

A Development Model Toward Social-Protection Policies for the Indonesian Women Migrant Contract Workers as Domestic Workers in Hong Kong

Hesti R. Wijaya*, Keppi Sukei**, Henny Rosalinda***

Brawijaya University Post Graduate Program,
Magister Degree Course of Women Studies

Abstract - A social protection policy model is engineered for the Indonesian women workers migrating internationally for employment as house-maids in Hong Kong. At the work place, various kind of problems have been encountered. However, regardless vulnerabilities they faced, and the fact that their number is the highest among other migrant workers as such from other countries, hardly any social protection from the country of origin is available. Officially the protection policy of the Indonesian-government is supposedly provided by Law No. 39/2004 regarding placement and protection. However, most of its content is directed almost solely to placement issues. This research is aimed at a social protection model for the Indonesian migrant workers at the work-place, using research methodology for Women's Studies with feminist perspective. It is a qualitative study, based on grounded issues faced by the migrant women in Hong Kong, participatory, and it is action-oriented one. The findings indicate that in the work-place, the problems experienced by the women domestic-helpers have been ongoing at a wide range. To mention several are the impact of the authoritarian agents with respect to placement and objectification on women migrant workers, superior - inferior employer-employee relationship resulted in abusive violence against women workers, exploitation, sexual harassment, unilateral contract breaking by employers, unpaid labor and underpayment. A model toward social protection policies is conceptualized, based on the existing realities and challenges, which approach is bottom-up. Collective action by all stakeholders participated from all intituitions involved is a necessary conditions, in particular NGOs already provided social protection NGOs in various ways. In addition, the Women' Studies scientists from Indonesia as the sending country and Hong Kong as the academes ought to be involved be as facilitator and, or resource persons to make the conceptual model carried out in the near future.

Keywords: Indonesian migrant women workers, domestic-helpers/house-maid, social protection policies, social-engineering model for developing protection at the work place

I. Introduction

Along the line of gender ideology where women's roles are related to domestic work, women involve in income earning activities on this area. Women migrant workers overseas as domestic workers is not a new phenomena. Historically, only men working abroad as migrant workers. In Indonesia, almost four decades since early 70's, women have engaged in international migration in search of job. Countries such as Saudi Arabia, Malaysia, Singapore and

Hong Kong are the most popular country of destinations for the Indonesian women migrant workers. The income earned is higher than same kind of job in the home country. However their burdens are multiple, due to sole working place in the foreign receiving countries. Leaving their family left behind. As domestic helper abroad, the work is chores, and care works. The women bring their skill in domestic work to the public place across continents. As the workplace is invisible, coupled with gender ideology that women is subordinated, the magnitude of the problems receives little attention from scholars. In December 2013 Migrant Workers International Conference in Hong Kong, no one else presented papers about the plight of migrant women as domestic workers. Only very recently their issues attracted attention of scientists.

Worldwide, overseas migrant contract workers have been originated from almost all continents including Asia (Anggraeny, 2006; Kaur & Metcalfe, 2006), Asia Pacific (Iredale, 2009), Latin America (Bendixen & Onge, 2005) and Europe (Morisson et al, 2008). In Asia, countries recruited these women include Taiwan (Chia Lan, 2008), Hong Kong (Constable, 2007) and United Arab Emirate (Irianto, 2011). For the Indonesians, neighboring country namely Singapore and Malaysia, and Arab Saudi as the origin of Islamic religion, are popular Asian destination countries. Other sending countries are Morocco, Africa (De Haas, 2007), El Salvador, Latin America (Gammage, 2008), Tajikistan, Central Asia (Kireyev, 2006), Turkey, Asia Minor (Koc & Onan (2004), Mexico, Central America (Mishra, 2007), Philippines, Southeast Asia (Semyonov & Gorodzeisky, 2005), and Nepal, South Asia (Theme & Wyss, 2005). By all means this is not an exhaustive list.

Various problems and challenges observed in the receiving countries where women migrant workers are employed as house-maids worth studying. The existing work of scholars are varied from descriptive studies (Bohning, 1984), identification of the enemies of migration (Cohen, 2008), establishing theory of migration and development, and the most popular is about remittances. Due to its popularity, remittances issues is described in the next section.

Scientific research problem concerning the women's migrants issues in the work place is limited, while the state policies to protect the citizens employed abroad is scanty. As for Indonesia, surprisingly, despite media attention that frequently blows the various incidences of human rights violation ranging from verbal abuse, physical violence, breaking labor laws, under-payment, excessive labor employment-cost, in-termination, rape, death, to mention a few, scholarly writing related to the Indonesian women's situation in the work place is lacking. Their problems and issues in the work place too, is hardly available. This research

paper is a report in response to this problem. The research work focuses on the problems encountered, and searching problem solving to unshed the grey area of the women workers plight in Hong Kong as the foreign receiving country. The main research questions are two folds:

1. What are the problems encountered in the work place?
2. What are the protection available to the migran women?

The ultimate goal of this research work is the protection of the Indonesian migrant women working as house-maids in Hong Kong. Although this research paper is only a preliminary attempt of this endavour is considered important to meet the urgent needs of social protection.

