

LAW FOR CHANGE STUDENT COMPETITION 2018

TEAM	PROJECT TITLE	
8	DomeHome	
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OVERVIEW

Selected Social Justice Issue

Taking up over 5% of the Hong Kong population, foreign domestic workers' ("FDWs") form an indispensable and integral part of our community. However, recent incidents of abuses, such as the Erwiana case, have reflected FDWs' inferior social status within the community. In 2018, the US TIP Report even put Hong Kong in their TIER 2 watchlist, which considers that the government is not fully meeting the minimum standards on Human Trafficking.

According to a poll carried out among 270 FDWs, about 70% of them feels like their rights have been violated (See Appendix). Therefore, we aim to tackle the stated issue by implying a moral imperative to crack down on those who prey on helpers' lack of knowledge.

Need assessment and gap analysis

Even though the FDWs' rights are codified in an Employment Ordinance, the lack of implementation and enforcement of those rights often lead to abuse, which harms the familial harmony. Under the "live-in rule", everything is happening behind closed doors, the risk of human rights, criminal and labor law violations is very high, and the workers often fear to complain. Even if one is willing to speak up, there exist systemic barriers which are often difficult to overcome, one of

them being not meaningfully engaged in the justice system. FDW, even informed about their basic rights, are not clear about the options before them and where would they eventually be led to pursuant to the actions. In particular, existing means and efforts by NGOs are too scattered to assist FDWs in a constructive manner and FDWs may not know whom to seek for help when encountering issues – leading to a mismatch among the help network.

Another existing gap is the deeply entrenched hierarchical social perception between FDWs and their employers, where the former is portrayed as servants and the latter as masters. The imbalanced social status between them could be made apparent by the daily life scenario, where FDWs often reply to their employers "Yes, sir/madam" in a submissive and disciplined manner. Such ingrained and distorted values in Chinese society greatly hinders the due respect that FDWs are entitled to as individuals, friends, or even family members, rather than commoditized labors. The absence of equal parties renders meaningful communicative dialogue and genuine exchange of views impossible.

What is worse, in some serious cases, their inferior social status often leaves them vulnerable to excessive demand and abuses.

Objectives

DomeHome is here to (1) fill in the gaps of the existing NGOs network; (2) bridging the employees and employers to address the lack of understanding and effective communication between these two parties in Hong Kong. This dual-pronged method is with an ultimate aim to restore familial and community harmonious account.

1. FDWs and NGOs

First, our proposition is to pool the resources to achieve a synergy effect and optimize the real impact by gathering the NGOs which advocate FDWs' rights. The big picture of this collaboration should be best attained through actions and to make sure the significance is interconnected. With the streamlined model, a progressive practice with smoother arrangement serves a critical piece of empowerment. DomeHome seeks to serve as a coordinator or intermediary to build an organized network with various NGOs, to ensure FDWs could reach out to NGOs that best match their individualized needs in an efficient and accessible manner and offer advice in arriving as the best possible solution.

2. FDWs and Employers

DomeHome is more than a platform to offer basic information, but also an ultimate place to nurture the concept of "Family". Despite the absence of any biological relevance, we recognize FDWs as members of the family, who co-reside with and take care of the rest of the members, and we value them as important units of this larger community. To DomeHome, the essence of family lies in the relationship founded on trust and understanding, which goes far beyond material exchanges or mere compliance with some fixed terms governed by employment contracts. What really matters at the end of the day is the cultivation of empathy and fostering of communication between family members.

Thus, on top of providing a short-term solution to resolving disputes among the members of the family, DomeHome aims to instill the concept of mutuality in order to promote the respect of rights and to eliminate distrust and conflict within the family so as to build long-standing harmonious ties within the family. After all, the building of a relationship depends on reciprocity – "as long as you treat me well, so do I". Thus, DomeHome endeavors to serve as a bridge between members of the family to facilitate and foster understanding in order to curb the social problem at its root.

