



Made to Work

Employers' Attitudes Towards Granting Regular Days Off to Migrant Domestic Workers

The Singapore National Committee for the United
Nations Development Fund for Women
(UNIFEM Singapore)

Humanitarian Organisation for Migration Economics
(HOME)

Transient Workers Count Too
(TWC2)

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Table of Acronyms

AEAS: Association of Employment Agencies (Singapore)

CASE: Consumers Association of Singapore

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

CERD: Convention on the Elimination of All Forms of Racial Discrimination

CRC: Convention on the Rights of the Child

FDW: Foreign Domestic Worker

HOME: Humanitarian Organisation for Migration Economics

ICESCR: International Covenant on Economic, Social and Cultural Rights

ILO: International Labour Organisation

MOM: Ministry of Manpower

MWC: Migrant Workers Convention, or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

TWC2: Transient Workers Count Too

UNIFEM: United Nations Development Fund for Women

UNIFEM Singapore: National Committee for UNIFEM Singapore

EXECUTIVE SUMMARY

Domestic work is a highly insecure occupation, due to the fact that it takes place in the household and is considered informal work. Yet it is an important source of income for thousands of women in South East Asia who travel to places like Hong Kong, Taiwan, Singapore and the Middle East in search of a better life for themselves and their families. However, legislative and other forms of social protection for domestic workers are weak, which makes them highly vulnerable to abuse and exploitation. For example, basic labour rights, such as a weekly day off, are routinely denied to them. Non Governmental Organisations (NGOs), trade unions and workers' rights groups around the world have long acknowledged these inadequacies and have called for stronger governmental action to address these problems. Even though significant efforts have been made by the Singapore government and the recruitment agencies industry to curb abuses and gross exploitation, the problems continue to persist.

Data which accurately calculates the number of migrant domestic workers who face labour rights violations are unavailable or unreliable. This quantitative study aims to fill this gap by examining employer attitudes towards granting a regular day off and to determine the number of domestic workers who are given regular days off. In total, 582 respondents from a random and representative sample of households in Singapore returned completed surveys. Of these, 108 households were employers of migrant domestic workers.

The study was commissioned by local non-governmental organisations National Committee for UNIFEM, Singapore (UNIFEM-Singapore), Humanitarian Organisation for Migration Economics (HOME) and Transient Workers Count Too (TWC2) as part of the 'day off' educational campaign, launched in 2008 to encourage employers of migrant domestic workers to give them a regular day off.

KEY FINDINGS

- Foreign domestic workers (FDWs) work an average of 14 hours per day.
- In a normal week of the year, nearly a third of FDWs have at least one day off.
- In a normal month, about half of FDWs have at least one day off. This is mostly a Sunday or a public holiday.
- Among those who indicated reasons for why they gave their FDW a day off, the most frequent responses are "Our maid has the right to a day-off" and "Our maid deserves a day off".
- Among those who indicated reasons for why they did not give their FDW a day off, the most frequent responses are "we want to avoid maid falling into bad company" and "Our maid doesn't want a day off".
- Among those asked who do not employ FDWs, nearly three-fourths responded that

- FDWs should be given at least a day off every week by their employers.
- About half or more employers or non-employers of an FDW would terminate their worker's employment if she brought home a stranger or, in a different case scenario, slapped the household's children or senior members.
 - FDWs are not hired exclusively to do one particular type of work. Nine out of ten FDWs do general household work as well as perform other common tasks like child and elderly care.
 - More than half of the FDW employers turn to agents for advice when in labour conflict with their FDW.
 - One out of three surveyed FDW employers said they would definitely give a day off, but one out of two would consider doing so if there were no security bond.
 - Almost eight out of ten FDW employers say their FDWs task performance was effective and only one out of 15 claimed the opposite.
 - The most important reason for FDW employers not to give a day off is that FDWs could fall into 'bad company'. One out of two surveyed respondents gave reasons that indicate the desire or need to control a domestic worker's behaviour or social life.

KEY RECOMMENDATIONS

- Review the legal protection offered to migrant domestic workers and include them under the Employment Act or separate legislation which provides full and equal protection with other workers.
- Repeal all security conditions that require employers to be legally responsible for the moral and social conduct and behaviour of their migrant domestic workers. It is unfair to impose such obligations on employers, as it would require them to interfere in the private lives of their workers. Having to do so presents a serious impediment for the employer and domestic worker to build a professional relationship based on the principles of trust and dignity. Freeing employers of such obligations is also a necessary step forward in according domestic workers the basic right of a regular day off. The burden and risks of breaching work permit conditions should be shouldered by employers and workers separately.
- Provide rights based education for employers to raise awareness of local and international labour rights norms for low wage workers to supplement current educational and orientation programmes.
- Enhance efforts to educate employers on employer-employee relationship management, and managing the stresses associated with live-in domestic work. Even though the Ministry of Manpower has implemented an employers' orientation programme, it is only targeted at first time employers. More efforts should be made to reach out to existing employers. Incentives should also be given to employers to attend such courses. Employer associations such as the Singapore National Employer's

Federation and professional bodies such as the Singapore Human Resources Association should look into reaching out to employers and conducting courses in collaboration with the Ministry of Manpower and employment agencies on such issues.