II. Research Elaborations

Despite the sufferings of the women migrant workers in the receiving countries, the most popular work among scholars for so long is dealing with remittance only. Their interests are well taken by the executives government from the sending countries. The Philippines has been the first country appreciating the women workers who work overseas as heroin's. In Indonesia too, following a significant contribution of the migrant women workers in the form of remittance that greatly noted during the economic crisis at the turn of the 21st century the term *Pahlawan Devisa* (the countries' foreign-currency income heroin) is popularised nation wide. Again, lack of gender perspective the interestof the Government is merely limited to monetary economics, while their situation and conditions in the workplace are ignored.

1. Against the odds: Remittance, the main interests of worldwide economists on migrant workers

A straight forward understanding about the monetary economic mind-set of the conventional economists with respect to the international women migrant workers is due to the gender blindness of the scientists. They have neither gender awareness, nor gender sensitivity on the gender issues faced by the women migrant workers. Consequently, without any gender perspective, their focus and their issue of interest is almost solely regarding remittances. Although the topic is, by and large, limited to one point of interest namely remittance, the existing work of the researchers and writers covers various perspectives, such as from macro-economy to micro-economy, from country level, to international perspectives. The works of Adams & Page (2005) for example, examine the capacity of remittance to reduce poverty. Relating remittance and development is popular work among scholars (Gosh, 2006), who search the impact of remittance on development. It has been concluded that expectation that remittance having impact to boost a country's development is merely a myth. In the meantime, psychologically the altruism of the women workers sending remittance to the home country is questionable. Working on this area, Poirine (2006) researching to find the answers through her study on identification of any sign concerning the increasing magnitude of remittance in the Asia-Pacific countries. As mentioned above, the Indonesian government also greatly valued remittances send by the women migrant workers to the home country. Gloryfication of women migrant workers suddenly during the on-going economic crises recently, was a real opposite from what used to be a women work as domestic helper has been perceived with no prestigious perceive informal work, unskilled one, as embarrassing job for the country, as foreign-currencies heroine (*Pahlawan Devisa*) has been blown in official speeches, billboard, electronic media, radios and news papers. This is a

real opposite from years back shameful and embarrassment due to what is considered unrespectable job engaged as house-maids.

As far as the total amount of remittance obtained, there is no official figures release by the Department of Finance, or the Central Bank of Indonesia. By the turn of the century, in year 2,000, it has been news released that the foreign currency contributed to the country is USD 13 billions, equivalent to 2% of the APBN (*Anggaran Pendapatan dan Belanja Negara* or, in English, the Annual State Income and Proposed Budget). At the macro level it seems a huge amount, but for the migrant women individually, their remittances are difficult indeed to make it sustainable (Arm, 2007).

At international level, it is interesting to note that even international financial institutions namely the World Bank and the International Monetary Fund (IMF) are also interested in remittance to the sending countries. IMF for example undertook a study regarding the macro-economics of remittance for Tajikishtan (Kireyev, 2006), while the World Bank searched public opinion on how the remittance from USA and Japan is disposed in the Latin-America sending countries (Bendixen & Onge, 2006). A World Bank paper by Maimbo & Ratha (2005) studied the development impact of remittances as well as looking at its future prospects.

At the micro level, economists interest goes as far as findings that investing remittances in small and medium business enterprises have increased family income, as experienced by the Philippines (Semyonov & Gorodzeisky, 2005) and the Nepalese (Thieme & Wyss, 2005). Moreover, in Mexico it is discovered that the micro economy has grown along with the growing number of the micro-businesses (Christopher & Centeno, 2007).

No doubts that from remittances alone, the women migrant workers may save the country from economic crises, both at at the macro level, and at the micro level. In the earlier it is related to the foreign currency income of the country, while for the latter it helps to create employment opportunity for the family, the smallest social unit where better living expectation maybe bring into reality. Thus, given the importance of remittance for the sending country, the vulnerability issues of women migrant workers have to be regarded as strategic national issues worth of attention. Yet, the problem is, as one may guess, in a country with no gender sensitivity, almost nothing is discussed about the problem encountered by the women as the human resource who make the remittance available. The problems and issues of the women migrant workers, those who earn that making sending remittances possible, are invisible remains, regardless the existing vulnerability from the women's perspective as describe in next section.

2. A Gender Sensitive Problems and Issues Experienced by the Indonesia Migrant Workers in Hong Kong.

Among the Indonesian academes research work concerning women migrant workers in Hong Kong is scanty. Only several studies have been found. In early 1990s, Wijaya (1992) discovered that the majority of the Indonesian women international contract workers as housemaids were recruited from the rural agriculture areas. They came from poor, but not too poor families, with High Schools as the highest educational attainment, either junior or senior High Schools. They belong to low social class in the community. They are also characterized by women workers without professional skills, never going abroad and having limited foreign language

capacity. It is quite obvious that working abroad is a risky undertaking, at least at the beginning. Therefore vulnerable situation maybe expected from the beginning at pre-recruitment stage. All the way in the long placement process, that include pre-departure training, the departure waiting periode, health check-up, interview for placement in the country of destination, passport and visa application for example, problems may occurs including violence, and women trafficking. It continues in the receiving country. Since the arrival in the port of entree, the placement process with agents, in the working place with the employers, and returning home, too, they are subjected to various kind of vulnerability to lost of life. Thus social protection and, or, workers protection is greatly needed (Wijaya, 1992; Syafaat, 2005). Alas, the state protection to the migrant women at the work place is almost absent, although regulatory policies exist, but it involves impossibility in implementation as describe next.