DETAILED PROJECT PROPOSAL

The Information Provider: Know Your Rights & Test Your Rights

1. Know Your Rights

We aim to educate FDWs and employers of their rights and obligations by presenting legal information in layman language. The website would categorize basic information about the law and crimes in form of different topics, including "abuse and harassment", "wage", "rest days" etc, under which the entitled rights are stated with relevant ordinances and provisions. In addition, there will be shortcuts featuring different scenarios which allow users to click onto for more detailed discussions in the format of Q&A. This would provide basic information for users regarding their entitlements under the law.

2. Test Your Rights

"Test your rights" provides users with tailored-made potential solutions and immediate mitigation options in an easy and expedient way. Users have to fill in their personal information and answer some simple, short questions relevant to the complaint (e.g. amount of salaries received, number of day-off per week) in order for "Test your rights" to generate a preliminary analysis on the validity of complaints and to assess the degree of violation, under which respective solutions would be suggested. If it turns out one's right has been infringed, "Test your rights" offers an immediate auto-fill function to generate a complaint application on behalf of the victim before the Labour Department. Such function could encourage them speaking up by facilitating better users experiences and avoiding them keep silent due to confusions in the law. We would also like to incorporate the function of letting FDWs attach photos e.g. uploading snaps of living condition, in case they are illiterate.

3. Next Step

"Next Step" further provides a comprehensive overview and flowchart for FDWs and employers
1) what are the possible actions to be taken corresponding to their complaints indicated in "Test Your Right" part 2) what to expect subsequent to the initial action taken. This section would give a mental preparation for what would happen next and allow FDWs to make a more informed decision before their claim or any further actions.

For example, if you have indicated with you are underpaid, several options would be provided, and what to expect next in the option, the advantages, disadvantages or risk would also be included (See Appendix).

The Matchmaker: Collaboration with NGOs

It is widely observed that NGOs in Hong Kong provide a comprehensive groundswell of support which is to advance social justice in a wider array of contexts by catering to foreign domestic workers' critical unmet legal needs. Partnership with NGOs is a longstanding tradition as a substantial growth has been observed throughout these years, promoting FDWs' equal access to help would be beneficial. It will be a step forward to concentrate their effort by recognizing different NGOs' specialized areas which is to fill in the gap of the existing supporting system.

We offer an alternative solution for FDWs other than filing their complaints to the government directly, that is, referring them to the related NGOs and pro bono lawyers who volunteered their legal services. Upon consent, DomeHome will automatically generate an email to the relevant NGO based on the information filled by FDWs. Corresponding advice sessions will then be arranged to assess their situations and suggest remedies.

The list of NGOs advocates different aspects of FDWs’ issues

Name of NGOs	Specialized areas
Migrasia	Hunting the unscrupulous employment agencies in Hong Kong regarding chop renting, overcharging, withholding documents etc.
HELP for Domestic Helpers	Providing free advice and assistance on employment, immigration and human rights issues
Open Door	Holding activities to share the real lives and views from both FDWs and their employers
Domestic Workers Empowerment Project	Organizing a campus academy – EmpowerU for FDWs’ gaining of knowledge and holding weekend activities e.g. hiking or fundraising
Pathfinders	Empowering female migrant workers in crisis pregnancies for the women and their Hong Kong-born babies
Enrich	Dealing with issues like money laundering, and loan granting as well as offering practical financial literacy and business development training and communication courses
Students Against Fees & Exploitation (SAFE)	A student group advocating a sustainable and healthy employment agency network

With the assistance listing to the FDWs clearly, they can be more empowered in the sense that they are more willing to exercise self-determination of whether their issues are likely to be counteracted, at the same time cultivating a positive mindset that NGOs in Hong Kong indeed are here to help. The process is guided by the idea that finding an NGO is linked to a meaning, and that meaning is inevitably linked to striving to achieve social change in support of dignity for all.

The Integrator: Long-term trust building platform

It must be emphasized that DomeHome is a 2-way website for both the FDWs and employers. We emphasize the importance of mutual efforts in maintaining a harmonious and helper-inclusive family. In the short term, by providing the two parties with useful information as mentioned above, practical advice and access to support services, both parties could better understand their legal rights and obligations, as well as the possible remedies.