- Promote the establishment of social support networks for migrant domestic workers to help them cope with the stress of live-in domestic work, improve their ability to communicate with employers effectively and inculcate skills to build a positive and professional relationship with employers. Workshops and lectures on such issues should be made available and employers should be encouraged to allow migrant domestic workers to attend them. Grassroots organisations should be encouraged to take a proactive role in the establishment of such groups together with non-government organisations concerned with the welfare and rights of domestic workers.
- Promote the establishment of social support networks for employers of migrant domestic workers to help them build a positive and professional relationship with their workers, especially in the areas of dispute resolution, effective communication and management of expectations with regard to job scope and behaviour at work. Grassroots organisations and workplaces should be encouraged to take a more proactive role in the establishment of such support groups.
- Enhance the professionalism of employment agencies dealing with the hiring of domestic workers. The staff at employment agencies should be trained in counselling, effective interpersonal skills, cross cultural communication techniques, and mediation. Evidence of such skills and training should be made a criterion for approval of license and license renewal. The Association of Employment Agencies (AEAS) and Case Trust should take a proactive role in professionalising employment agencies by making available training courses and other resources for its members. These organisations should work towards shifting the mindset of employment agents from treating domestic workers as products to be sold to treating them as clients who are deserving of decent services.

BACKGROUND OF THE STUDY BY UNIFEM (SINGAPORE), HOME AND TWC2

Origins of migrant domestic workers in Singapore

Singapore is a temporary home to 196,000 migrant domestic workers who live in with their employers. They perform a variety of work associated with the upkeep and maintenance of the family and the home such as cleaning, cooking and looking after the elderly, children and pets. It has been estimated that one in five households employs a live-in domestic worker.¹ Dependence on paid household help has been a feature of Singapore society going back to the time when the country was still a British colony. The current pattern of migrant domestic work—characterized by a majority of workers originating from neighbouring Indonesia and the Philippines—started to emerge in 1978 with the introduction of the Foreign Maid Scheme. This scheme permits the employment of women from selected Asian countries as live-in domestic workers.² Since then migrant domestic workers have been a visible feature of households in Singapore.

Employment and welfare issues concerning migrant domestic workers in Singapore

Over the decades, employment conditions and the welfare of live-in domestic workers in Singapore have elicited public interest because of increased media reports about violence in the household involving domestic workers. (The Straits Times, 28 July 2010; The Straits Times, 2 July 2010)³. On the other hand, the media was also reporting about migrant domestic workers who were found guilty of inflicting abuse on elderly employers and their employers' children (The Straits Times, 27 July 2010; Today, 7 July 2010). These cases are indicative of tensions in the employer-domestic worker relationship. Indeed, the commonly cited factors for such physical abuses were loss of patience over workers' incompetence, unreasonable expectations by employers, and stress induced by long working hours and a sense of displacement.

¹ Both figures from Committee of Supply (Speech) by Mr Hawazi Daipi, Senior Parliamentary Secretary for Manpower and Health, 12 March 2010.

<http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=235>

² Domestic workers may come from the following source countries permitted by the Singapore Government: Bangladesh, Hong Kong, India, Indonesia, Macau, Malaysia, Myanmar, Pakistan, Philippines, South Korea, Sri Lanka, Taiwan, and Thailand [MOM website – “Work Permit (Foreign Domestic Workers) – Requirements” available at:

http://www.mom.gov.sg/publish/momportal/en/communities/work_pass/foreign_domestic_workers/application0/requirements.html]

³ The Straits Times, 28 July 2010 “Woman pleads guilty to assaulting maid”; The Straits Times, 2 July 2010 “Mother, daughter, settle maid abuse case”

Granted that the above cases of violence are more the exception than the norm of a typical migrant domestic worker's experience in Singapore, tough employment conditions are a normal and unquestioned characteristic of live-in domestic work. For example, a *Straits Times* poll of 284 migrant domestic workers in 2003 showed that almost all the workers polled work 15-hour days without access to a regular day off.⁴ What makes the situation worse is the debt burden shouldered by migrant domestic workers for the costs of migration and fees charged by private recruiters and agents for securing work. The fees and costs are serviced through a system of salary deductions resulting in a majority of workers earning a meagre \$10 or \$20 per month for the first seven to nine months of being employed.⁵