In Indonesia, Law no.39/2004 regarding Placement and Protection for the Indonesian Migrant Workers is promulgated in year 2004. This was resulted from initiation and facilitation by NGO alliance, by whom a draft concerning Social Protection for the Indonesian contract workers has been pushed forward to the People's Representative Assembly about mid-1990's. Rahayu (2011) found that by 2010 no implementation has been undertaken. In the meantime, problems of sending workers keeps increasing. For example in the case of the so-called illegal migrant workers. Through a coordinated cunning method of sending workers, or namely, trafficking person, without travel document manage entering country of destination (Wijaya, 2004). This is in addition to the illegal status that happens in the receiving country due to passport confiscation by the agents soon after arrival.

Still focusing in the sending country, a study of Sukesi et al (2005), on the impact of migration on the family left behind found that the family structure has changed due to the absent of a mother who work overseas for years. The gender role of a women as wife for a family caring function and as a mother for children is taken over by the husband or other extended family member. The gender roles of the women is seems to be not substitutable. The men left behind show lack of capacity to conduct multi-tasking job related to household chorus. As a result, at least, the children schooling and the children attitude are affected. Surprisingly, evidence indicates that the husband's attitude has change, such as ignoring their children, finding another women, spending the remittances just to please himself, leaving the children behind on their own in search of job elsewhere as retaliation to the women in Hong Kong, where in most cases vulnerabilities exists This has created psychological burden to the migrant women at their workplace in far away land. No peace when their mind is occupied with her family situation. The internalization of gender ideology keep their mind set on the gender roles responsibility, regardless that their roles is changing to be main income earner.

As for the returnees, in search of income earning activities back home, they usually are trapped in the traditional self-employment work with almost no bussiness skills, and falls into informal economy, social protection is still in great need (Sukesi, 2006 and 2008). In East Java, women cooperatives has been established, with financial resource originating from the left over remittance. This is the only institution considered work well to offer economic protection. In the situation where remittance is transferred home to the family left behind, vulnerabilities exists. By bad experiences in the past , the

migrant women workers have tried their luck to transfer the remittance to the Cooperative institutions managing the remittances. In many cases failures have occurred due to the dominant gender ideology within the financial institution, disempowerment facing the forceful husband, and miss-management of the husbands has been on going (Rosalinda,2011; Sukesi, 2012).

During the turn of the last century, toward the 3rd millennium, in an international discussion about employment of women as overseas contract workers found that the issues is a complex global economy and environment. This finding in fact is along the line of the 1992 research result which is organized by the Asia and Pacific Development Centre involving 12 Asian receiving countries and the sending countries. It was unanimously found that the benefits enjoyed by various institutions and people, while the women overseas contract workers must bear the brunt of the costs (Wijaya, 1992). These costs are not only a gender dimension of labor rights, but also human rights violation when it deals with, for example, physical abuse and sexual abuse (Wijaya, 1993). Moreover, from bad becoming worse, is the phenomena of organized trafficking of women workers abroad is observed (Wijaya, 2004, Syafaat, 2003, Rahayu, 2011).

Recently, at the national level, sensitivity among scientist started flourishing. A scientific meeting organized by Habibie Center (2010) regarding the Indonesian women migrant workers. It resulted in the mapping of their conditions, their problems and the available opportunities. Unfortunately, the women migrant workers protection in the workplace was not discussed. It shows the human rights side of the issue is ignored. This is also shown in join research between the State Ministry of Women's Empowerment and the Indonesian Science Institute about public policies for women migrant workers (Nagib, 2001). Social protection in the workplace is missing. In 2013, an International Conference on Gender and Migration organized by Chinese University in Hong Kong indicates that our paper as preliminary result of this research is the only one dealing with problems of women migrant workers as domestic helpers, indicates fresh findings through this research work.

3. Research Methodology

Hong Kong is selected purposefully as receiving country. The number of domestic helpers from Indonesia is not large, but it is on top of the rank as the highest number among other sending countries. By end of year 2012, there were around 163,000 women workers from Indonesia as domestic helpers. This is over and above the Filipino's, who, for a long time, had been on the top of the list.

The research was undertaken in year 2012 – 2013, with the following aims:

1. to identify problems encountered by the women migrant workers in the receiving country, and
2. to find a model for protection to the women migrant workers protection in the receiving country.

The statement of the research problem are two folds. Firstly is the absent of reliable information of the migrant women's at the workplace. Secondly is the almost absent of social protection from the sending country government while they work abroad. The related research questions have been expanded during the data collection, from initially two research questions as follows:

1. What are the problems faced by the women migrant

workers at the receiving country ?.

2. What are the existing social protection accessible?

Along with the research processes and more understanding of the situation, the research questions becoming 5. The additional 3 (three) research questions are :

1. What are the women workers personal coping strategies to deal with problems encountered,
2. What are the personal preventif measures to avoid problems?, and.
Is their any best practice shown by the labor recruiting agencies?