In the long term, we try to encourage their mutual understanding and communication, solving the problem from its root cause. In addition to offering an information resource centre, we opt for a community education programme to empower both the FDWs and employers to better understand their rights and responsibilities. Developing in collaboration with a range of NGOs, we propose to hold regular information sessions for the FDWs and the employers on different topics that they will be concerned with. For example, ‘How to calculate my termination pay and annual leave’ for the former and ‘How should I react when my FDH wants to terminate her contract?’ for the latter. Ultimately, long-term legal and social impacts could be exerted in the following ways:

1. One-stop legal solution for FDWs

With our simplified and targeted illustration of relevant laws, tailored case diagnosis and solutions, not only FDWs can gain a basic understanding of their rights, but also assess their own situations and try to remedy them. Knowledge is the best charity and our service aptly provides the legal basis that empowers

FDW to advocate for their own rights. On top of this, DomeHome is innovative that we do not stop at providing the contact of the organizations or relevant department, we take a step further, their inquiries and potential complaints would be directly forwarded to the relevant bodies via our platform. The simplified process would thus greatly enhance their incentive to take action defending their own rights.

2. Source of legal information for employers

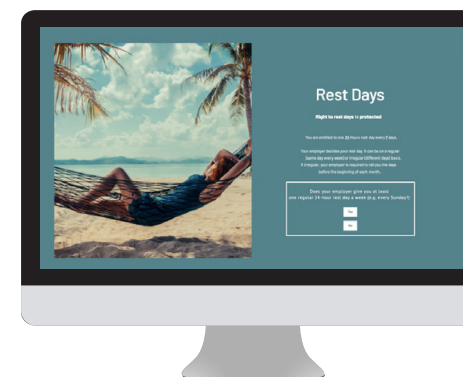
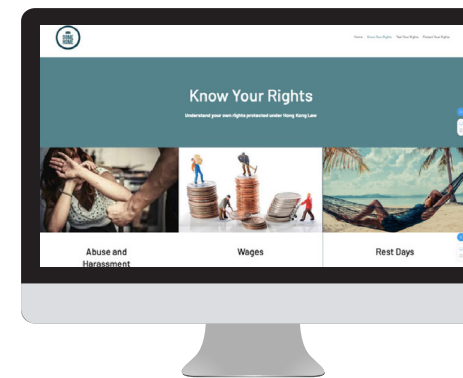
Employers don’t often know the accurate law regarding their FDWs and are often also helpless when issues arise. Our website acts as a centralized source of information for employers to learn about their legal rights and obligations, all whilst putting things into context by discussing highly relevant and recurring real-life scenarios. Br providing the contact details of

the NGOs, employers could also know how to access available support services and other resources when they are in emergencies.

3. Regular community education programme

Our service caters to both FDWs and employers, providing access to key legal issues that either party will be concerned with on one platform. By dispelling their myths and misconceptions, both the FDWs and employers have a better understanding about the law, which is the first step to discharge their obligation and respect the rights of each other. As a result, mutual understanding between FDWs and employers could be enhanced. Both parties could become more inclusive between each other as a family, coming in line with our concept of family and mutuality.

Demonstration of DomeHome Website:



IMPLEMENTATION PLAN

Implementation Timeline

There are two phases planned for the implementation of DomeHome, with an additional preparation phase preceding the two.

During the preparation phase, we will map out and research our website components, design the general interface and test-run the website. Externally, we will be in close contact with our cooperating NGOs in discussing the practical aspects of our cooperation. We will try to incorporate opinions of both FDWs and employers by enlisting the help of some representatives throughout this preparation process. We expect preparation to last half a year.

Phase I sees the launch of our website. At this phase, we plan to limit the number of cooperating NGOs to just perhaps 5 so we could exercise better control over our operations at a steady pace. Our monitoring and evaluation functions will be in place to collect feedback for continuous updates and fixes. We expect Phase I to last one year. Meanwhile, preparation work for Phase II will be in progress.