Advocating the rights of migrant workers

Recognizing that migrant domestic workers are one of the most vulnerable groups of people in Singapore, Singaporean non-governmental organizations have become advocates of the rights of migrant domestic workers as they engage in and initiate public debates addressing the treatment of migrant domestic workers (www.twc2.org.sg; www.home.org.sg; www.unifemsingapore.com). The National Committee for UNIFEM Singapore, TWC2 and HOME share a common belief that domestic workers should be accorded a fair deal at work, enjoying decent wages and access to basic labour rights such as a regular day off, medical leave, annual paid holidays and regulated work hours amongst others. At the same time, they should be treated with dignity by employers, their family members and the larger public and be protected from abuse and violence.

The Day Off Campaign

In 2008, UNIFEM, TWC2 and HOME launched a nationwide campaign to encourage employers to give a regular day off to migrant live-in domestic workers.

The “Day Off” campaign consisted of several initiatives such as the publication of a website, www.dayoff.sg, the production of two viral videos and public talks. These initiatives highlighted the inequitable employment conditions of domestic workers relative to other employees, dispelled common fears that employers have against giving domestic workers regular days off and garnered support for the campaign.

Context of the “Day Off” research project

The three organisations agreed that it was relevant to better understand Singaporeans and employers' perceptions and attitudes toward the employment relationship, domestic workers'

⁴ (Arshad A 2003 "Maid abuse not rampant here survey", *The Straits Times*, 28 December 2003).

⁵ “Debt, Delays, Deductions: Wage Issues Faced by Foreign Domestic Workers in Singapore”, TWC2, 2006, Page 6. Supported by subsequent interviews.

rights and the work performed by domestic workers. . Such information would deepen our understanding of the challenges that need to be addressed to ensure fairer treatment for domestic workers.

We noted that the lives and experiences of migrant domestic workers in Singapore have been scrutinized and reported by academe, the mainstream and social media, state authorities, non-governmental organizations who are advocates of migrant workers' rights as well as individuals who identify themselves as experts on the subject. Of these, four key research reports attracted significant public attention, generating robust debates on the welfare and employment conditions of migrant domestic workers in Singapore.

The first such report⁶ was a study conducted by the research arm of Singapore Press Holdings (SPH). It involved 284 domestic workers who were interviewed between 14 November and 14 December 2003 without the presence of their employers. The objectives of the study were to find out the working and living condition of workers and if they are happy with them. The workers interviewed were asked questions on working hours and access to rest days, meals, rest time, quality of accommodation and if they had experienced physical and verbal abuse

Whilst the survey showed that physical abuse was rare, with only one of 100 hundred respondents having experienced it, verbal abuse was more common. Three in ten respondents reported that they were shouted at by their employers or their employer's family members. The survey also showed that domestic workers work long hours ranging from 14 to 17 hours with short breaks in between. Half of the workers surveyed indicated that they did not have access to a regular day off, while a majority of the other half who reported being granted days off were only given one day off a month. Overall, 82 per cent of the workers surveyed indicated that they were happy working in Singapore although one in six expressed the view that their living and working conditions could be better⁷

The second report was published by the Jakarta-based Institute for ECOSOC Rights. It elicited a strong reaction from the public and the government. The institute embarked on this research in response to the then alarmingly high incidences of suicides and fatal accidents by Indonesian domestic workers during the period of 1999 to 2005⁸. The report is based on qualitative interviews and focus group discussions with 120 former domestic workers in

⁶ Arshad, A, 28 December 2003 "A maid's life", *The Straits Times* and Arshad, A, 28 December 2003, "Maid abuse not rampant here – survey", *The Straits Times*. .

⁷ Arshad, "Maid abuse not rampant here – survey".

⁸ "Women's body manipulation in silenced private domain: The problems of Indonesian migrant workers in Singapore", Institute of ECOSOC Rights, Jakarta, 2006. This report was published in Bahasa Indonesia, but a draft version in English was made available in July 2005 and reported in the Indonesian and Singapore media.

Singapore who were from Central and East Java and Sumatra and 80 migrant domestic workers in Singapore who were facing problems in their employment. It highlighted the tough employment conditions of Indonesian domestic workers who had to work 12 to 20 hours daily, were denied weekly days off and were isolated from their friends and families.