The first two research questions are closely related to the absence of the Indonesian protection to the women workers at the work place, while the third one is related to the labor recruiting agencies assigned by the Indonesian Consulate to provide protection

The research methodology employed in this research is the Women's Studies Research Methodology with feminist perspective, including participatory action approach, policy oriented, bottom-up approach based on grounded issues experienced by the women migrant workers, the researchers and the researched are on equal status, personal experience is the main data source, collective and comprehensive information from all involves in provision of social protection

It is a qualitative research of the life experience and personal experience in the working place. The data is collected using various methods possible including in-depth interview, focus group discussion, a round-table discussion, and observation. The data is analyzed using descriptive analysis, contextual and textual analysis. In addition to the Hong Kong women migrant workers on the site, information is also collected from the returnees. The selected location is the Malang regency, East Java province, Indonesia, where the highest number of the migrant workers are originated from.

III. Results and Discussion

Gender ideology play roles in all aspects, from management system since recruitment, placement in Hong Kong up to the returning home. Many institutions involve, where all is governed by existing policies. Regulatory policies has been promulgated in the form of laws and its directives. The overseas migrant women workers are the subject of the policies and the regulations..

1. The Grounded Issues at the Work Place

Regardlss the good points about Hongkong as receiving country compare to Saudi Arabia, and Malaysia for example, the Indonesian women who internationally migrated as domestic helpers in Hong Kong as working place suffered from various problems as describe as follows.

a. Basic Problems

Current research has discovered various problems encountered by that surprisingly are almost the same with the findings of 2005 research by IMWU (Indonesian Migrant Workers Union). It implies that within 8 years time, nothing is undertaken to solve problem of:

- High salary cut, up to 7 months working days
- Underpayment
- Wicked Hong Kong placement agents
- Unilateral in-termination by the employer
- No possibility to change employer during the term of contract
- Language constraint and barrier.

- Hong Kong culture.

Classified as economic problems are unpaid salary, underpayment, high recruitment and placement costs that is equivalent to 7 months salary which is directly at the beginning of employment. Under-payment is common for a long time from the beginning of women migrant employment. A visit to a shelter during the data collection, namely the Bethune House that is managed by the Philippines, at that time 9 migrant workers from Indonesia and 3 persons from Philipinnes seek refuge after running away from their employers. The reasons for leaving the employers are various, such as sexual violence such as rape, physical violence for example beating with broom, verbal abuse, unilateral in-termination by the employer, contract violation for instance long working hours over and above length of working time daily in the contract, over stay while lawsuit case still ongoing, and salary borrowed by the employers and no repayment until the end of the working contract. The later is unusual one because the agent is agree with it and eventually taking the side of the employer, no repayment is enforced from the employer.

It seems that serious problems encountered by the women migrant contract workers is originated from unfamiliar culture and Cantonese as foreign language. Lack of language proficiency results in communication breakdown or miss-communication, including resentment to the women workers by employers. This leads to physical and abusive violence against women workers, and unilateral contract termination by the employers. As personal protection measures to end the unbearable burden, they run away and subsequently changing employer.

Other problems faced by migrant workers are sexual relationship both with opposite sex. The opposite sex usually are the refugees male African and South-Asian migrants, ranging from personal interest to rape. The problem is related unwanted pregnancy and unwanted children. With neither understanding nor knowledge about Hong Kong laws applied to workers during pregnancy, the women migrant creating their own problem through resignation and breaking the working contract, lading to deportation as applied to the migrant workers who are more than 2 weeks with no employment.

b. Coping Strategies of the Individual Women Migrant Workers .

More than usual, conventional science and the related academes do not belief that individual women have policies. This notion is very much related to the internalization of the gender ideology. For the migran women workers, class differences applies where they are at the lower rank than the employer. They are labeled with women stereotypes blended in culture. Typically they are treated as subordinates, considered as lower class, stupid, incapable to make decisions, to mention only several. From their sides, tough life as the women domestic helpers from in the work place has make them thinking about survival strategies as well as coping strategies. By itself these can be regarded as their individual policies, that they put into practice. Whether they like it or not, their individual policies are their own way to survival until the end of their working contract. Mind that there are igrant workers who are lonesome when family as supported group they used to have are not around, and the government is absent to support them, survival and coping mechanism individual policy is important for them. The fact is in the premisses of the

employer, the women workers work in isolation, along with the worry regarding the termination of work that can happen any time before the end of the contract

Best practice by the women migrant workers such as survival strategies as individual policy to survive In Hong Kong are:

- Enhancing the communication ability in Cantonese
- Adapting the daily life of the Hong Kong residence, particularly the employer
- Organizing among migrant workers peers
- Knowing how to contact and the address of shelters just in case in need
- Having capacity and courage to report in the police station
- Empowered to be self-reliance

The above list looks simple and noting special for those who know the way of the world. But for the women migrant workers, who start from the beginning, indeed, it involves personal struggle. The finding of Rahayu, (2011) and Burhanudin (2007) that the Indonesian representative are not yet implementing protection policies in the workplace regardless the existing law confirmed the importance of personal policies.

