

Making Justice as Mobile as Migrant Workers

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MIGRANT WORKERS contribute enormously to Southeast Asia's development. Remittances totaled US \$33.7 for the Philippines and US \$11.2 billion for Indonesia.¹

Unfortunately, the International Labour Organization (ILO) estimates that US \$50 billion is stolen from workers in the worst forms of exploitation in East and Southeast Asia every year.

Singapore and Hong Kong are key local destinations for female Filipino and Indonesian migrant domestic workers (MDWs), with over 620,000 MDWs in these cities.

Locally, double-income families and an ageing population put MDWs in high demand to take care of ageing parents and young children. Many families live a more comfortable life, thanks to the women who work for them.

Unfortunately, these women are also tempting targets for exploitation. They generate over US \$3.56 billion in wages, but face months of lost wages in illegal agency fees. Those abused or assaulted suffer psychological, emotional, and mental trauma, harming their lives and hindering their ability to return to work.

Migrant workers lack the resources to hire lawyers when things go wrong. Legal aid is still local, so most must give up their claims when they depart. Most aid agencies back home do not yet have the capacity to support overseas claims. Abusers thus avoid responsibility while victims return home empty-handed.

The COVID-19 pandemic has been a disaster for migrant workers. Domestic workers faced the worst of the fallout — employers and their families trapped at home during the pandemic led to rising tensions, and with it, violence. All of this is on top of the exploitation domestic workers have faced around illegal agency fees, unpaid salaries, and other difficult working conditions. As foreigners dependent upon their employers, and with few job prospects back home, they were even more vulnerable than before.

Justice Without Borders

This is where our organization steps in. Our position as a regional non-governmental organization (NGO) with local offices allows us to develop essential crossborder expertise. Our work with local stakeholders grows capacity among those who directly serve hundreds of thousands of workers. Finally, our legal focus means we can drive test litigation, turning the extraordinary actions of today into the ordinary claims of tomorrow.

Justice Without Borders (JWB) is a regional non-profit organization that supports victims of labor exploitation and human trafficking in seeking compensation against their abusers, even after they return home. In Asia, we work across Hong Kong, Singapore, Indonesia, and the Philippines to grow the capacity for access to justice. We then drive groundbreaking civil litigation that turns the extraordinary of crossborder compensation claims into the ordinary.

Vision and Mission

JWB has the following vision and mission:

Our Vision

We strive for a world where migrant workers can seek legal assistance for whatever has happened to them, wherever they are now.

Our Mission

JWB creates transnational access to legal assistance for victims of labor exploitation and human trafficking so that they can seek rightful compensation, even after returning home.

It has a specific set of stakeholders:

We serve migrant workers who have faced labor exploitation and human trafficking. As a regional organization, we work with frontline aid organizations, caseworkers, government agencies, law firms, lawyers, law students, legal aid associations, and university clinical legal education programs. We are immensely thankful for the support of our funders who ensure that we can continue this work.

How We Achieve Our Mission

JWB works based on several key ideas:

Networks

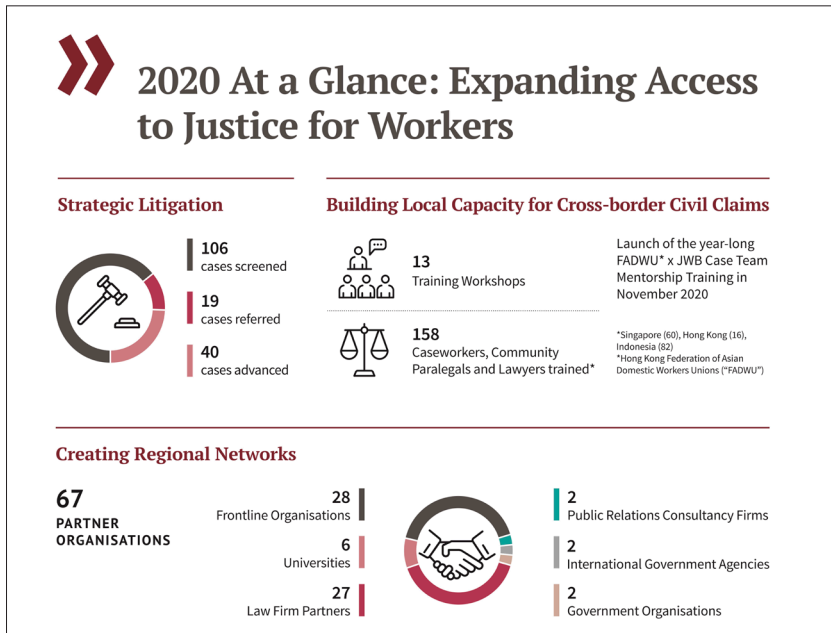
Migrant workers are mobile, which means that they must be able to seek help wherever they are. They need a network of frontline organizations across the region to meet workers where they are. We help build those networks by growing the expertise of frontline organizations and connecting them to our partners across migration routes.

