

What methods can Singapore use to further protect its foreign domestic workers and eradicate forced labour?

1. EXECUTIVE SUMMARY

Globally, the International Labour Organization (ILO) has estimated that in 2016, 24.9 million people were victims of forced labour ("Forced Labour, Modern Slavery and Human Trafficking"). The domestic work sector is disproportionately affected with the highest prevalence of forced labor ("Global Estimates of Modern Slavery" 11). The nature of this work - primarily taking place within private homes - paired with foreign domestic workers' legal status as migrants, leaves them particularly vulnerable to labour and human rights violations. Especially in Asia and the Pacific, where 3.9 out of 1000 people are victims of forced labour, the issue deserves some attention ("Global Estimates of Modern Slavery" 10). In this region, Singapore, a rapidly developed country, and one of the world's most competitive economies, employs the second largest number of foreign domestic workers (FDWs). Despite their crucial role in society, and in Singapore's successful development story, FDWs do not enjoy adequate protection and in many cases are victims to exploitative labour conditions which leave them vulnerable to forced labour. Although the Singapore government has already aimed to improve the working conditions of FDWs, there is still a lot of work to be done. Singapore needs to firmly address the root causes which contribute to this issue by leveling the playing field so migrant workers are equal under the law, creating a legal framework which protects FDWs, and amplifying voices to ensure the protection of FDWs and guarantee their ability to speak up outside their households. The recommendations set out in this report aim to improve upon the protection of FDWs and the eradication of forced labour by 2030.

2. DESCRIPTION OF POLICY CHALLENGE OR ISSUE

A recent report by the Singapore-based Humanitarian Organization for Migration Economics (HOME), who sheltered 800 FDWs in 2018, stated that FDWs continue to suffer from issues such as “overwork, emotional abuse, salary-related claims to illegal deployment, inadequate provision of food, a lack or denial of rest days, unreasonable restrictions on communication, the denial of sick leave and/or medical treatment, poor living conditions, withholdment of passports, and even physical and sexual abuse or harassment” (HOME). Many of these issues are defined as indicators of forced labour by the ILO. The report further suggests that this is only the tip of the iceberg, and that many more domestic workers who are victims of forced labour have not found a way to report their employers. If we want to meet the UN Sustainable Development Goal Target 8.7 of eradicating forced labour by 2030, action must be taken. In Singapore, there are several causes at the root of the issue, including: lack of adequate protection of human rights for FDWs and discrimination.

International Conventions

According to the United Nations Human Rights Bodies Database, Singapore has only signed four of the nine international instruments focusing on human rights (“Ratifications Status for Singapore.”). It has not ratified the 2014 Protocol to the Forced Labour Convention, 1930 (P029), denounced the Abolition of Forced Labour Convention, 1957 (No. 105), and was furthermore one of the few countries which did not vote in favour of ILO Convention No. 189 on Decent Work for Domestic Workers (“Ratifications for Singapore”).

Protection of Human Rights

While the Singapore government does generally ensure that the human rights of its citizens are protected, it fails to extend this protection to FDWs. In Singapore, it is observed that human rights are not considered to be universal (Yeoh). NGOs, such as Human Rights Watch and Amnesty International, continue to be concerned about the strict restrictions put in place regarding citizen's freedom of expression, assembly, and movement. This is also evident in the government's treatment of FDWs; a HOME report found that 74% of FDWs faced restrictions on their movement at least once and that 64% of employers hold their workers' passports ("Work, life and well-being of foreign domestic workers in Singapore" 2). The lack of protection of the human rights mentioned above, maintains FDWs vulnerability to forced labour.

Discrimination in society and Singapore's legal framework

One reason behind Singapore's reluctance to improve the situation for FDWs is a discriminatory perspective engrained in the republic's culture through history and lawmaking. Studies have suggested that discriminatory attitudes have created a dynamic where the FDW is seen as an "outsider" by virtue of [their] class, nationality and gendered work" (Chan). This cultural perspective is strengthened by legislation that does not grant migrant workers the same rights as natives. Migrant workers are excluded from almost any of its national laws aimed at protecting workers, including Singapore's *Employment Act* which outlines basic working conditions and many other rights granted to native Singaporeans. The discrimination that poses most prominent issues to the rights of domestic workers is twofold: against migrants and against women. The discriminatory laws and lack of explicit protection that women in Singapore face leaves them especially vulnerable to exploitation as domestic workers (UN HRC, 17th Sess).

3. POLICY OPTIONS TO ADDRESS THE CHALLENGE OR ISSUE

Leveling the playing field: ensuring basic human rights principles for everyone, including FDWs

In order to eradicate forced labour by the year 2030, Singapore needs to progress and protect fundamental human rights for FDWs. The lack of legal protection makes domestic workers vulnerable and subject to exploitation and human rights abuses. We therefore recommend that Singapore ratifies Convention 189, extending basic labour rights to domestic workers, and urge them to ratify Protocol of 2014 to the Forced Labour Convention (P029), which prevents forced labour, protects victims, provides them with access to remedies, and highlights the link between forced labour and trafficking in persons, and recommendation (no. 203) which offers guidelines to implement these factors. Singapore could ratify the protocol, according to the recommendation, by ensuring adequate protection of FDWs and victims, and their rights, by focusing on prevention, and by effectively prosecuting employers who fail to comply. The recommendations further set out in this report aim to offer guidelines for first steps Singapore could take to effectively do so. By ratifying these laws and conventions, Singapore would be taking important strides towards ensuring the protection of human rights for all its citizens, including FDWs, and the eradication of forced labour by 2030.