c. Best Practices of all involving parties

Even though this research about the Indonesian migrant workers in Hong Kong, the root causes of problems initiated from the sending country, Indonesia. Good roots is believed to produce good fruits and vice versa. Through observation, the best practices in Indonesia during the recruitment and preparation before placement in Hong Kong is presented, followed by best practices by agent in Hong Kong.

c.1. Best Practices in Indonesia

As many as 5 points has been discovered during the research work that are considered best practices. These are:

1. *PJTKI/PPTKIS* (Private recruiter and placement agencies)
 - Caring to women migrant workers
 - Have already developed good link with agents in Hong Kong
2. The women migrant workers to be :
 - Having mature personality
 - Having personal motivation to work as migrant abroad
 - Ready to undertake the job
3. The family left behind: well prepared to run daily life without the internationally migrated women workers.

Those points are potentially useful to be included in the model development and, too, the items next step to be developed as protection policies. Note that policy stated by the three stake holders are naturally different depending on the role of each. Interestingly it complement each other.

c.2. Best Practices in Hong Kong

Best practices from stake-holders are as follows:

1. The KJRI (*Konsulat Jenderal Republik Indonesia* - the Republic of Indonesia General Consulate) in Hong Kong. The notable best practice is a net-working with Path-Finder, an NGO cares for unwanted pregnancy among the women migrant workers in Hong Kong, mothers of the unwanted Hong Kong born children, the newborn baby/children protection, including obtainment of fatherless Childbirth Certificate. In the meantime, controlling the Hong Kong local placement agencies who are assigned by the Indonesian representatives to be

responsible for the women migrants' placement and provision of social protection is subject to controversy by many.

2. Hong Kong Placement Agencies :

Indeed, it is a rare one. Eventually, Hongkong migrant workers Placement Agencies practicing good undertaking, has been identified, judged by the following criterias:

- caring the under-standard conditions of the newly arrived worker
- responsive to the needs of the women migrant workers new arrival.
- Aimed at success orientation on both sides, the employer and the women migrant worker.

For the agent itself, caring and the success orientation are said so as their main policy to meet the needs of both, the women migrant worker and the Hong Kong employer. What is unique about the agent is that it is managed by a joint venture of an ex-Hong Kong women migrant workers and her ex-employer. Learning from the past personal experience making them producing the best practice representing the needs of workers and employers. The procedure is unique too. For example but the entire family members and any one resides in the house of the employer are requested to go the agency's office for interview. An extra practical training of household chorus, language proficiency and culture is provided to meet the individual needs. During the first month working, the agent monitor and take complains for a better employer-employee relationship. The weekend holiday is organized among all workers recruited by this agencies in the office, where various activities maybe undertaken such as sharing, counseling, Cantonese language, cooking class, having rests, to mention several. For the agent this organized weekend worth as:

- Evaluation and monitoring by the agent
- Maintaining close relationship with the recruited workers
- Find solutions for any problems faced by the workers
- Early problems identification
- Avoiding dangerous encounter with refugees from various African countries and South Asian Countries who creating problems of unwanted pregnancies
- A family like situation to counter loneliness, and, or, homesickness.

Through communal weekend, the women migrant workers believed that they are well taken care by the agent. From the employers side, problem solving is easy because the agent is responsible to migrant worker they recruited.

3. The Indonesian migrant women workers:

A couple of best practices have discovered are:

- Having competency and being professional working in foreign country even as domestic worker
- Future oriented: make the best use of opportunities and resources during placement in Hong Kong useful for returning home post working contract

For the women migrant workers, competency means a lot. In detail, beyond what they receive in the pre-departure training camp, for example it starts from the time they enter into international airport in Indonesia during departure, in the aeroplane to order food and fill-in the form and how to get out from the airport in Hong Kong on arrival and beyond. They should

know exactly what to do. Thus, they should act as professional traveler:

- Capable to make departure confidently on their own.
- to proceed in compliance with all procedures necessary during arrival in the terminal building, through immigration, baggage claim and getting out of the airport
- outside the airport: in case there is no one from the agent pick them up from the airport they know how to take a public transport going to the agent's office.
- they know their rights and responsibilities as written in the contract
- They know what to do as problem solving just in case there is a problem encountered even they just arrive in the working place.

The Hong Kong agencies are notoriously wicked, exploitative, unfriendly, hard pressing to obtain maximum profit. In the situation where language is not yet fluent, this hard to deal with. In the mean time, doubtful that these agents are under the full and strong control of the Indonesian representative (*KJRI*) in Hong Kong. The Republic of Indonesia General Consulate should handle the new arrival seriously as part of citizen service.. The vision of *KJRI* as rad on its wall is:

"KJRI sebagai rumah yang ramah bagi semua warga Indonesia di Hong Kong (The Republic of Indonesia General Consulate is a friendly home of all Indonesian in Hong Kong)" have to be well disseminated to all migrant workers particularly the new comers, rather than merely slogan on the wall.

