

OVERCHARGING AND DECEPTIVE PRACTICES IN THE DOMESTIC WORKER RECRUITMENT PROCESS



HUMANITARIAN ORGANIZATION OF
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INTRODUCTION

The import of migrant labor has long been the solution of choice for low-skilled labor shortages in Singapore. When Singapore first began facing labor shortages in 1965, imported labor from neighboring Malaysia was used to fill the gap. By 1978, as labor demand continued to grow, Singapore began relying increasingly on workers from South and Southeast Asian countries such as Bangladesh and Indonesia (Huang et. al, 2003). Today, Singapore has one of the highest percentages of foreigners in the world, with a migrant population of 1.64 million, around 29% of the population (Department of Statistics, 2020b).

Low fertility, an aging population, and the reluctance of highly literate Singaporeans to take on low-skilled jobs, has driven demand for low-skilled workers in the construction and shipyard industries. In more recent years, the aging population has also prompted demand for long-term aged care options, and a resulting demand for migrant domestic workers (MDWs). According to a 2012 survey, 49% of respondents hired MDWs to provide care for their elders, aided by government discounts on the MDW levy (Thompson et. al as cited in UNESCAP, 2015, p.13). The number of MDWs has spiked from 201,000 in 2010 to 255,800 in 2019 as the population has aged in the last decade. However, this figure is set to continue rising (Awang & Wong, 2019). The percentage of residents aged 65 and above stands at 10.8% today (Department of Statistics, 2020b), but is expected to hit 28% by 2030, and 47% by 2050 (Siau, 2017).

At the same time, low wages in home countries continue to drive labor migration into more affluent destination countries. According to data compiled by e-commerce platform, Piccodi.com (2020), the average monthly salary was around USD 300 in Indonesia and the Philippines. In comparison, the average salary earned by MDWs in Singapore is around SGD 600, approximately USD 440 (Mahmud, 2019). Indeed, in a 2015 survey of 670 MDWs working in Singapore, it was found that the top three reasons for migration were “sending money home to family”, “saving up for the future”, and “being able to send children to school” (Humanitarian Organization for Migration Economics, 2015). Labor migration is thus an essential means to achieving upward economic mobility, and better standards of living for one’s family back home. This has driven migration flows into various countries, Singapore being a prominent destination.

However, as labor migration has increased, the occurrence of problems faced by migrants and their families have also increased. International bodies like the ILO have drawn attention to widespread issues of overcharging, lack of transparency, and deceptive practices by recruitment agents, who match job-seekers with overseas employers, and facilitate the movement of migrants in and out of the country. These issues are potentially concerning to MDWs, Singaporeans, and policymakers alike. In the next section, we will briefly explain the industry context, before delving into these issues.

INDUSTRY CONTEXT

In the typical case, two agents take a cut of the amount charged to the MDW: a recruitment agent from the home country, and a placement agent in Singapore. Prospective workers first make contact with a recruiter in their home country, who train them to perform domestic tasks, file the necessary paperwork for them to leave the country (such as preparing passports, visas, and contracts), and facilitate the travel from rural provinces to the destination country. Upon arriving in Singapore, MDWs are passed into the care of a Singapore-based placement agent, who match them with prospective employers, and file the necessary paperwork to secure the MDW a work permit.

In some cases, however, MDWs who have worked in Singapore before, or have acquired the contacts of Singapore-based agents from family or friends, may engage a Singapore-based agent directly. It is believed that this results in a lower loan, as such arrangements allow MDWs to avoid paying fees to a home country agent (Awang & Wong, 2019). We have also encountered cases during our work where the MDW may engage an agency that has a branch in both the home country and the Singapore country. The single agency thus serves both as a recruitment agent in the home country, and placement agent in the destination country.