Phase II's significance comes from its engagement of new external stakeholders besides previous NGOs as well as having off-line functions such as community talks on rights. New external stakeholders could include tertiary students majoring in Law or Social Sciences who hold an interest in this issue of FDWs. The students could play various backstage or front stage roles, such as helping to upgrade and improve DomeHome's website content by producing multimedia illustrations of rights and entitlements, helping to design and host community talks and so on. On another hand, we hope to expand the number of cooperating NGO parties as well.

Stakeholders

1. NGOs

There are various NGOs specializing in FDW issues (See Table 2.2.1). We propose contacting these NGOs initially since they are well-recognised in our society for their involvement in FDW issues. Their goals align with ours in aiming to empower FDWs and maintain an ethical FDW scene in Hong Kong.

2. FDWs and Employer representatives

It would be important for us to hear from the FDWs and employers themselves, thus we would like to try enlisting some FDW and employer representatives to advise and review with our work. We aim to recruit them from major FDW and employer groups in Hong Kong. Their advisory role could include providing suggestions as to what information we could include, commenting on the user-friendliness of our functions and so.

3. Tertiary institutions

Tertiary institutions could help link students up with us in cooperating with various functions, as aforementioned in the Timeline. We believe such cooperation will be beneficial to both DomeHome and the students in receiving real-world exposure and stimulation.

Resources Required

Our primary asset is the website for our content. Resources will be required for the initial research, design and testing of the website. Regarding human resources upon launch, only one or two administrators will be required on a part-time basis to answer

any enquiries, connect FDWs to NGOs and other maintenance work. DomeHome's core team will work continuously in contacting NGOs, planning for future work and implementing any changes to the website.

As we proceed further into Phase II, more resources might be required for the hosting of community talks.

The detailed budget plan is enclosed in Appendix.

Promotional Strategies

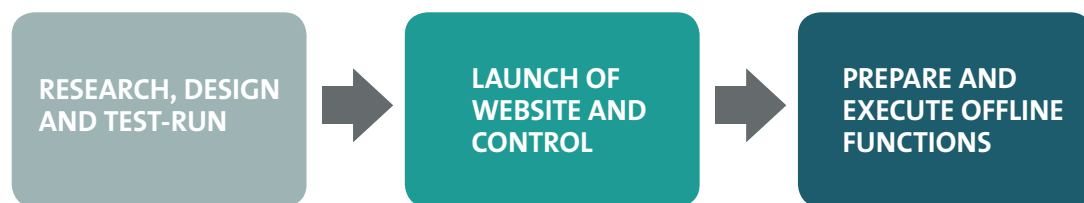
DomeHome aims to engage both FDWs and employers. Thus, promotional strategies tailored for both parties are required in terms of both promotional message and medium.

Regarding the promotional message, we recognise that the practical interests and focus of the two parties are very different. Therefore to employers, we will present our website as an easy and comprehensive read for them in getting to know how to protect themselves in

handling special situations such as what to do when FDWs get pregnant during the contract period or FDWs disappearing after loaning money from outside. Moreover, it is also a place for employers to equip themselves with basic legal knowledge regarding hiring FDWs so they could prevent falling into the legal pitfalls. Whereas for FDWs, it will be a one-stop legal solution for them to know their rights to prevent unfair treatment, know who they can approach and be matched with someone who can help them in any case of dispute. The ultimate aim of promoting harmony within the family by mutual understanding will also be noted to both parties.

Regarding the medium for promotion, besides promoting DomeHome through the NGOs, we can also invite the aforementioned FDW and employers organizations to help promote our website to their respective audiences. Mobile applications that aim to replace traditional agencies, such as HelperLibrary, have seen increased popularity recently with good exposure. Thus, we will also try promoting via their applications.

Stakeholders	How they can be engaged?
FDWs	We will use the word-of-mouth strategy to spread DomeHome's one-stop legal solution and ask the existing users to share to their friends. We will also reach out by distributing promotional leaflets.
Employers	We will present our website as an easy and comprehensive read for them by sharing DomeHome on social media group.
NGOs	We will seek help from the NGOs by sending email and pitching documents, with follow-up meetings with the potential NGO partners.
Student volunteers	We will promote our visions and ideas by sending mass emails to the students (law students preferred) and advertise in between lectures.