Sadly, briefing on Living in Hong Kong culture to the new arrivals of migrant workers. the following briefing materials is missing:

- The Cantonese as unique language
- Introducing institutions and NGOs that provide social protection service
- Introducing expectation that post-contract, the human resource capacities of the women workers should be developed through various training and education
- Women migrant workers empowerment against powerlessness and poverty background in the country of origin.

These items may be delivered, only and only if the Women's Studies methodology is applied.

4. The Current Service-providers

Facilitated by the Hong Kong University, a focus group discussion with NGOs in Hong Kong with activities offering social protection services to migrant workers (e.g. Christian Action, Path Finders, Bethune House, and Indonesian workers organization namely the *Komunitas Migran Indonesia* (KMI), IMWU, and ATKI, it is found that exactly the NGOs are the social protection providers As Government, passing on the responsibility to the recruiting and placement agencies operating outside the domain of Indonesian State, it is impossible. These agencies interested in the profit making rather than humanity interes.

When Hong Kong, tiny islands, yet hosting numerous NGOs and organizations of migrant workers, indicates that the problems encountered by the women workers are deep, comprehensive and serious. The existing organizations maybe classified into the following categories:

- Indonesian national NGOs (Dompot Duafa, Komunitas Migran Indonesia or KOMI),
- Hong Kong local/national NGO (e.g. Christian Action)

- International NGOs (e.g. including Bethune House's, Catholic Shelter, Path Finders, Asia Pasific Mission on Migrants, Helpers for Domestic Helpers, Enrich, Mission for Migrant Workers),
- Coalitions organizations e.g IMWU, ATKI, KOTKIHO
- Network of the Indonesian provincial or ethnics groups, such as Yogya Club of Women Migrant Workers.

When the Representative of the Indonesian Government is absent from action, the non government organizations take responsibility to provide social protection, be it the Hong Kong local NGOs, international NGOS, and even Indonesian NGOs. The NGOs seem altruistic in offering their service to protect the unprotected Indonesian women migrant workers. Their activities ranging from legal service, language proviciency, women empowerment, and to offer needed help including just a shoulder to cry on, and various educational activities such as skill training. It is only obvious that the Indonesian migrant workers who suffered from problems need protection and supportive grounded action. If for some reasons the Government Representatives could not perform this tasks, collaboration with NGOs may be a good solution. The GO-NGOs collaborations might be odd at the beginning. A good example that has been working is good relationship with Path Finder. This system may be extended to NGOs.

Workers issues that need to be addressed in Hong Kong are numerous. It is truly impossible to hand their problems to Hong Kong Agent. Comparative analysis concerning action and activities between the Hong Kong agents which is economy and profit orientation, is indeed contrast to what the NGOs activities and performance are, which is social activities, non-profit and humanitarian. This way, the Indonesian policies as read in Law No.39. year 2004 the appointment of the Placement Agencies of women migrant workers in the receiving country as responsible institutions providing social protection to the women migrant workers during placement time is weird. Women migrant workers perceived that agents are notorious in making a hard life. Discussion about this policy is perceived by them as a big joke of impossibility.

Academes and the university where they are attached to maybe considered as service provider, such as conducting research, translating research results into policies, facilitation between various parties involved. Discussion among academes of Brawijaya University and the Hong Kong University academes has concluded that to deal with problems faced by the women migrant workers and its relevant social protection, the academic research ought to be based on Women's Studies as best suited one to obtain data, to undertake suitable analysis such as feminist analysis, gender analysis, needs assessment and analysis, and the best problem solving result to free the women migrant workers from the absent of social protection. It has been agreed that within the realm of its praxis, the academic research should cover both the practical issues and the strategic issues. Future join research between these 2 universities is regarded most efficient, judged from location mastery based on country where the scientists are originated from, the language and the culture. In addition, this is also timely with the promulgation of ILO Convention No. 189/2011, regarding protection to the women migrant workers as domestic helpers. To the dismay of Women migrant workers and NGOs, by 2013 this convention has not been ratified by the Hong Kong Government. The women migrants workers and their organizations are looking forward to its ratification and implementation.

5. The Indonesian Government Representative's Involvement in Social Protection

The representative claimed play control to the Hong Kong agents, that by the Indonesian Law No.39/2004 in the place of work, the protection is performed by the Hong Kong placement agency. This law, is the only Indonesian law available dealing with protection. However, a content analysis discovered that out of 109 chapters of the Law, the large portion is regarding placement, while 8 chapters only dealing with protection in the work place. It is in this law that verses about protection responsibility is placed on the hand of Hong Kong Placement Agents is regulated.

Last year a *KEPPRES (Keputusan Presiden, Presidential Decree)* has been passed dealing with recruitment costs at a lower rates. However, by end of 2012 it remained unimplemented. The women continued be treated unfairly, eg exploited by 7 months unpaid work in the beginning of employment, said so to cover the recruitment costs, pre-departure training costs and the international ticket. When later they know that the employers share the international airfare to Hongkong, it creates heart aching, and wonder, who could it be receiving the double air fare amount of payment? In the meantime, at International level the ILO Convention No.189/2011 that has been passed as a global standard regulation toward a decent life and protection of domestic helper abroad does not cover all of the points of problems As above mentioned, even by early 2013, the Hong Kong Government has not ratify it yet

It can be concluded that women migrant workers need effective protection that works and accessible to them. Solution must be sought to fill in the gap between the absent of adequate laws and policies development to provide protection at the work place. Pre-requisite to the redrafting of existing law, and, or, policies, a model is required. A bottom-up system is is engineered to design model toward social protection for migrant women workers.