Fees charged to the MDW are recovered in the form of a loan owed to the employer. Employers are charged a large upfront fee, which includes both their own fees, as well as the fees charged to the MDW. The employer will recover the MDW's share of the cost by deducting it from her salary over the first few months of employment. At the end of the contract, should the MDW wish to find a new employer, the placement agent will charge a transfer fee to place the MDW to a different employer. This transfer fee (like the initial loan) will be deducted from the MDW's salary over the first few months of employment.

Overcharging

MDWs pay up to six or eight months of salary to secure a job. However, MDWs often are unclear of exactly what they are paying for, and some have complained that the amount they paid was not worth the quality of training, food, and lodging that was given to them (Awang & Wong, 2019). Overcharging unnecessarily raises the cost of essential care for Singaporeans, and takes away income from MDWs and their families, adversely impacting development outcomes in home countries. In Singapore, employment agencies are regulated by the Employment Agencies Act (EAA), which limits the maximum fee to two months of salary. However, certain fees are not included within the two months, such as "loans" the MDW may owe to the home country agent. Due to this exception, employment agencies may charge an infinitely large fee in practice, so long as they claim that they are only receiving two months worth of the sum, with the rest going to the home country agent.

Lack of Transparency

A lack of transparency in the recruitment process compounds the issue of overcharging. While agencies may face punitive charges for overcharging, enforcement is largely reliant on MDWs to report employment agencies for infractions. However, lack of transparency makes it difficult for MDWs to determine what they are being charged for, and by whom, thus making it difficult to ascertain if they have been overcharged. This is further compounded by a lack of access to documentary evidence, which makes it impossible for MDWs to prove that they have been overcharged even if they suspect that they have. Employment agents are legally required to provide MDWs with an itemized breakdown of fees. The Ministry of Manpower's (MOM) guidelines also encourage employers to have agencies draft an employment contract and a salary repayment schedule to be given to the MDW. However, in HOME's experience, compliance with these laws and guidelines is spotty at best.

1. Itemized Breakdown of Fees:

According to Section 12(4) of the Employment Agencies Rules, agencies are required to provide MDWs with an itemized receipt of fees charged, which are usually appended to the employment contract. Components of the fee must be stated, thus allowing MDWs to see what they were charged for, and how much. In some cases, we have also encountered MDWs who received the breakdown of the share of profit between home country agent and the Singapore agent.

2. Employment Contract:

MOM's guidelines for employers are not legally binding, but encourage the provision of certain documents that are not stipulated in statutes relevant to MDWs. This includes the provision of an employment contract, drafted by the Singapore-based agency, that should cover salary amount, placement loan owed, number of rest days per month, compensation in lieu of rest day, notice period, and compensation in lieu of notice. Itemized breakdowns are sometimes appended to the employment contract.

3. Salary Schedule:

When MDWs are paid in cash, MOM guidelines also stipulate that MDWs should sign a record of salary payment. Salary repayment schedules drafted by agencies usually include a loan repayment schedule, and thus includes documentation of basic loan terms such as the number of months deducted, the amount of monthly deductions, and the total loan amount. However, the salary schedule does not provide information about the share of profit.

Deceptive Practices

Finally, deceptive recruitment practices take advantage of MDW's legal and social vulnerability to compel them to accept terms they would not otherwise have accepted. Singapore utilizes a sponsorship system of migration, which requires migrant workers to obtain permission from employers before they may change employers. If the employer denies the worker permission to transfer, the worker must typically make a choice between going home, or continuing to work for the same employer. While workers may subsequently re-enter Singapore if they choose to return home, the worker must usually incur another round of agent fees to do so, which often serves as a significant barrier to leaving the employer. Thus, when MDWs find out that they have been deceived upon arrival, they are often compelled to accept whatever terms they are offered so as to avoid being repatriated.

OBJECTIVE OF STUDY

This study aims to investigate issues of overcharging, lack of transparency, and deceptive practices amongst MDWs working in Singapore. We aim to quantify the average amount paid by MDWs to secure a job of Singapore, the share of profit between home country and Singapore-based agents, as well as ascertain the level of transparency in the recruitment process — namely, if MDWs knew what the share of profit was between recruiter and placement agents, and if they had received the documentation they are legally entitled to. This report will also seek to quantify the prevalence of deceptive recruitment practices experienced by MDWs working in Singapore.