The report also highlighted that the high placement fees charged by employment agencies made Indonesian domestic workers vulnerable to forced labour, while the small living spaces in Singapore contributed to the vulnerabilities of workers to physical and verbal abuse. The report showed a positive correlation between poor working conditions and the high mortality rate of Indonesian domestic workers in Singapore over the span of six years from 1999 to 2004, when 114 deaths were reported.

“Maid to Order”, the third report, was based on a fact finding mission undertaken by Human Rights Watch in 2005 and published in December of that year.⁹ Through the use of qualitative data gathered from interviewing more than 100 migrant domestic worker respondents, NGO advocates, government officials, employers and employment agents, the report detailed the systematic exploitation and abuse of migrant domestic workers. The report concluded that it is common for migrant domestic workers in Singapore to work for long hours with low pay as their pay is half that of other workers in Singapore doing low level service work such as cleaning and gardening, and to be denied a weekly rest day. It also highlighted the large payments that migrant domestic workers take on to secure employment in Singapore and how this makes them vulnerable to debt bondage and forced labour.

In 2006, following the public release of the last two reports cited above, two national newspapers reported the findings of a survey on the subjective experiences of migrant domestic workers in Singapore conducted by the Feedback Unit¹⁰ of the Singapore Government.¹¹ The survey was primarily a quantitative study of 526 migrant domestic workers on their opinions of working conditions in Singapore. 268 employers were also surveyed on their knowledge of their responsibilities and contractual obligations towards their

⁹ “Maid to Order: Ending Abuses against Migrant Domestic Workers in Singapore”, Human Rights Watch, 2005.

¹⁰ The Feedback Unit is now known as REACH Feedback Unit. The Feedback Unit is a Singapore Government agency established in 1985 whose aim is to give Singaporeans a forum to understand major policies, ask questions, make suggestions and generally participate in working out a solution (<http://was.nl.sg/details/www.feedback.gov.sg.html>, accessed on 10 January 2010).

¹¹ Yong, Ding Lee, “More Than 90% of Domestic Workers Happy with Their Work But More than Half Do Not Have a Day Off (2 August 2006) was the more extensive report and appeared in the Chinese language daily *Lianhe Zaobao* Paulo, Derek A, “A good place to work”—latest survey shows that rest days apart maids in Singapore are happy” (3 August 2006) was the shorter report that appeared the following day in the English language ‘Today’

migrant domestic worker employees. As reported by *Lianhe Zaobao*¹², 71 per cent of the 526 workers surveyed were willing to stay on after their current contracts expired. In addition, 90 per cent said they were happy working in the country and were treated well by their employers even though 55 per cent disclosed that they were not given any days off. The *Today* report said that the Ministry of Community Youth and Sports (MCYS) celebrated the findings of the survey as a “useful reality check of the working conditions” of these migrant workers in Singapore.

The qualitative studies conducted by Human Rights Watch and Institute of ECOSOC Rights provided rich, in-depth empirical details and offered insights into employment conditions and forms of abuses suffered by some migrant domestic workers. However, the studies were based on a small sample size given the nature of the research. For the study conducted by the Institute of ECOSOC rights, the sample size was limited to a particular nationality and to a certain extent, to domestic workers who had already faced problems in Singapore. Thus it can be argued that these studies may not offer a general reflection of the typical living and working conditions of migrant domestic workers in Singapore.

Whilst the studies conducted by the Feedback Unit included a larger sample size, the study is plagued with biases. First, there seemed to be an absence of the use of core employment conditions such as work hours, work load, salary, holiday and medical leave as indicators of the well-being of domestic workers in the survey. As highlighted in the *Today* article, a key factor used as a measure to establish a worker’s welfare is whether employers would allow domestic workers to see a doctor if she falls ill. Although it was reported that 268 employers were interviewed in the study, the focus seemed to be on finding out whether employers understood the responsibilities towards the workers as laid down by the Ministry of Manpower.¹³ The study assumes that the established legal framework for protecting the employment rights and welfare of migrant domestic workers in Singapore is adequate and as such, did not have a critical insight of its strengths and weaknesses.

The survey conducted by the research arm of the Singapore Press Holdings (SPH) in 2003 should be commended for being concerned with core employment conditions. However, given that there have been several changes to policies on employment and recruitment of migrant domestic workers and its legal framework since then, it would be worthwhile to undertake a repeat survey on these issues to find out if there has been any shift in the employment experience of migrant domestic workers since then.