NOVEL ASPECTS AND SUSTAINABILITY

Novel Aspects

DomeHome would be the first interactive and tailored platform targeting the huge number of families with FDWs. The personalized result generated for every user could effectively raise their awareness of their current circumstances with minimal human resources.

Furthermore, this platform does not only offer information and assistance to FDWs but also their employers. We wish to emphasize the importance of mutual efforts in maintaining a harmonious and helper-inclusive family.

DomeHome excels by taking a step further, not stopping at merely providing the contact of the organisations or relevant department. Inquiries and potential complaints will be directly forwarded to relevant bodies via our platform. The simplified process would thus greatly enhance their incentive to take action defending their own rights.

Sustainability

There will be an opinion collection section on DomeHome for feedback from visitors. We will also try to analyze **big data analytics** in deciphering our audience statistics, their needs and interests so as to provide functions that better meet their needs. We will try to impose KPIs such as time for case resolving, the ratio of successfully-resolved cases to requests received and so on to help us maintain a view on DomeHome's performance and effectiveness in achieving our goals.

To ensure the continued success of DomeHome, DomeHome's core team will gather at least twice every half year for a major evaluation of the website and to discuss DomeHome's future direction as to what new co-operations there could be, what new major features to add etc.

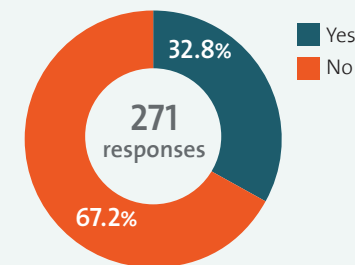
We believe that maintaining good long-term relations with our external cooperating parties is key to DomeHome's continued success. Therefore, we will organize regular evaluation meetings with our external cooperation parties to ensure that everyone's on the same page and that we can all proceed forward together as well. ■

APPENDIX

1. Responses of FDWs

Responses of FDWs towards their unfavourable experience on a survey conducted by our team: <https://goo.gl/forms/BhhJcfuPkrOBZRhk1>

Have you ever felt that your rights have been VIOLATED?



If you felt that your rights have been VIOLATED before, can you share with us?

124 responses “Long hour of work”

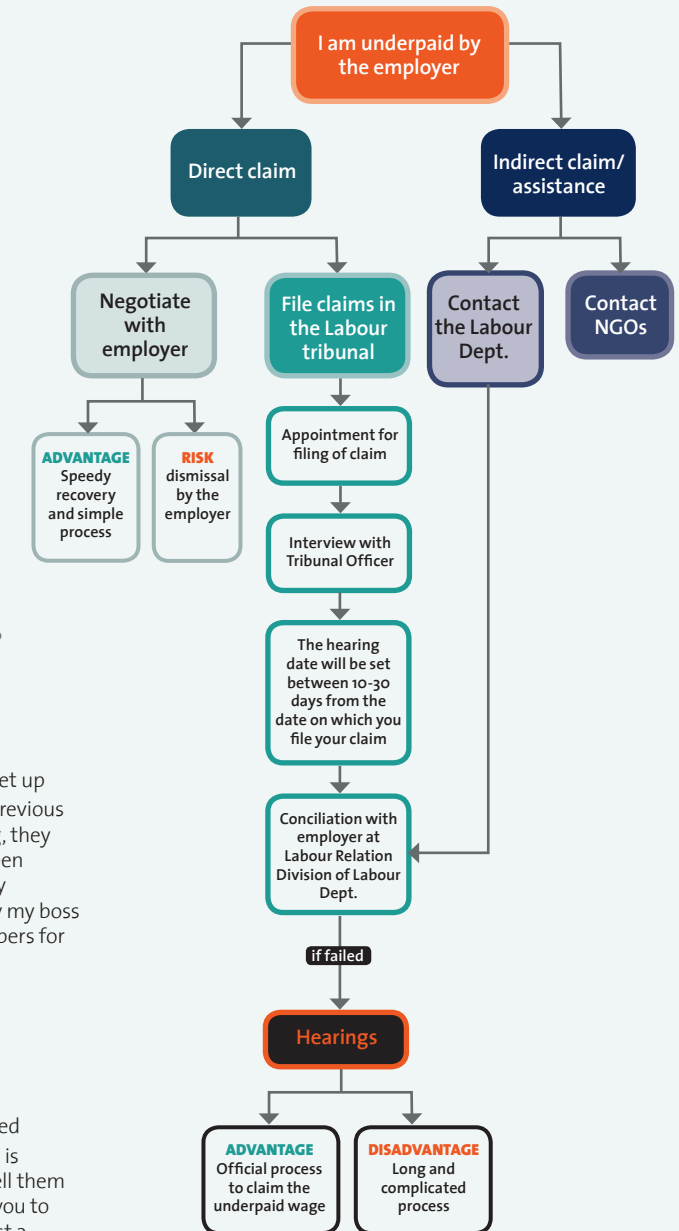
“Late salary, can't go out early/has to wait for them to get up before leaving home during my holiday. This was in my previous employer. The agency kept my documents for processing, they want me to pay for the new employer although I have been release in less than 3 months of working only because my employer has to move to other country. But am still lucky my boss came back in Hong Kong and signed the immigration papers for me to settle down. I hate the O&S Agency.”