METHODOLOGY

This report is based on 272 surveys conducted in 2018 from MDWs of three main nationalities: Indonesian, Filipino, and Burmese, who form the three largest domestic worker populations in Singapore.

Sampling Method

Research teams recruited participants around various places where MDWs of specific nationalities tend to congregate on Sundays, when most MDWs have their days off. One team was stationed in the general vicinity of Lucky Plaza, where Filipino MDWs tend to spend their off days. A second team was stationed around Paya Lebar MRT, where Indonesian MDWs spend their off days. The third and final team was stationed around Peninsula Plaza, where Burmese MDWs spend their off days.

Data Collection

Each researcher was paired with a volunteer translator to help administer the survey. The survey was also translated into Tagalog, Bahasa Indonesia, and Burmese, to improve reliability of responses. Upon completion of the survey, participants were given a tissue packet and hair accessories of their choice as an incentive.

FINDINGS

Over the course of 2018, we collected 323 responses. After clearing responses from participants who had entered on tourist visas, or who had come from countries outside of Indonesia, Philippines and Myanmar, there were 272 valid datasets. There were 86 valid Filipino data sets, 83 valid Indonesian data sets, and 103 valid Burmese data sets.

Quantifying Recruitment Fees

On average, MDWs paid 6 months worth of deductions, averaging \$456 in deductions a month and \$2356 in total loan paid. As seen in the table below, Indonesian domestic workers were charged the highest total loan at \$2833 on average, and had the longest average loan period at 7 months. Filipino domestic workers were charged less, both in total loan amount (\$1911) and on a monthly basis (\$435).

Average Recruitment Fees Paid (Nationality breakdown)				
	Filipino	Indonesian	Burmese	Total
Average no. of deductible months	5	7	5	6
Average deduction/month	\$435	\$444	\$483	\$456
Average total loan	\$1911	\$2833	\$2344	\$2356

The low rates paid by Filipino MDWs could be attributed to the protections afforded by the Philippine Overseas Employment Administration (POEA), which disallows Philippines-based agencies from charging recruitment fees for MDWs. While NGOs in the Philippines continue to report widespread charging of recruitment fees, often disguised as “training” or “language class” fees (Tomacruz & Santos, 2017), the law may still have worked to suppress recruitment fees taken by recruiters in the Philippines. Conversely, there are no legal protections for both Indonesian and Burmese domestic workers similar to those under POEA regulations. As such, loan amounts may be higher due to higher fees owed to home country agents.

To explore this further, we looked at the average loan amounts by the number of agents engaged by the MDW. The majority of respondents (53%) had two different agents, one in their home country and one in Singapore. Around a third (34%) said that their agent had a branch in the home country and in Singapore.

Number of Participants in each recruitment model				
	Filipino	Indonesian	Burmese	Total
Two agents: Different	54% (47 out of 86)	49% (41 out of 83)	55% (57 out of 103)	53% (145 out of 272)
Two agents: Same	33% (28 out of 86)	46% (38 out of 83)	26% (27 out of 103)	34% (93 out of 272)
One agent: Singapore	13% (11 out of 86)	5% (4 out of 83)	14% (14 out of 103)	11% (29 out of 272)

On average, respondents with only a Singapore agent paid smaller loans at \$1854 on average, compared to those with two agents (\$2505) or those with an agent that had a branch in the home country and in Singapore (\$2296). This trend held true with Indonesian and Burmese domestic workers. However, Filipino MDWs were the anomaly, with those who had engaged only a Singapore agent paying roughly the same amount (if slightly higher) than those with two agents. This may be due to POEA regulations that disallow charging of agent fees by Philippines-based agencies.