¹² An original copy of the report is not available as the study was done by the Feedback Unit, the predecessor of REACH (personal communication with a REACH staff on 5 January 2010)

¹³ See articles cited in footnote 11

The focus of the studies cited above has been on the workers while the opinions of employers and the larger public were sought as secondary informants. A survey of the opinions and attitudes of employers and the general public on core employment conditions for migrant domestic workers, in particular the issue of a regular day off for domestic workers as a key labour right, will complement these studies, as such a survey should provide an insight into the mindset of employers and the public on paid domestic work. This knowledge is valuable for future advocacy efforts to promote the rights of migrant domestic workers. It is in light of this that The National Committee for UNIFEM Singapore, HOME and TWC2 have decided to embark on this research.

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Introduction

In Singapore, domestic workers—both citizens and foreigners—are excluded from regulation under the Employment Act (Ministry of Manpower, 2009b). Currently, there is no other regulation by the Singapore Government, which applies to working hours, rest days, access to medical care and leave, annual leave and public holidays for the work relationship between a domestic worker and her employer. Furthermore, the Work Injury Compensation Act, which is a low-cost compensation system, does not apply to domestic workers (Singapore Government).

For foreign domestic workers in Singapore (hereafter: FDW), one piece of legislation, the Employment of Foreign Manpower Act (Cap 91A), requires employers to abide by the terms and conditions of the Work Permit (Government). Some of the provisions in this Act, however, also stem from legislation about immigration, specifically the Immigration Act (Singapore Government). The Work Permit for Foreign Domestic Workers—the tool based on the Employment of Foreign of Manpower Act and the Immigration Act to regulate migrant domestic labour—also makes provisions regarding medical exams and expenses in the case of ill health. Advocacy organizations and academics have observed and criticized these legal provisions as too vague, leaving room for interpretation by the FDW employer rather than setting clear standards for both parties to the employment relationship. Importantly, key aspects of migrant domestic labour such as working hours, access to rest days and public holidays as well as medical and annual leave are excluded from the Employment of Foreign Manpower Act.

In this report we introduce the details of this employment relationship and assess the legal and socio-economic conditions against the global context of domestic work regulation. The forces of economic globalization and socio-economic development play a key role in the proliferation of so-called “maids economies” around the world, in which domestic work shifts from family members, mainly women and girls, to hired low- skill women migrants, who are in pursuit of remittances and often for a better life elsewhere. In the second part of this report, we discuss the survey of employer attitudes and working conditions of FDW in Singapore conducted in summer 2009. We conclude with limitations pertaining to the survey and recommendations for the NGOs that have invited us to collaborate on this survey.

¹ We thank our research assistants Alexia Lee and Gavin Wang for their relentless efforts to complete the data collection. We also thank Jacqueline Loh for the steering of the collaborative efforts between us and the members of the various NGOs working with us, especially Jolovan Wham and Noorashikin Abdul Rahman. Furthermore, we are thankful to Dr. Wai Keung Chung and Balach Hussain for a final draft reading.

I. REGULATION OF EMPLOYMENT OF MIGRANT DOMESTIC WORKERS IN SINGAPORE

National labour law and the legal position of the domestic worker

The Employment Act by the Singapore Government covers all employees (regardless of their nationality) who are under contract with an employer, with the exception of a small number of occupational categories, including that of the domestic worker. Part IV of the Act provides for rest days, hours of work, and other conditions of service. The consequence is that the domestic worker is not an “employee” according to the national labour law which regulates rights and duties of most employees in Singapore.

Singapore has a relatively high proportion of foreign workers, for which the actual figures are not publicly available. Estimates by the newspapers are in the range of 856,000 workers on work permits. Immigration has been integral to Singapore’s history, featuring government strategy toward labour import that can add to economic growth of the nation. The Work Permit system has existed since 1965 (Yap, 1999, p. 203). Foreign work is legally differentiated into five main categories: the Employment Pass, the Personalized Employment Pass, the S Pass, the Work Permit (Foreign Worker), and the Work Permit (Foreign Domestic Worker) (cf. Ministry of Manpower). All work permits are featured on the Ministry of Manpower’s website, including transparent information about matters such as, for example, application, termination, and renewal procedures for work permits, as well as relevant legislation and publications. In this report we discuss the “Work Permit (Foreign Domestic Worker)”, as laid out in the Employment of Foreign Manpower Act.

The First Schedule of the Employment of Foreign Manpower Act, termed “Conditions of Work Permit for Employer of Foreign Domestic Worker” (Ministry of Manpower, 2008b) sets out the responsibilities in the employment of a migrant domestic worker (hereafter: FDW²). The Schedule addresses maintenance and well-being of the worker, financial relationship between the two parties in the employment relationship, and repatriation responsibilities. We summarize these provisions in the order they appear in the text as 22 short clauses.