C. PROTECTION POLICY MODEL FOR THE INDONESIAN WOMEN MIGRANT WORKERS IN HONG KONG

A social-engineering technology has to be undertaken to design social-protection model for the Indonesian migrant women workers where Hong Kong is the placement country because the Indonesian policies for social protection provisions in Hong Kong as the receiving country is almost impossible. As the reality of protection for so long has been carried out by NGOs, the model should take into account all the NGOs and stakeholders currently involve in services provision to solve the problems encountered. The policy is problem solving oriented.

Due to the limited research resources, this research only achieved a goal of a social engineering a model to stir the government knowledgeable and taking action in the social protection provision to its citizens working in Hong Kong. The model is based on the new interdisciplinary science namely Women's Studies. The following standard is applied:

Orientation: Problems solving orientation to release the women from unfortunate situation related to human rights and workers' rights.

Problems undertaken for consideration: it must be carefully selected from the de facto issues, grounded problems of the real personal experience of the women migrant workers particularly that is continuously happen, abusive since the time

migrant workers employment in practice

Approach: participatory by all parties involved:

- i. The women Migrant Workers as the target group: their voice and needs must be heard particularly related to gender equality and gender equity and beyond;
- ii. The NGOs that, for so long, altruistically have been taking action to protect women migrant workers in the situation they need help when the government is not available.
- iii. The researchers, Indonesian and the Hong Kong based academes having knowledge, and mastery in Women's Studies, to conduct mediation and to provide facilitation.

Features: it must be comprehensive and inclusive with respect to aspects encountered.

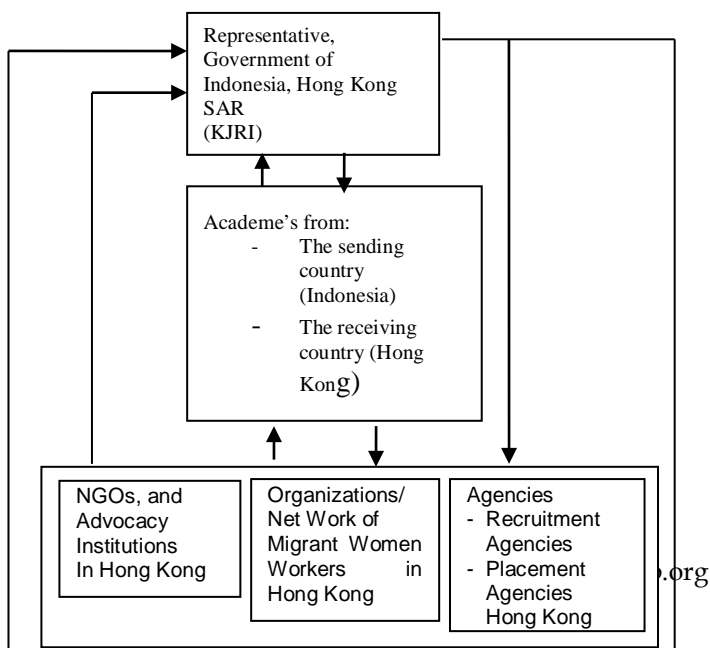
- i. Related to comprehensive matters is new approach should be taken into account beyond the standard practice, for example with the newly introduced components. It may go beyond the existing ILO standard for security system of formal-workers employment.
- ii. The undertaking should go as far as the root causes of the problems are.
- iii. The translation of the policies should be as exhaustive as possible

It means that aspects of preparatory stage including pre-departure procedures and processes should receive adequate attention. This is a great challenge because it involves the private labor recruiting agencies, repressive to the migrant workers, and that they operate independently along the private to private mode of ending and receiving migrant workers. The bottom-up approach is new to the he Indonesian Government, too, representatives in Hong Kong. since top down, which is the reverse of bottom-up approach, is the popular policies. It has been decided that the academes, in particular those who have involved in research from the sending country and that from receiving country should be the framework, due to strategic roles they can performed:

1. The knowledge they obtained through the research work;
2. The roles as facilitators between the parties involved;
3. The capacity to understand each country situation, eg. In Hong kong by the Hong Kong academes, and in Indonesia by the Indonesian academes.

Policy development by the executives and legislators usually do not involve academes. Couple with Women Studies as new science, his new approach is challenging to deal with.