Average total loan of recruitment models				
	Filipino	Indonesian	Burmese	Total
Two agents: Different	\$1985	\$2880	\$2664	\$2505
Two agents: Same	\$1733	\$2819	\$2142	\$2296
One agent: Singapore	\$2048	\$2479	\$1522	\$1854
One agent: Home country	\$0	\$0	\$2080	\$2080

The above loan amounts translate to an average loan deduction period of about 4 months for those with only a Singapore agent, and nearly 6 months for those with an agent in Singapore and in the home country. However, it is concerning that across all nationalities, MDWs who had only engaged a Singapore agent were still charged more than 2 months on average. For MDWs with two agents, it is plausible that any amount in excess of the 2 month cap had gone to the home country agent. However, for MDWs who had only engaged a Singapore agent, the loan amount should have been capped at 2 months. This suggests that overcharging may happen with some frequency within Singapore's jurisdiction.

Average months of loan charged in different recruitment models				
	Filipino	Indonesian	Burmese	Total
Two agents: Different	4.9	7.0	5.7	5.8
Two agents: Same	4.9	6.4	5.4	5.7
One agent: Singapore	5.0	4.9	3.4	4.2
One agent: Home country	0	0	4.5	4.5

Overcharging by Agents based in Singapore

To investigate the prevalence of overcharging by agents based in Singapore, we asked different questions depending on if the MDW had engaged only a Singapore agent, or if she had engaged two agents. There were only 29 MDWs who had engaged only a Singapore agent. However, out of the 29 MDWs, 22 (76%) had been charged more than 2 months in deductions. This is despite the fact that Singapore-based agents are not legally allowed to charge more than 2 months in deductions.

Number of single agents charging more than two months of deductions				
	Filipino	Indonesian	Burmese	Total
SG agent only	10 out of 11	4 out of 4	8 out of 14	22 out of 29

For respondents who had engaged two agents, they were asked if they knew the share of profit between the two agents. Only 36 respondents claimed to know the share of profit between the two agents, however, only 17 responses (13% of the total sample) were valid. For those 17 respondents, the average number of months taken by the Singapore agent was 3.5 months in deductions, or about SGD 1396, as seen in the table below. Based on the reported amounts, 9 out of the 17 respondents (53%) had been charged more than two months. Notably, all 9 Filipino respondents reported that the home agent had not taken a share.

Share of loan distributed between Singapore and home agent				
	Filipino (n = 9)	Indonesian (n = 4)	Burmese (n = 4)	Total (n = 17)
Ave. home agent share (SGD)	0	1787	1460	1636
Ave. S'pore agent share (SGD)	2377	1170	1169	1396
Ave. home agent share (months)	0	4.6	3.4	4.0
Ave. S'pore agent share (months)	5.7	3.2	2.9	3.5
No. of respondents charged > 2 months	3	4	2	9

These results plausibly suggest that overcharging by Singapore-based agents may happen. However, more research is necessary to determine the exact prevalence of overcharging. Firstly, the sample of respondents who had engaged only a Singapore agent was very small. Furthermore, when some surveyors asked if they were certain a home country agent hadn't taken a cut, many said that they had approached a Singapore agent directly, but were not given documentation that could let them know for sure that the Singapore agent hadn't engaged a home country agent without their knowledge.

Secondly, the sample of respondents who said they knew the share of profit between Singapore agent and home agent was also very small. Respondents who said they know the split were unable to accurately quantify the split. 19 out of 36 respondents showed inconsistencies in their answers, such as the two reported shares not adding up to the total reported loan amount. Only 17 responses were valid.

Lack of Transparency

What was marked about responses in the previous section was the lack of transparency surrounding, firstly, recruitment fee structures, and secondly, the recruitment process as a whole. Firstly, with regards to the structure of recruitment fees, the vast majority of respondents reported that they did not know the share of profit between home and Singapore agents. 77% of those with two different agents reported not knowing how much of the loan went to home country agents, while 74% reported not knowing how much went to Singapore-based agents. Figures by nationality did not vary significantly.