Clauses 1-2 states that the worker will only be under direct employment of the employer and that the latter will “be responsible for control and supervision of the worker”. The only tasks the FDW can be asked to perform are “household/domestic duties at the residential address”. Clauses 3-8 regard “upkeep, maintenance and well-being”. They make the employer responsible for and bear the costs in this respect, including “adequate food” and “medical treatment”. The employer must provide “safe working conditions and acceptable accommodation for the worker” at the residential address registered in the worker’s identification card. As the Act states:

² We use FDW for both the singular and the plural pertaining to the phrase. The abbreviation is adopted from the legal texts.

“The employer shall ensure that the worker is not ill-treated, exploited, wilfully [sic]³ neglected or endangered. This includes providing the worker with adequate rest, as well as rest day(s) in accordance with the terms of the employment contract. The employer shall not involve or allow the worker to be engaged in any illegal, immoral or undesirable conduct or activity.” (Ministry of Manpower)

The employer must “ensure” that the FDW works in a way that does not “endanger her life or personal safety” and is “in accordance with the work practices stipulated by the Ministry of Manpower in its training courses and relevant safety and training materials.” (Ministry of Manpower).

The Act also covers medical and financial responsibilities. The employer’s general responsibility for medical treatment is defined as: obligatory purchase of medical insurance worth at least 15,000 SGD per twelve months (the amount also applies to shorter employment periods) (Ministry of Manpower, 2009c); the obligation to send the FDW for medical exam as required by the Controller of Work Passes; and pay for all medical exams. With respect to remuneration, the employer is obliged to pay the FDW her salary no later than seven days after the last day of the salary period, which shall not exceed one month. Upon request of the worker, the employer shall directly transfer the salary into the FDW’s personal account in a Singaporean bank.⁴ The employer is further obliged to keep a record of the monthly wages paid and to produce the record when requested by any public officer.

With respect to the termination of the employment relationship, Clauses 9-11 oblige the employer to declare the intent of termination to the Controller seven days before actual cessation. The employer “shall give the worker reasonable notice of her repatriation” and assist in the repatriation to her origin location in her home country unless she is transferred to another employer in Singapore. All outstanding monies have to be paid before repatriation, for which the employer also takes on the full cost. Repatriation is an immediate obligation in the situation where “the worker breaches any of the Work Permit Conditions applicable to her”.

In a section termed “General”, Clauses 12-19 provide on a number of unrelated items. E.g. the Act does not permit a kin relationship between employer and FDW. It also gives payment directions for the monthly foreign worker levy, and reporting requirements in the case of the death of the FDW in Singapore or an FDW gone missing. While the Act at this point regulates that the employer pays the costs for the funeral or return of the body, the situation of a missing FDW is regulated further through the Security Bond, which is part of the Immigration Act.

³ [“Wilfully” is the spelling in the original.]

⁴ The Act uses salary and wages interchangeably. There is also an apparent interchangeability in the use of the terms Work Permit and Work Pass. Work Permit is the more generally used term; Work Pass is something of a throwback to older terminology.

The remaining Clauses 20-22 turn to financial transfers, prescribing what constitutes prohibited payments between employer and FDW. There must be no deduction from FDW salary that would constitute a consideration or financial guarantee related to the employment contract and there further must be no deduction of fees and costs that ought to be borne by the employer according to the Act. Equally, the employer is obliged to not demand or receive any money from an employment agent or another person as related to the employment.

The Security Bond

Failure to comply with security bond conditions will result in its forfeiture. The FDW may also be banned from working in Singapore again; likewise, the employer may be barred from hiring foreign domestic workers in the future. Before discussing the implications for the actual employment relationships between FDWs and their employers as well as additional instructions such as Employers' Guidelines and the Standard Employment Contract, we briefly explain the employer's responsibility emerging from the legislation and with regard to the security bond—a tool that has important consequences for the mobility of the individual FDW as it controls employers' law-abiding behaviour. More precisely, it also appears to have an empirical effect on day-offs granted by FDW employers as our survey shows.

To ensure the employer meets his or her obligations in the employment relationship, the Security Bond Conditions, a piece of subsidiary legislation to the Immigration Act, applies (Singapore Government). For employers, these conditions are summarized by the Ministry of Manpower's Employer Guidelines, from which we quote:

"As the employer, you are responsible for repatriating your FDW as you brought her into Singapore. ... To ensure that employers do so, a security bond must be executed with the Work Pass Division. Under the bond, employers are required to post a security deposit of \$5,000 per FDW in the form of an insurance/banker's guarantee. ... This deposit may be forfeited if you breach any of the security bond conditions, including failing to repatriate your FDW upon cancellation of her Work Permit." (Ministry of Manpower, 2008 update)

To our knowledge, there are no publicly available statistics on the failure of compliance by FDW employers.