Knowledge

Case workers and lawyers, working with migrant workers in their home countries, often do not know how to access justice abroad. Many issues migrant workers face are new questions of law. Our legal research guides the way in these new areas of practice, even before cases get to court.

Know-how

There is no substitute for experience. We coordinate ground-breaking casework across borders to develop best practices in the field. Our goal: to turn the extraordinary of international legal action into the ordinary for migrant workers.



In 2020, JWB held several training activities in Singapore, Indonesia and Hong Kong as shown in Table 1.

Table 1. Training Program, 2020

| | |
|-------------------------|--|
| Training Workshops held | 13 |
| People trained | 158 Caseworkers |
| | Community Paralegals and Lawyers 60 - Singapore 82 - Indonesia 16 - Hong Kong |





Hong Kong²

JWB partnered with the Federation of Asian Domestic Worker Unions (FADWU) to develop their members' case management skills to better handle the high volume of cases they regularly handle. The work goes beyond trainings to long-term membership, aimed at expanding the pool of expert case managers who can identify potential legal issues and act on them rapidly.

With funding from the International Labour Organization (ILO), JWB organized a seven-month training project for twenty members of FADWU's newly formed case team. The project ran from February to August 2019, and consisted of tailor-made training sessions and legal clinics for FADWU's Hong Kong-based caseworkers — members of the migrant domestic worker community who spend their free time identifying potential cases and bringing them to frontline NGOs or JWB.

Justine Lam, Head of JWB in Hong Kong, observed:

We believe that caseworkers are in an ideal position to identify potential cases, as they themselves are part of the community of domestic workers. By training our caseworkers on

migrant domestic worker rights and common employment law violations, they would be able to actively help their own community by spreading that knowledge and finding more cases that can potentially be referred to JWB for further action.

Casework Training Sessions & Legal Clinics

The major components of the training project included 2 caseworker training sessions (held on 17th and 24th February 2019) and 2 legal clinics (held on 21st July and 11th August 2019). While the casework training sessions covered Hong Kong labor laws and provided opportunities for caseworkers to practice their new skills via case studies, the legal clinics focused on client interviewing skills. The trainees started with role-playing exercises before quickly advancing to actual client interviews where they carried out case intake and gave advice on evidence collection strategies.

Over the March – June 2019 period, JWB also facilitated multiple follow-ups with the caseworkers on their outreach initiatives and client meetings. This gave the caseworkers confidence as they navigated through the client interviews.

Turning from Good Outcomes to Long-Term Support

At the end of the training project, there was very encouraging feedback from both participants and trainers alike. It was heartening to see how the caseworkers were eager to improve and learn new skills. JWB volunteer lawyers who were invited to observe and assess the caseworkers' interviewing skills also gave largely positive comments, with only minor areas for improvement.

Having gathered and trained a group of FADWU caseworkers to work in tandem with JWB, we will next develop their paralegal abilities, with a view to enabling them to acquire the expertise and knowledge needed in reaching beyond the client interview stage, to more challenging tasks such as accompanying our clients to Labour Department meetings or conciliation meetings at the Equal Opportunities Commission. In the long run, we hope that these competent caseworkers will be able to directly represent clients before Hong Kong's Labour and Small Claims tribunals.

Online awareness-raising

As the COVID-19 pandemic disproportionately affected vulnerable migrant workers, we held a series of webinars in collaboration with our part-

ner NGO, HELP for Domestic Workers, and published infographics on MDW rights for workers subjected to unfair or ill-treatment during COVID-19 pandemic. We soon received multiple queries from workers who were, unfortunately, terminated due to their inability to travel back to Hong Kong after their vacation. We subsequently took on some of these cases while referring others to our partner organizations in Hong Kong.

