

9TH ADBI-OECD-ILO ROUNDTABLE ON LABOR MIGRATION IN ASIA

INNOVATIVE APPROACHES FOR THE EFFECTIVE MANAGEMENT OF LABOR MIGRATION IN ASIA

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SOCIAL PROTECTION OF MIGRANT DOMESTIC WORKERS

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Singapore's migrant domestic workers

- Singapore is largely dependent on a **transient population** of migrant women to cook, clean, and care
- These migrant women come from countries such as **Indonesia, Philippines, and Myanmar**
- **One in five households** in Singapore hires a domestic worker
- Migrant domestic workers enter on **short-term labour contracts** that must be renewed every two years, and their legal status is bound to specific employers
- Like many other places in the world, migrant domestic workers face a gauntlet of **precarious work conditions**, including abuse, high debts, withheld salaries, limited access to days off, and contestations over conditions of work, food, sleep, and privacy

01

The governance of migrant domestic workers depends largely on co-opting employers

02

Migrant domestic workers' stay in Singapore is premised on their transience

03

Migrant domestic workers are excluded from Singapore's Employment Act

04

Working conditions are contractually fixed by private agreements rather than legislation

Governing migrant domestic work



Policymaking must take into consideration the ways that migrant women are popularly imagined as threats to Singapore's social and moral order



Domestic work is confined to the space of the home, blurring boundaries between "home" and "work" and compounding isolation and lack of recourse



Domestic work is perceived as informal work that cannot be formally regulated because it is "not practical" to do so



The state prefers to leave the employment conditions of migrant women to private arrangements facilitated by the employment agent

Challenges to regulating domestic work

Migration governance at the international and regional level

- **International conventions and agreements** include the Universal Declaration of Human Rights (1948), the International Convention for the Protection of the Rights of all Migrant Workers and Members of their Families (1990), the Domestic Workers Convention No 189 (2011)
- Regionally, while **ASEAN** has adopted the Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007) that stipulates a binding instrument on the protection of domestic workers, this has not materialised. The 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Domestic Workers looks to be facing an equally difficult road ahead
- International conventions have a **signalling effect**, but extraterritorial regulations remain ineffectual. Marti (2018) calls Singapore's approach a deliberate "decoupling" from norms setting guided by international and regional conventions

The social protections of origin countries

- **Governments of sending countries** must balance the goal to protect citizens abroad with the development strategy of generating national income through remittances
- The Singapore government has **not signed** bilateral agreements or memorandums of understanding with origin countries
- **Hybrid public-private agreements**, such as between embassies and private agency associations, emerge to fill this vacuum
 - However, these agreements are not legally binding, and are unevenly applied
 - These agreements propel the politics of 'segmentation by nationality'
- **Contradictions in the absence of bilateral agreements**
 - In 2018, the Indonesian embassy introduced a performance bond of SGD\$6,000, which employers may be asked to purchase, in order to safeguard Indonesian migrant workers' access to a minimum wage and basic working conditions.
 - Follows the Filipino embassy's introduction of a similar bond in 1996
 - MOM responded by reminding employers that purchasing this bond is not a requirement of the Singapore government and is separate from the mandatory S\$5,000 security bond imposed by the Singapore government for the employment of foreign domestic workers regardless of nationality

Policy innovation or incremental change?

Enhanced penalties for 'maid abuse'

- Under the Penal Code, employers found guilty of abusing a migrant domestic worker could be penalised up to 1.5 times the maximum limit on fines, imprisonment, and caning of a particular charge.
- According to the Minister of Home Affairs, these heavier penalties are “intended to send a strong signal to those employers who have a tendency to abuse their domestic maids that we [the government] take a very stern view against such abuse”
- In calibrating the reach of the law, the courts proclaimed the **principles of deterrence and retribution** as central to sentencing abusers

Policy innovation or incremental change?