“In my previous employer they violated my holidays and rest day.”

“Most of the time my salary will be given 5 to 9 day delayed and I must remind them often so that they will pay me... It is embarrassing sometimes but due to my needs, I have to tell them that I need to send money back home, and please I need you to pay me... but it happened almost all the time in my almost 2 years with them.”

“My previous employer used to check my things without asking my permission.”

2. “Next Step” Demonstration



3. Budget and Timeline

Stage	Task	Duration (Days)	Budget (HK\$)	Q1 2019			Q2 20189			Q3 2019			Q4 2019			Q1 2020			
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
SET UP	Terms and conditions and disclaimer drafting	30	0	█															
	Content development	90	0	█	█	█													
	Research on relevant law on parties' rights and potential action options		0	█															
	Design the flow and questions of the <i>Test Your Right</i> process and <i>Next Step</i>		0		█														
	Get advice and verification from pro bono lawyers		0			█													
	Website Development	180	8,000	█	█	█	█	█	█										
	Contract freelancer		0	█															
	Development of website by freelancer		8,000			█	█	█											
	Launch the website		0						█										
	Partnership Development	365	0	█	█	█	█	█	█	█	█	█	█	█	█	█	█		
	Open email account		0	█															
	Send invitations to potential NGOs		0	█	█														
Confirm details of partnership		0			█														
OPERATION	Promotion targeting NGOs	365	0	█	█	█	█	█	█	█	█	█	█	█	█	█			
	Research on existing NGOs and their strength		0	█															
	Preliminary reach out sessions with NGOs to promote the website		0	█	█	█													
	Regular meeting with NGOs		0	█			█				█			█					
	Promotion targeting users		2,000	█	█	█	█	█	█	█	█	█	█	█	█	█			
	Reach out to FWDs on weekends		1,000						█	█									
	Reach out to community centres, NGOs and agent to promote DomeHome		1,000				█	█	█										
	Promotion through social media		0					█	█	█									
	Student volunteers recruitment	60	500				█	█											
	In-class promotion sessions		500				█	█											
	Organisation of regular activities and talks	210	2,000						█	█	█	█	█	█	█	█	█		
	Website Maintenance	365	10,000	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	
MONITORING AND EVALUATION	Monitoring	300	0						█	█	█	█	█	█	█	█	█		
	Carry out poll to users and contributors regularly		0							█	█	█	█	█	█	█	█		
	Set up feedback mechanism		0							█	█	█	█	█	█	█	█		
	Review data regularly (updates of law and NGOs information)		0							█	█	█	█	█	█	█	█		
	Evaluation	60	0													█	█		
	Write an interim report		0													█			
	Publish the e-version of the report		0													█			
			TOTAL (HK\$):																