How did capacity-building efforts change during COVID-19 pandemic?

We successfully launched a one-year mentorship program with the Federation of Asian Domestic Workers Unions in November 2020. We had to monitor the COVID-19 situation in Hong Kong while organizing training events. Some events became virtual conferences, but we also managed to conduct two training workshops in-person with social distancing measures in place. Despite these changes, we have always endeavored to maintain a high level of engagement with our participants, and ensure that our efforts translate into real impact on the migrant worker community.

The Frontlines of Access to Justice

Migrant worker unions in Hong Kong are the first point of contact for many workers who are in trouble. As migrant workers themselves, their members are key allies in making access to justice possible. JWB's capacity-building programs aim to equip union caseworkers with the knowledge and know-how needed to help clients who stay in Hong Kong, as well as those who are soon going home.

Rather than just one or two-day workshops, JWB now runs full mentorship programs that take participants through a year-long journey of learning, practice and coaching by experts in the field.

In December 2020, JWB launched the first training session of its new mentorship cycle for FADWU, which included twelve case workers. Led by one of the mentors, Julianne Chan, the workshop revolved around three roleplay exercises, each designed to illustrate a different employment issue typically encountered by a domestic worker. These included unlawful deduction of wages for medical expenses or failing to provide rest days. Each roleplay also featured a different client demeanor to teach participants how to conduct interviews professionally while showing empathy and building trust.

After each roleplay, participants were led through debriefing sessions by their facilitator, which discussed the caseworker's professionalism and specific factual issues about the cases to ensure active learning and participation. Julianne also delivered a series of short presentations with analysis of the legal issues involved in each role-play.

Given the COVID-19 pandemic, two of the role plays were pre-recorded videos, while the third took place in small groups in separate rooms. This gave participants a chance to practice conducting an interview with the facilitator acting as the client. It also allowed participants to practice the lessons learned from the training in the context of a real-life situation.

Julian Ng, one of the facilitators and a Legal Fellow at JWB noted:

I was very proud of how my group stepped up to the challenge of the exercise.

They showed they had absorbed the material by touching on the main issues with clear questions, handling the clients' emotional concerns in a professional manner, and being systematic with how they led the session and communicated follow-up steps.





Singapore

Since 2017, JWB has trained more than 1,200 caseworkers, community paralegals, and lawyers to enhance cross-border access to justice. In light of the COVID-19 controls, all forms of in-person meetings and training were cancelled. In August 2020, JWB rolled out its first series of online training workshops in Singapore in collaboration with NGO partners, Suara Kita and

Humanitarian Organization for Migrant Economics (HOME) via Zoom and Webex. Fifteen MDWs participated in each 90-minute session. 86 percent of the participants found the session effective and the information well-structured and easy to understand, according to feedback polls held after each session.

JWB prepared for this online training by experimenting with different online conferencing platforms and holding numerous dry runs with pro bono lawyer presenters and interpreters. To compensate for the lack of interaction, JWB adopted hypothetical scenarios from MDWs' experience to teach legal concepts.

Using online polls and breakout rooms, participants felt more at ease to respond. Muslim Albakri, a pro bono lawyer and session trainer, observed that in an online context, it is harder to read body language, gauge reactions and assess the level of understanding.

Nevertheless, the online forum also allowed for greater interaction with partners overseas. The remote nature of this training allowed Dian, a long time volunteer interpreter, to assist in one of the training workshops, despite being based in Australia. Tan Jun Yin, JWB's Head of Singapore, said we reached more workers than before because they saved the travel time and cost of attending a physical workshop. They did not need to wait for a rest day to tune in to the 90-120 minute session. Following the success of this online training, JWB is exploring other online opportunities, including recording informative podcasts for MDWs. Beyond Singapore, preliminary discussions are underway on rolling out similar workshops in Banyumas (Central Java), Banyuwangi (East Java), and West Java with our various NGO partners in Indonesia.



Indonesia

#PercayaBersama: Our Indonesian Campaign on Access to Justice, Even After Returning Home

Very few migrant workers returning to Indonesia know that they can seek justice after they return home. The Percaya Bersama, or “Together We Believe” campaign, sought to raise awareness that claims for exploitation or abuse were not only possible, but have been successful.