Simply, the model which is essentially a system to develop policies for migrant women workers in the work place in Hongkong which is necessarily should take into account problems and issues at all levels. (Framework 1)



The framework of policy development model by the Indonesian Government Representatives for migrant workers social protection provision in Hong Kong

This framework is the crystallization of the research findings. As well, it is creative ideas with feminist perspective involving the government as policy makers. All parties involved must be included in the model to take part in bottom-up approach. Relevant policies ought to be developed responsive to the grounded issues faced by the women migrant workers at the bottom level who are victimized, for example:

- a. Empowerment of the women migrant workers to be personally mature and mentally ready to bear the brunt all of the possible consequences;
- b. Preparing the family left behind without the women as dictate by gender ideology,
- c. Protection at the workplace, that includes:
 - The women migrant workers have a copy of the written working contract in the Indonesian language, rather than currently in English language and Cantonese they do not understand.
 - Specific problems and issues dealing with various institutions including.:
 - The Hong Kong placement agents that usually on the side of employers,
 - Health insurance obtainment, access to health service including hospital service, related to the personal needs of the women migrant women herself. Capacity to deal with health services independently to meet the health care needs of the employer and their family members where she is employed, or the health care needs of her peers.
 - Knowledge, courage, access to shelter, to police officials, tribunal, court, lawyer, interpreter when it is needed such as in court case, and protection against HIV/ AIDS infection and unwanted pregnancy.
- d. Future financial protection
 - Managerial skill of financial investment for returnees toward sustainable income earning.

Hong Kong immigration regulates that every migrant workers have to go home after their contract ended, regardless the number of contracts they have made and the length of time they have stayed in Hong Kong. Thus no permanent residency is granted for the migrant women in Hong Kong. Therefore the weekend holidays ought to be used for quality time for improving skill trainings such as course work (various skills, language, Open University degree training program, writing skills for professional writer, computer to mention several) and writing articles, novel, and commercial books.

- Personal saving program is necessary for future capital protection, including self control in general and shopping during the weekend holiday to avoid unnecessary spending, careful in a bank choice for the personal banking, and trustworthy bank for transferring remittance to the family left behind.
- e. Protection in the travelling process for home returning.

For returnees, to arrive home in Indonesia can be a real burden, as it may cost their lives. Once the air carrier landed, anything bad can happen from going through since international airport immigration, customs. Labor department officials, transit and dealing with transportation program bringing them back to the place of origin. In the international Airport where special Terminal for the returnees established, encounter with the officials of the Labor Ministry, plus people targetting them as a pray for bluffing, bullying, robbery, exorbitant price offer for transportation services, terribly low illegal exchange rate, rape, killing, time consuming services and various ways people could have done to them as target of prey for exploitation are what they have in mind. For some women, passing through the international airport procedure is stressfully worrying. Better policies for returnees must be discussed through the model above mentioned. The fact that the women seems lost in confidence to the parent Government representatives, and, instead, that their trust goes to NGOs perceived as good institutions showing honesty in offering service, and genuinely providing solution to their problem must be taken into account. Due to the limited research resource, this research only arrive at a model, as intermediate result toward an end. A serious action research to implement the model into practice have to be done in the near future, where adequate funding is required.

V. Conclusion and Policy implications

There are various grounded problems encountered by the women migrant contract workers in Hong Kong that protection is obviously in great needs. Currently, protection in the workplace ruled solely by Law No.39/2004 regarding Protection and Placement overseas that is inadequate to provide protection in Hong Kong. The only explicitly mentioned is that in the receiving country, the protection is the responsibility of the placement agents in Hong Kong, as consequence of private to private migrant workers sending and receiving mode. For more than 40, years, which is equivalent to a one generation time, policies according to the migrant workers lack of gender responsive protection for women migrant workers. This research provides a solution. It may be done in several steps, depending on research resource available. The model is necessarily bottom-up, synergic, participatory, and comprehensive in nature. It should urgently followed with further attempt to put into practice through drafting the required policies, done items by items, based on the grounded problems personally experienced by the women's migrant workers at the work place. This will be a new approach which is against policies conventionally designed behind desks.

To do so however there is a pre-requisite. A join action research is required to explore further the situation, necessary, unexplored, unknown and untouched yet, to make the academe to be better equipped, and to be better organized in facilitation undertaking in the drafting process of the policies. This research should be conducted jointly between researchers from the sending country. This also implies that financial support is

required both for the joint research and, subsequently, to conduct action research for policies drafting that could be a longitudinal one in terms of time. Committed funding agencies are invited to allocate their fundings to make this benevolent attempt providing protection to migran workers possible.

Acknowledgement

Appreciation of the authors goes to the Directorate General of Higher Education, State Ministry of Education and Culture for the financial support to undertake this research. Our thanks also due to the Brawijaya University, Malang, Indonesia for the DIPA Brawijaya University no. 0636/023-04.2.16/15/2012, dated 9 December 2011. Last, but not least, we are grateful to the Institute for Research and Community Service, Brawijaya University for granting the Institutional Competitive Research Program Batch II (Decision letter of the Brawijaya University Rector No. 419/SK/2012 dated 27 September 2012) to conduct this research.

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AUTHORS

- First Author** - Hesti R. Wijaya, Ph.D holder from the University of Melbourne , Australia, Brawijaya University Post Graduate Program, Master Degree Course on Women's Studies, email address m.hestiw@yahoo.com
- Second Author** – Keppi Sukei, Professor in Sociology, Brawijaya University Post Graduate Program, Master Degree Course on Women's Studies email address keppi_s@yahoo.com
- Third Author** – Henny Rosalinda, MA holder from Nagoya University, Japan, Brawijaya University Post Graduate Program, Master Degree Course on Women's Studies email address rosalinda08@yahoo.com