The regulation explicitly states the responsibilities of the employer with respect to the FDW hired (Ministry of Manpower, 2010):

“That during their stay in Singapore, I/we shall be responsible for the prompt payment of salary, be responsible for and bear the costs of their upkeep and maintenance, including medical treatment, and give them reasonable notice of and bear the full cost of their repatriation, ensuring that all outstanding salaries or monies due to them have been paid before their repatriation;

- ii. That I/we shall provide acceptable accommodation for them;
- iii. That, if any of them should die while in Singapore, I/we shall be responsible for the cost of burial or cremation or the return of the body to the country of nationality;
- iv. That I/we shall produce to the Controller of Work Passes any person whose Work Pass has been cancelled or whose Visit Pass/Special Pass has expired or who is required to report to the Controller at such times as I/we may be required to do so;
- v. That I/we shall employ them in accordance with the Work Pass applicable to them;
- vi. That I/we shall take reasonable steps to ensure that they comply with the Work Pass Conditions applicable to them, and such steps shall include (a) reporting to the Controller of Work Passes if I/we know they are not complying and (b) informing them of the Work Pass conditions applicable to them; and
- vii. That upon completion or termination of employment or resignation from employment of any of them, or the cancellation or revocation of their Work Passes, I/we shall inform the Controller of Work Passes in writing within seven days of such completion or termination of employment or resignation from employment and, subject to giving them reasonable notice, I/we shall immediately or within such period that may be specified by the Controller of Work Passes repatriate them.” (Ministry of Manpower, 2010)

Apart from these legal provisions, the Ministry of Manpower of the Singapore Government has also published a guidebook specifically for FDW employers (hereafter: the Guidelines), which is available in PDF-file form on the web. In addition, information on the same issues is made accessible to the public on a number of web pages, which disseminate this information mainly found in this downloadable PDF-book let. We now discuss this set of recommendations to the FDW employer, which shows what the Government considers as relevant for the employment relationship to be fulfilled.

Guidelines for Employers by the Ministry of Manpower

The Ministry of Manpower encourages “employers and their Foreign Domestic Workers (FDW) to draft a written employment contract” and indicates that employment agencies “commonly draft mutually agreeable contracts for the two parties”. The available standard form for such a contract will be discussed in detail further below. While the Employment of Foreign Manpower Act does not set standards for real working conditions as it does in the national labour law pertaining to all employees with the exceptions aforementioned, the Guidelines are nevertheless important, because they give a better picture about the Government’s expectations on the employers of FDW and with respect to its ideas as to what constitutes a harmonious relationship between the two parties. Apart from such Guidelines, the Singaporean Government provides both employers and FDW with newsletters, some of which appear in the native languages of the FDW. The Government also provides information on training for both parties.

The Guidelines outline clearly some of the challenges in hiring and employing an FDW and emphasize the relationship as a “serious commitment” (Ministry of Manpower, n.d.-b, p. 5). They chart out obligations for each party, the application for hire, and make recommendations to the employer as to how to build “a positive relationship” with the FDW. The text is sprinkled with so-called “fact file” notes, in which cases of misbehaviour and legal consequences are cited.

The Guidelines take the formulation on upkeep, maintenance and well-being of the FDW a step further into details than the law and reiterates that the costs are the employer’s responsibility. While Personal Accident Insurance (a mandatory minimum of 40,000 SGD sum assured as of 1 July 2008) is mandatory, the Guidelines point out that employers “may want to include coverage for hospitalization expenses” (in view of the Ministry of Health’s withdrawal of hospital subsidies for all foreigners as of 1 January 2008) (Ministry of Manpower, 2010).

Accommodation is mainly defined with respect to the provision of particular consumer goods (e.g. “bed or mattress, a blanket, towels and bathroom amenities”). The Guidelines add that the FDW “should be given a separate room of her own” and in the event of such being unavailable, the employer “should respect your FDW’s need for privacy and ensure that sufficient private space for sleep is provided.” From this text it is clear that the Singapore Government acknowledges privacy as an individual need while it also leaves it up to the employer to respond to that need within the capabilities of the employers and according to his or her norms.