JWB partnered with public relations agencies, Cognito and Media Buffet, to deliver a powerful video story on our client Nisa’s journey, from abuse to justice.

The video and resulting media launch were a huge success. It reached over one million daily views via seventeen news stories in the Indonesian media. Its wide online promotion reached over 200,000 viewers in a very short time.

Best of all, the project generated more inquiries from workers and their families than before. With abuse of domestic workers on the rise during COVID-19, the Percaya Bersama campaign was a key component in letting those in need know that help is available.

The video depicts Nisa’s life as an Indonesian migrant domestic worker working in Singapore. Nisa suffered abuse, both physically and verbally, at the hands of her employer. She was isolated and not allowed to use a cellphone. After being bitten by the employer’s dog, she was forced to pay her own hospital bills. She decided to take her own life, but then found the courage to flee from her place of work to her friend’s place. From there, she reached out to the Humanitarian Organization for Migration Economics (HOME), a Singaporean front-line organization, which made it possible for her to contact JWb. After fifteen months, she received compensation (which was seven times her monthly wage) despite having returned to Indonesia, and working in another country since the claim was made. The video is a tribute to justice prevailing and the protection of migrant domestic workers’ rights.

This short movie was directed by Sindy Febriyani and Alvian Eka Putra. The actor that played Nisa was Riri Silalahi. After careful consideration, the video shoot was moved to Bogor, West Java, because of the rising COVID-19 cases in Jakarta at the time. Afina Nurul Faizah and the JWb PR and Operations team spent three nights in a lodge which was turned into a mini studio. The campaign is the very first public relations campaign by JWb.

During the media launch attended by JWB's frontline partners, including the Ministry of Foreign Affairs (MOFA) and Serikat Buruh Migran Indonesia, the campaign was commended for showcasing JWB's cross-border civil litigation capacity. A number of new opportunities have already emerged as a result of the launch event, with MOFA openly communicating its intention to complete a joint work program with JWB in order to build knowledge of cross-border civil litigation among its diplomats in Singapore and Hong Kong. MOFA considers this to be an incredible opportunity to help its diplomats in completing their protective obligations in the two jurisdictions.





The campaign, #PercayaBersama, aims to ensure that Indonesians, especially migrant domestic workers, believe that just compensation is possible where rights have been violated and this was successfully communicated to the Indonesian media in our first PR campaign. To date, seventeen news stories have been published on the #PercayaBersama campaign; some of which have had more than a million daily views, far exceeding the campaign's key performance indicators. The campaign reached its peak in December 2020 with 200,000 views on our Indonesian Facebook page. As a direct result of this awareness campaign, JWB has been busy receiving inquiries from Indonesian migrant workers.

The initial idea of JWB's #PercayaBersama was to create awareness among the Indonesian media and the wider public about the abuses that migrant domestic workers face and to demonstrate that there are ways to challenge this through the power of cross-border litigation. Through news coverage and the use of social media, we hope that Indonesians will also spread the news by word of mouth to such an extent that it is a commonplace "coffee shop" topic. We would like to see many more Indonesian MDWs coming forward to pursue justice.

The Road Ahead

The next two years may look a lot like 2020: an uncertain environment thanks to COVID-19. Migrant workers abroad may still be unable to return

home, or flight routes might reopen and a flood of returnees and new departures may create new challenges for them and the communities that support them.

We are facing this uncertainty with three concrete strategies: help those in need today, raise awareness online for workers and their communities, and support our frontline partners in preparing for the inevitable return of workers trapped abroad.

Together, these strategies keep us focused on the here and now while preparing for a future that may come soon or that may take some time to arrive. Thankfully, our partners and donors have remained a constant support throughout. We look forward to working together in 2021 and beyond to ensure that migrant workers can seek justice, even after they return home.

Endnotes

1 “Migrant domestic workers drive growth and encourage female participation in Asian economies” — *ASEAN Today*, 13 March 2019, www.aseantoday.com/2019/03/migrant-domestic-workers-drive-growth-and-encourage-female-participation-in-asian-economies/.

2 Part of this report is taken from “Hong Kong: Workers Helping Workers as jwb Launches Caseworker Training Project for Local Domestic Worker Union,” 2 October 2019, <https://forjusticewithoutborders.org/hong-kong-workers-helping-workers-as-jwb-launches-caseworker-training-project-for-local-domestic-worker-unions/>.