Respondents who reported that they did not know share of loan between agents				
	Filipino	Indonesian	Burmese	Total
Reported that they didn't know home agent's share of loan	77% (36 out of 47)	76% (31 out of 41)	79% (45 out of 57)	77% (112 out of 145)
Reported that they didn't know S'pore agent's share of loan	74% (35 out of 47)	73% (30 out of 41)	74% (42 out of 57)	74% (107 out of 145)

Secondly, as the previous section demonstrated, respondents who approached Singapore-based agents directly were not even able to say for certain that the agent hadn't engaged a home country agent without their knowledge. In our experience, agents do not often keep MDWs particularly informed during the recruitment process. The lack of communication is compounded by the lack of proper written documentation, which MDWs would otherwise be able to refer to if confused or uncertain.

While the vast majority of domestic workers had signed salary schedules at 92% of respondents, only 30% of domestic workers had signed any agreement outside of the salary schedule, and only a meager 13% remembered seeing an itemized breakdown of their loan included in the agreement. By nationality, Filipino domestic workers were most likely to have signed contracts or received breakdowns at 36% and 17% respectively, likely due to POEA regulations. However, inclusion of itemized breakdowns in loan agreements were undeniably low across the board.

Percentage of domestic workers who had signed documents				
	Filipino	Indonesian	Burmese	Total
Salary schedule	87% (75 out of 86)	92% (76 out of 83)	95% (98 out of 103)	92% (249 out of 272)
Other agreements	36% (31 out of 86)	33% (27 out of 83)	23% (24 out of 103)	30% (82 out of 272)
Itemized breakdown	17% (15 out of 86)	10% (8 out of 83)	12% (12 out of 103)	13% (35 out of 272)

Furthermore, of the minority who had signed documents, even less got to keep the documents that they had signed. This may be because the agent did not provide the MDW with her own copy of the document, or because the employer had later confiscated or “safekept” the document. Only 38% of those who signed salary schedules, 33% of those who had signed a contract, and 49% of those who were shown itemized breakdowns got to keep the documents they had signed. Effectively, this means that only 10% of respondents had signed a contract that they were allowed to keep, and only 6% had actually received an itemized breakdown of their loan. This is concerning, considering that the provision of an itemized breakdown is actually required by law, while the provision of contracts and salary schedules are simply “encouraged” in MOM guidelines.

Percentage of domestic workers who got to keep the documents they signed				
	Filipino	Indonesian	Burmese	Total
Salary schedule	31% (23 out of 75)	46% (35 out of 76)	38% (37 out of 98)	38% (95 out of 249)
Other contracts	35% (11 out of 31)	33% (9 out of 27)	29% (7 out of 24)	33% (27 out of 82)
Itemized	53% (8 out of 15)	50% (4 out of 8)	42% (5 out of 12)	49% (17 out of 35)

The lack of documentation raises two issues. Firstly, the lack of documentation contributes to the lack of transparency. This makes it difficult for them, or for those helping them, to determine if they have been overcharged. Secondly, the lack of documentary evidence makes it hard for domestic workers to bring a successful case against agents for overcharging, or for other issues relating to recruitment fees.

Deception by agents

In our sample, we found a small portion of respondents who had paid a different amount than what was originally agreed upon. Across all nationalities, 19 respondents (7% of all respondents) reported paying a different amount than what was agreed upon. The vast majority of those who had paid a different amount paid more than the agreed amount. On average, those who paid more were charged SGD 972 more than what they told they were being paid. Only one respondent paid less than what was agreed upon. That respondent was charged SGD 850 less than promised.

