

# High-Rise Falls Prompt Debate Over Migrants' Rights

## Hong Kong Faces Safety Questions Activists condemn a system they say is rife with exploitation.

By MIKE IVES

HONG KONG — Whenever the windows of her employer's 35th-floor apartment looked dirty, Win Win Warsiating would lean half-way out of the high-rise building to clean them. Sometimes she would glance down at the ground far below and be seized with anxiety, she said. But she never complained.

That was years ago, when Ms. Warsiating, a domestic worker from Indonesia, was new to Hong Kong and the job. These days, she said, she would be far less willing to compromise her safety to please an employer.

"I agree to clean windows, but if you are not safe, of course not," she said at a recent rally for migrant workers' rights in Hong Kong.

In a rich city known for its soaring high-rises, reports that several domestic workers fell to their deaths this year while cleaning windows have added urgency to a long-running debate about the city's deep social inequality and dependence on low-cost migrant labor.

Last month, the deaths prompted Indonesia and the Philippines — the countries that supply the vast majority of Hong Kong's roughly 300,000 migrant domestic workers — to call for window-washing safety regulations. Last week, the Labor Department said that, starting in January, new employment contracts would contain a clause prohibiting domestic workers from cleaning any windows without secure grilles, or from extending anything but their arms beyond window ledges.

But the underlying question of what rights Hong Kong's domestic migrant workers deserve is far from resolved. Labor activists said the new clause would do little to improve a system they say is rife with exploitation by employment agencies, and which Hong Kong officials rely on to plug gaps in social services for children and older residents.

"They want to keep the labor cheap," said Leo Tang, the organizing secretary at the Hong Kong Confederation of Trade Unions.

Mr. Tang said the government could raise the minimum wage for domestic migrant workers or better police the employment agencies. "But of course, for all these types of needs, they have to increase the public expenditure," he said. "That is the thing they wouldn't do as a neoliberal government."

Hong Kong's migrant domestic workers, who are mainly women, typically work six days a week and earn a monthly minimum wage of about \$556 — far less than what other workers are guaranteed under Hong Kong law. They also pay placement fees to employment agencies and security deposits that are worth several months of wages.

Hong Kong, a former British colony, does provide better legal protections than these workers would find in many other popular destinations for economic migrants across Asia and the Middle East. But Jade Anderson, an anti-human-trafficking coordinator at Justice Center Hong Kong, an advocacy group, said that was no excuse for employment policies that she said encouraged abuse.

"Being the best amongst a series of poor choices doesn't say much for Hong Kong," Ms. Anderson said. A recent survey by the center of migrant domestic workers found that 17 percent displayed signs of being subjected to forced labor, while a third said they did not feel free to quit their jobs.

Eman C. Villanueva, the spokesman for the Asian Migrants Coordinating Body, another advocacy group, said that migrant domestic workers feel discriminated against by rules that require them to live in their employers' homes, by vague job descriptions that can facilitate exploitation and by immigration policies that oblige them to leave

the city within two weeks if their contracts are terminated.

"We are segregated. We are excluded from Hong Kong society," he said. "And I think that is the underlying thing that reinforces the mind-set of the people that we can be treated differently and treated unfairly."

Mr. Villanueva, citing Philippine officials and Indonesian activists, said that three Filipinos and two Indonesians had died in Hong Kong this year after falling from heights, although he said the figures included both suicides and work-related accidents.

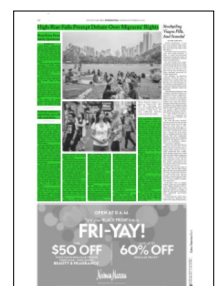
The debate over window washing began last month, after the Philippine Consulate sent a letter to employment agencies saying that it would require new employment contracts for its citizens to stipulate that domestic workers were banned from cleaning windows. The Indonesian Consulate later said it would do the same.

"For us, the most important thing is that our workers are protected by law," Tri Tharyat, the Indonesian consul general, said in an interview before the new clause was announced. Indonesia has said it plans to stop sending domestic workers to several countries, he added, but Hong Kong was not on that list because its legal code provided better protections for migrants.

"It's not perfect yet, but it's better than nothing," he said.

Carlson K. S. Chan, Hong Kong's labor commissioner, told reporters last week that the new clause on window washing represented a pragmatic compromise among labor unions, foreign consulates, migrant workers and their employers. "I'm very happy that all the parties have been adopting a very sensible attitude,"

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Mr. Chan said. He added that he did not have official data on how many migrant workers had died while cleaning windows this year.

Benny Lee, the chief operating officer of the Support Group for Hong Kong Employers With Foreign Domestic Helpers, said he was willing to accept some safety measures but worried that the clause could inspire the workers to negotiate other aspects of their contracts, resulting in reams of paperwork that might confuse employers.

Hong Kong provides some of the best legal protections for migrant workers in Asia, Mr. Lee added, and accusations of exploitation were frequently exaggerated by the international news media. "It's totally unfair," he said.

Ms. Warsiating, who was once frightened cleaning windows on high floors, now spends her off days advising newly arrived Indonesian domestic workers about their rights.

Some tell her they would be willing to complain about unsafe conditions, Ms. Warsiating said. But others say doing so could give their employers a pretext to fire them — and therefore put them at risk of being deported, or having to pay extra job-placement fees to employment brokers.

"I'm scared of being terminated," she said the women tell her when she asks what they would do if asked to dangle outside a high window. "We don't have a choice."