A legal framework protecting all workers: adapting laws preventing the exploitation of FDWs.

Although protecting basic human rights principles for everyone, including FDWs, is an essential first step, the Singapore government must undertake actions to ensure adequate legislative protection under the law. In order to do so, it is essential that the government adapts or implements several key national laws in order to prevent the exploitation of FDWs. FDWs are vulnerable to exploitation and forced labour from the moment they are being recruited.

Outrageous recruitment fees, restrictive working permits, and Singapore's security bond conditions create incentives for employers to perform excessive control over FDWs and leave the latter at risk to inhumane working conditions. A HOME report found that many FDWs are often required to pay fees of around S\$1,200–\$4,000 to employment agencies ("Behind Closed Doors: Forced Labour in the Domestic Work Sector in Singapore" 30). International labour standards are clear on this issue; the ILO sets out that "no recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers" ("General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs" 13). Hence, it will be crucial for Singapore to **abolish recruitment fees for FDWs** and to create bilateral agreements with origin countries to increase the scope of social protection.

The country should furthermore aim to adapt its working permit standards, which now tie a FDW to its employer, resulting in them not being allowed to change employers freely, even when they are being subjected to exploitative conditions. Current workers need consent from their employers to switch employers. On the other hand, employers are allowed to freely terminate the employment contract one-sidedly without prior notice, which leaves workers open to sudden deportation and continues to make them vulnerable. The current conditions are in clear violation of the ILO's Fair Recruitment Initiative and the general principles it sets out ("General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs" 14). The Singapore government should therefore aim to adapt its current regulations to **allow FDWs to switch employers freely without prior consent and should require current employers to provide due notice in case of contract termination.**

FDWs are currently also not covered under Singapore's *Employment Act* (EA). The EA regulates aspects such as working hours, overtime hours and pay, and sick leave, and thus

ensures decent working conditions. It is not a coincidence, and notable, that FDWs are excluded from this act. They are supposedly protected under the Employment of Foreign Manpower Act (EFMA), although a closer look into the legislation shows us that EFMA continues to leave FDWs vulnerable to forced labour. The act does not specify decent working standards but is instead purposely ambiguous and vague in its language. Wording such as; ‘adequate rest’, ‘acceptable’ accommodation, and ‘adequate’ food, give employers the legal ability to exploit their workers ("Employment of Foreign Manpower Act: Chapter 91A"). **The EFMA should either be adapted, in line with C189 and R201, or FDWs should be protected under the EA.**

Amplifying voices: ensuring and protecting the ability of FDWs to speak up.

Although prevention is the most important aspect of fighting forced labour, more attention has to be given to the identification, treatment, protection and rehabilitation of victims. In order for FDWs to be able to speak about the conditions and experiences they undergo while working, they must be ensured safety and protection for them to be comfortable enough to do so. An important first step in this process is ensuring that FDWs are aware of their rights, including labour rights in the workplace. When FDWs arrive in a new country, they are often not familiar with the host country's legal system or language. To ensure they know their rights, and after implementation of the above mentioned policy recommendations, Singapore should aim to educate its FDWs on this topic. Hence, **compulsory training for FDWs should be made available** for the purpose of keeping workers informed of their rights and what systems are in place prior to them being employed in the first place, which will allow them to feel more comfortable seeking help if they feel they are being exploited.

In addition, Singapore should, in cooperation with different stakeholders, **aim to establish a “Foreign Domestic Workers Union”**. This union will give FDWs a platform to voice their concerns in an organized and collective manner, which will continue to empower them to stand up for their rights. Under the current climate, it is challenging for FDWs to organize themselves and meet, given that they work within the domestic sphere. It is therefore important that this union can meet physically and that FDWs obtain the right to attend these meetings freely. The union should also set up a system where it is able to reach out to FDWs on a regular basis, in order to check up on them when necessary. This should further improve the ability of the Singapore government to identify victims of forced labour.

4. CONCLUSION AND POLICY RECOMMENDATIONS

Several studies and reports have shown that FDWs continue to be victims of exploitative labour conditions which leave them vulnerable to forced labour. The Singapore government can and should implement the following recommendations to improve the situation for FDWs:

- Ratify Conventions C189/n.23 and Protocol 029
- Abolish recruitment fees for FDWs and create bilateral agreements to ensure the scope of social protection is extended to origin countries
- Allow FDWs to switch employers freely without prior consent, and require current employers to provide due notice in case of contract termination
- Adapt EFMA to be in line with C189 and R201, or protect FDWs under the EA.
- Make compulsory training available for FDWs to educate them on their rights and mechanisms in place to protect them.
- Work towards establishing a “Foreign Domestic Workers Union”

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