Responding to newly recognised elements of situations of abuse:

- In March 2018, after the Tay Wee Kiat case, the High Court established a new sentencing framework that **adjusted punishments upward according to the degree of physical as well as psychological harm**
- A Singapore employer, Tay Wee Kiat, was convicted on ten charges, among others, of voluntarily causing hurt to Fitriyah, a 33-year-old Indonesian woman. According to court transcripts, Tay 'made the victim stand on a plastic stool on one leg and hold up another plastic stool with one hand, while he pushed an empty plastic bottle into her mouth ("the Stool Incident")', and 'made the victim and Moe Moe Than [another domestic worker] kneel and get up before a Buddhist altar in the home 100 times and then slap each other 10 times ("the Prayer Incident")
- This case also brought attention to the responsibility of "**mute bystanders**" and "**abettors**", particularly family members involved in, if not aware of, the ongoing abuse

Introduction of a “day off” policy

- In 2012, the Ministry of Manpower announced that the Employment of Foreign Manpower Act would be amended to enshrine migrant domestic workers’ entitlement to a **weekly rest day**
- This was a significant move that was driven, in part, by nearly 10 years of campaigning by **civil society actors**
- However, the full efficacy of the policy was diminished by an “**opt-out**” **clause**, where employers and workers could mutually decide to trade in the day off for compensation in lieu
- Since its inception, the day off policy has resulted in a **gradual increase** in the percentage of domestic workers who experienced a weekly rest day
- While reports show that only about 40% of domestic workers in Singapore experience a day off, its existence as law introduces the weekly day off as a **recognised norm** and not a matter of discretion, and has increased domestic workers’ bargaining power to gain access to regular rest

Moving the needle on policy

Introducing the Center for Domestic Employees

- In 2016, the Centre for Domestic Employees (CDE) was set up under the auspices of the National Trade Union Congress. Under the strategy of **tripartism** based on close collaboration between workers' unions, employers and the government, CDE espouses a 'balanced and pragmatic approach towards issue resolution' and 'harmonise[s] the relationship among all concerned parties so as to engender mutual understanding and respect'.
- Schemes include a **welfare fund** and a **shelter** to aid domestic workers in distress

Minimising salary disputes

- Supporting calls for payments to domestic workers being made via **electronic banking** rather than in cash, in 2017, a local bank set up an account type specific to domestic workers, which does not require an initial deposit or the maintenance of a monthly minimum amount
- Announcement in 2018 that beginning 2019, a new work permit condition would **penalize employers who "safekeep" domestic workers' salaries** on their behalf

Moving the needle on policy

Improving recruitment practices and skills training

- A planned scheme to **grade employment agencies** and boost the professionalism of the industry was announced in March 2016. The intention was to roll out the scheme by December 2017, but it has since run into a snag
- In 2018, MOM suspended an agency found guilty of **commodifying domestic workers** by selling them on online retail platform
- In 2017, CDE recommended that a **training and certification framework** be developed for domestic workers in order to harmonise basic training requirements between Singapore and origin countries, and to link the certification of skills to wages and recruitment costs

The potential of more fundamental shifts...

- **Challenging the notion that domestic work is inevitably women's work**
 - In 2013, there were only 33 **male domestic workers** in Singapore. Some of these men were hired by affluent European families living in large estates so that they could carry out work such as gardening and painting, and others hired by children of elderly parents, particularly elderly male parents who were ill, large in size and tended to use physical force or violence.
 - Special permission from the MOM required in order to hire a male domestic worker.
 - Employment agencies report poor demand and that the scheme was "not practical"
- **Challenging the home/work dichotomy**
 - In 2016, Indonesia announced that all domestic workers placed in Singapore would have to "**live out**" from employers' homes as part of a national road map to professionalise domestic work
 - The Singapore government withheld any comment, indicating that they had not been "formally informed" of such a plan; subsequently, there has been no indication that Indonesia will follow through

Conclusion

- In recent years, **social protection policy** approaches and innovations under Singapore's governance regime for domestic workers have featured:
 - Increasing the **deterrent power of the law** (stiffening penalties for 'maid abuse', inclusion of psychological harm, scrutinizing the role of the 'bystander' or 'abettor')
 - Introducing labour policy change that indicate **improvement to the conditions of domestic work** (e.g. the "day off" policy)
 - Incremental shifts that denote a greater attention to the **microphysics of power in domestic work** (e.g. regulations that ban employer from "safekeeping" migrant women's salaries).
 - Plans to **professionalise employment agencies** and **introduce skills training for domestic workers** are under discussion.
- **International conventions and regional consensus** have a signaling effect but extraterritorial regulations remain ineffectual. **Bilateral agreements** are also absent from this space.
- More fundamental rethinking around the **value of domestic work** (e.g. challenging domestic work as inextricably women's work) and **protecting the rights of migrant domestic workers** (e.g. challenging the home/work dichotomy) however are only beginning.

**THANK YOU FOR
YOUR ATTENTION!**