Discrepancies between amount paid and amount initially agreed upon				
	Filipino	Indonesian	Burmese	Total
Paid more	6	7	6	19
Ave. discrepancy	SGD 1377	SGD 1032	SGD 496	SGD 972
Paid less	0	0	1	1
Ave. discrepancy	-	-	SGD 850	SGD 850

RECOMMENDATIONS

With an aging population and the growing number of dual-income families, MDWs are increasingly becoming a necessity in many households. MDWs allow Singaporeans to work when they would otherwise have to leave the workforce to provide care for the young and elderly. Through employment in Singapore, MDWs also reap the benefits of higher wages, which allow them to save for the future, and improve standards of living for themselves and their families. However, unnecessary overcharging by employment agents raises the cost of essential care for Singaporeans, and takes away precious income from MDWs and their families. Deceptive recruitment seizes upon the unique vulnerabilities of MDWs as foreigners in a foreign country to extract profit, and is morally repugnant.

However, enforcement is heavily reliant on MDWs to make the complaint against their agencies. Without adequate transparency and compliance with laws requiring agencies to provide itemized receipts, it becomes impossible for MDWs to ascertain if they have been overcharged. Documentary evidence is also essential to bringing a successful case against agents for overcharging or deceptive recruitment.

1. Increased Enforcement of Mandatory Provision of Itemized Breakdown

Our findings suggest that compliance with laws requiring provision of itemized receipts is extremely poor. Only 11% of respondents received an itemized breakdown, which makes it difficult for MDWs to ascertain if they have been overcharged, and to prove that they have been overcharged even if they suspect that they have been. The lack of transparency and of documentary evidence poses a major problem to enforcement of the two month cap, and must thus be remedied.

2. Set Guidelines on What Components should be Listed in the Itemized Breakdown

Although Section 12(4) of the Employment Agencies Rules 2011 stipulates that agencies should provide MDWs with “a written receipt for the fee accompanied by an itemized list of components of the fee”, it does not set out what components need to be in the receipt. A list of required components can be laid out in MOM’s guidelines for employment agencies, which should ideally include the share of profit between home country agent and Singapore agent, as well as components such as food, lodging, training, and placement fees. This will allow MDWs to determine if the fee was fair, and thus keep agencies accountable to principles of fair pricing.

3. Establish Guidelines that Employers should not Safekeep Documents

Our findings also showed that MDWs were not always allowed to keep the documents they had received. In some cases, the agency did not provide MDWs with a copy of their own. In others, the copy they were provided was later confiscated or “safekept” by employers. Thus, in order to ensure that MDWs have access to the documentary evidence they may need to potentially file a complaint, guidelines for employers should stipulate that they should not safekeep an MDW’s documents.

4. Shift towards a Zero Recruitment Fees Model

Singapore’s Employment Agencies Rules 2011 stipulates that agencies are not allowed to charge more than two months salary for a two year work permit. However, agencies can still charge more, on the basis that any fees in excess of two months are paid to agents in the country of origin.

Recruitment debt incurred by MDWs in Singapore is a significant factor in their acceptance of deteriorating working conditions. MDWs pay large sums for their overseas placements in the form of many months of salary deductions by employers. It is necessary to dislodge this practice if the effects of the coercive power of debt are to be mitigated. One longer-term goal is to shift towards the ILO Fair Recruitment Initiative’s model of zero recruitment fees borne by migrant workers—that is, an employer-pays model, with migrant workers paying only for documents which belong to and will remain with them (e.g. passports and training certificates).

Debates about what migration costs should be, who should pay, and how much, cannot progress in an environment in which the migration industry thrives on murky transactions that are ill-regulated, and involve multiple brokers and intermediaries who are able to profit excessively from others’ vulnerabilities and lack of access to opportunities.

Countries such as the Philippines, Indonesia and Bangladesh have regulations which limit the amount of fees that its workers going abroad are allowed to pay to their licensed recruiters. Singapore should consider entering into bilateral agreements with migrant sending countries to only approve the work permits of workers who have gone through their licensed recruitment agencies. This will ensure a greater degree of accountability in the event that workers are overcharged.

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