruitment (indicator 1.3 strong penalty), 2 indicated that they had been sexually abused while at a recruitment training facility (indicator 1.4 strong penalty) and 4 indicated that their families had been threatened while they were at a recruitment training facility (indicator 1.5 strong penalty).

Of the 4 respondents who secured their contracts in Hong Kong, all 4 believed their employment agency has taken advantage of their economic vulnerabilities (all 4 had indicated that they had become MDWs in Hong Kong because of debts) (indicator 1.9 medium penalty) and all 4 believed that their working conditions were worse than had been promised to them in more than 3 aspects (indicator 1.7 strong involuntariness).

DIMENSION: Work and life under duress

More than 30 questions were used to assess the presence of indicators of the work and life under duress dimension of forced labour.ⁱⁱ Questions included:

- How many hours a day do you usually work (excluding breaks or rest time)?
Indicator 2.2 excessive working days or hours, strong involuntariness
- How often does your employer offer you a day off?
Indicator 2.2 excessive working days or hours, strong involuntariness
- Does your employer ever give you less salary than your contract amount or no salary at all? *Indicator 2.15 withholding of wages, strong penalty*
- Do you usually get enough to eat?
Indicator 2.19 wage manipulation, medium involuntariness
- Does your employer ever threaten or withhold food or your food allowance?
Indicator 2.11 other forms of punishment, strong penalty
- Do you ever have to do work that is not in your contract without your consent?
Indicator 2.21 forced tasks, medium involuntariness

The responses to survey questions on working life in Hong Kong triggered specific indicators in the work and life under duress dimension. The following table shows how many respondents triggered the indicators of work and life under duress.

| Indicator No. | INVOLUNTARINESS INDICATORS | No. of Respondents |
|---------------|--|--------------------|
| 2.1 | Being under the influence of employer or people related to employer for housing and non-work life* | 1003 |
| 2.2 | Excessive working days or hours | 758 |

| Indicator No. | MENACE OF PENALTY INDICATORS | No. of Respondents |
|---------------|---|--------------------|
| 2.6 | Confiscation of identity papers or travel documents | 28 |
| 2.7 | Isolation | 40 |

| | | |
|------|--|-----|
| 2.3 | Forced to work on call (day and night) | 77 |
| 2.4 | Degrading living conditions | 495 |
| 2.5 | Limited freedom of movement and communication | 52 |
| 2.16 | Hazardous work* | 6 |
| 2.17 | No respect of labour laws* | 81 |
| 2.18 | No social protection* | 48 |
| 2.19 | Wage manipulation* | 208 |
| 2.20 | Forced engagement in illicit activities (including forced work for other people) | 57 |
| 2.21 | Forced tasks | 45 |

| | | |
|------|--|----|
| 2.8 | Locked in workplace or living quarters | 0 |
| 2.9 | Sexual violence in workplace (threat or actual) | 1 |
| 2.10 | Physical violence in workplace (threat or actual) | 0 |
| 2.11 | Other forms of punishment (deprivation of food, water, sleep, etc.) | 50 |
| 2.12 | Confiscation of mobile phones | 14 |
| 2.13 | Denunciation to authorities (threat or actual) | 1 |
| 2.14 | Threats against family members | 0 |
| 2.15 | Withholding of wages | 14 |
| 2.22 | Informing family, community or public about worker's current situation (blackmail) | 0 |

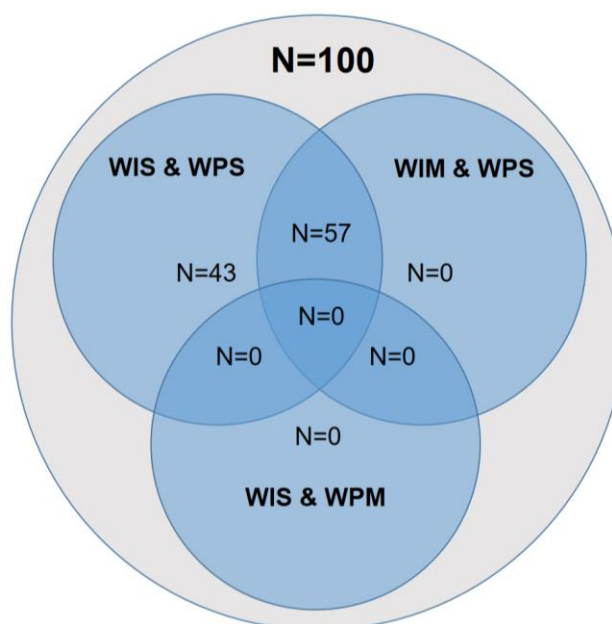
To be counted in the dimension work and life under duress (and therefore counted towards the estimation of forced labour), a respondent needs to trigger at least one indicator of involuntariness and one indicator of menace of penalty and at least one of these indicators needs to be strong.

That is, it is not enough for a respondent to trigger one or more indicators of work and life under duress to be counted towards the estimation of forced labour. Only the triggering of a specific combination of work and life under duress indicators is sufficient for a respondent to be counted as positive for the dimension work and life under duress.

Thus respondents could be counted towards the work and life under duress dimension because they triggered at least one strong indicator of involuntariness and at least one strong indicator of menace of penalty in that dimension. Or they could be counted towards the dimension because they triggered at least one strong indicator of involuntariness and at least one medium indicator of menace of penalty. Or they could be counted towards the dimension because they triggered at least one medium indicator of involuntariness and at least one strong indicator of menace of penalty.

In addition, because respondents could trigger more than one of these combinations (that is, they could have triggered a strong indicator of involuntariness, a strong indicator of menace of penalty *and* a medium indicator of menace of penalty) it is essential to understand exactly which combinations respondents triggered and only count each respondent once.

The following diagram shows how respondents were counted towards the dimension work and life under duress by the combination of indicators triggered through their survey responses.



Justice Centre categorised 100 respondents (10%) as being positive for the dimension work and life under duress and therefore in forced labour. As with the dimension unfree recruitment, the most frequently triggered indicators were involuntariness indicators more than menace of penalty-related indicators. Of those positive for work and life under duress, 88 respondents triggered the indicator excessive working hours (indicator 2.2 strong involuntariness) and 27 respondents triggered the indicator wage manipulation (indicator 2.19 medium involuntariness). 11 respondents triggered the indicator degrading living conditions (indicator 2.4 strong involuntariness).

In terms of menace of penalty amongst respondents who were positive for work and life under duress, 28 did not have access to their passports (indicator 2.6 strong penalty), 40 triggered the indicator isolation (indicator 2.7 strong penalty) and 50 respondents triggered the indicator other forms of punishment (indicator 2.11 strong penalty). The indicator withholding of wages (indicator 2.15 strong penalty) was triggered by 10 respondents.

DIMENSION: Impossibility of leaving

Three compound questions were used to assess the presence of elements of this dimension of forced labour.ⁱⁱⁱ Because eligibility for the survey was restricted to MDWs currently employed at the time of interview, the questions that could be asked in this dimension were limited. Respondents were first asked if they felt free to terminate their current contract, followed by a series of questions to assess why respondents believed they could not quit. These questions included:

- Do you not feel free to quit your job because you are still in debt and need to repay these?
Indicator 3.6 Financial penalties, medium penalty
- Do you not feel free to quit because your HK employment agency told you have to stay?

Indicator 3.1 Reduced freedom to terminate labour contract after debts incurred with Hong Kong placement agency, strong involuntariness

- Do you not feel free to quit because you are worried it looks bad to change employers?
Indicator 3.5 Exclusion from future employment, medium penalty

The responses to these survey questions on terminating MDW contracts triggered specific indicators in the impossibility of leaving dimension, shown in the table:

| Indicator No. | INVOLUNTARINESS INDICATORS | No. of Respondents | Indicator No. | MENACE OF PENALTY INDICATORS | No. of Respondents |
|---------------|--|--------------------|---------------|--|--------------------|
| 3.1 | Reduced freedom to terminate labour contract after debts incurred with Hong Kong placement agency* | 9 | 3.3 | Denunciation to authorities | 3 |
| 3.2 | No freedom to resign in accordance with legal requirements | 13 | 3.4 | Threats against family members (violence or loss of land or jobs) | 0 |
| | | | 3.5 | Exclusion from future employment | 120 |
| | | | 3.6 | Financial penalties (including perceived financial penalties resulting from unpaid recruitment debts and fees of new recruitment debt being accrued) | 19 |

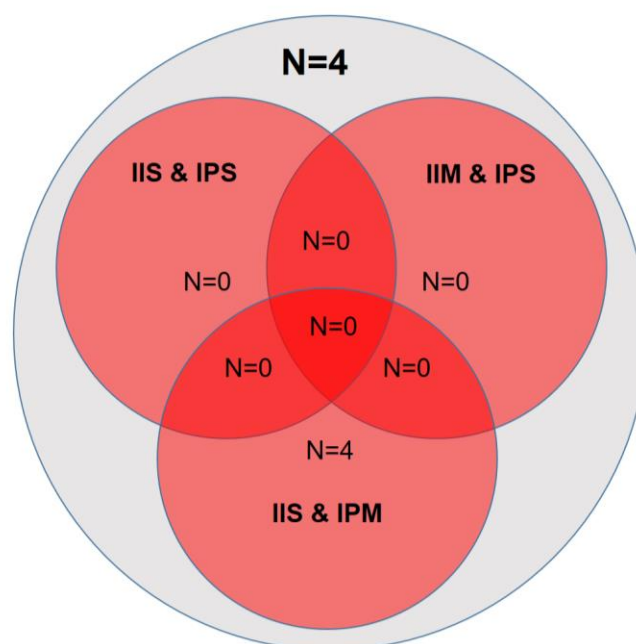
To be counted in the dimension impossibility of leaving (and therefore counted towards the estimation of forced labour), a respondent needs to trigger at least one indicator of involuntariness and one indicator of menace of penalty and at least one of these indicators needs to be strong.

That is, it is not enough for a respondent to trigger one or more indicators of impossibility of leaving to be counted towards the estimation of forced labour. Only the triggering of a specific combination of impossibility of leaving indicators is sufficient for a respondent to be counted as positive for the dimension impossibility of leaving.

Thus respondents could be counted towards the impossibility of leaving dimension because they triggered at least one strong indicator of involuntariness and at least one strong indicator of menace of penalty in that dimension. Or they could be counted towards the dimension because they triggered at least one strong indicator of involuntariness and at least one medium indicator of menace of penalty. Or they could be counted towards the dimension because they triggered at least one medium indicator of involuntariness and at least one strong indicator of menace of penalty.

In addition, because respondents could trigger more than one of these combinations (that is, they could have triggered a strong indicator of involuntariness, a strong indicator of menace of penalty *and* a medium indicator of menace of penalty) it is essential to understand exactly which combinations respondents triggered and only count each respondent once.

The following diagram shows how respondents were counted towards the dimension impossibility of leaving by the combination of indicators triggered through their survey responses.



Four respondents to the survey were positive in the dimension impossibility of leaving, experiencing both involuntariness and menace of penalty in their decision-making with regards to terminating their contracts. All of these respondents were in Hong Kong when they secured their current contract and all used a Hong Kong employment agency. 1 respondent did not feel free to quit because she still had recruitment debt (indicator 3.6 medium penalty). This same respondent had also been told by her employment agency that she could not quit because of these unpaid debts (indicator 3.1 strong involuntariness). The other 3 respondents indicated that they did not feel free to quit because it looks bad to change employers (indicator 3.5, medium penalty). One of these respondents also indicated that her employment agency had her passport (indicator 3.1 strong involuntariness). The remaining two respondents indicated that they had asked their employment agency to change employers but the employment agency had told them no (indicator 3.2 strong involuntariness).

ⁱ Full survey available at Appendix 1.

ⁱⁱ All questions that triggered indicators related to the respondents' current contract

ⁱⁱⁱ Compound questions are made up of smaller questions. Because the survey was restricted to MDWs currently employed i.e. who had not left their current employment, this limits the types of questions we could ask in this dimension.