With respect to working conditions, the employer is told to “ensure that your FDW has sufficient rest” and that the employer ought to “grant her rest day(s) according to your employment contract with her”. With respect to household tasks, the instructions are forthcoming but relatively vague (e.g. “Make sure your FDW’s workload for each day is reasonable.”). They become more explicit with respect to safety at work especially in high-rise buildings, where the text lists “do’s” and “don’ts”. Again, this may have been formulated in response to experienced precarious work done by the FDW (e.g. standing at a high level outside on a window sill to clean the window). Such cases have been brought to the attention of the media by concerned Singaporean citizens but also noted by Human Rights Watch, which reported that between 1999 and 2005, at least 147 FDW died from work place accidents or suicides, most by jumping or falling from residential buildings (Varia & Human Rights Watch, 2005).

With respect to rest, the web pages that are titled as Guidelines are a bit more specific, hinting at what does not constitute a rest day:

“Sufficient rest dates should also be catered for, as mutually agreed upon between yourself and your FDW. Such rest days should be in addition to any family trips and outings which you may take your FDW on.” (Ministry of Manpower, 2008a)

The booklet featuring the Guidelines also alerts the employer to medical checkups, including

pregnancy tests, as well as presenting the provision in the Immigration Act that FDWs “must not apply to marry a Singaporean Citizen or Permanent Resident without MOM’s prior approval” (Ministry of Manpower, n.d.-b).” Failing the pregnancy test (6ME) results in immediate repatriation of the FDW (Ministry of Manpower, 2009 update).

Standard Employment Contract and Employers’ Guidelines

Responding to calls from the public and migrant rights NGOs for better protection of domestic workers, the Association of Employment Agencies Singapore (AEAS) and the Consumers’ Association of Singapore (CASE) implemented a “Standard Employment Contract” in 2004, which was revised in 2007 (The Association of Employment Agencies). FDW employer agencies must obtain accreditation within the first year of operation (Association of Employment Agencies (Singapore), 2009).

The contract template includes a number of obligations already mentioned in the Act and repeated in the Guidelines. It more clearly states, however, what might be the normative expectations upon employers. These expectations are articulated as recommendations in bold font. Notably, unlike the Work Permit Conditions and the Ministry’s Guidelines, the contract is the document where the employee can act as a negotiating agent. It puts into potentially legal instrument form, the rights and obligations of an FDW while recognizing her legal persona through the contract to which she can be a party. In our discussion of the form, we focus on the items most relevant to the survey project for the Day-Off Campaign.

Clause 9 in the Standard Employment Contract refers to accommodation, “with a reasonable amount of privacy”. Here the employer can check-mark one of three options: sharing a room with children (with the number to be declared), separate room, or “other/please specify”. The contract also allows for declaration of the number of hours of “continuous rest daily (except for occasional special-care cases), with reasonable rest periods during working hours”. Here it immediately states the recommendation of 8 hours.

In addition, Clause 12 allows for the definition of entitlement to rest days on a monthly basis; the writing suggests between one and four days a month as to mutual agreement. In the case that the rest day is not taken up by the FDW, the form states that she should be compensated by cash; and where there is no written agreement on the cash amount, the compensation follows the accreditation body’s prevailing compensation guidelines, which are not specifically mentioned in the text.

With respect to what appears to be annual leave, Clause 13 allows the contracting parties to define the FDW’s entitlement to a specified number of “paid home leave days (inclusive of a return ticket to her City of origin)”. The stated recommendation is 15 days. If this agreement is made but if the FDW does not want to utilize the leave, Clause 14 allows for agreement on an entitlement of either “a lump sum equivalent to the return ticket to her City of origin” or a lump sum merely specified by the dollar amount.

The contract form has two supplements. The first is a “Job Scope Sheet for Foreign Domestic

Worker”, which like the contract must be translated into FDW’s first language and “given to her before she signs the employment contract”. The sheet allows the parties to enter information about the household and the required domestic duties. A second sheet, the “Schedules of Salary Payment and Loan (including loan for placement Fee Repayment”) is a form that allows the contracting parties to record these items in standardized form. The witness to the signatories in all three sheets is a representative of the Employment Agency.

To evaluate the power of the contract envisioned by this template with respect to the assurance of the safety and well-being, as well as the rights of FDW, several observations can be made. Firstly, Clause 9 allows great leeway in the qualitative definition of proper accommodation and definitely does not define the obligation to provide privacy as needed from the perspective of the FDW.

Equally optional appears to be the choice the employer has when agreeing on daily rest hours. As aforementioned, Clause 10 recommends 8 hours of rest as well as calls for “reasonable” rest periods for the FDW during the day. This allows for a 16 hour working day, a period that is outlawed by the national labour law applying to most of the Singaporean workforce with basic monthly salary not exceeding 2,000 SGD (Ministry of Manpower, n.d.-a).

With respect to monthly rest days, Clause 12 allows to write down an entitlement of up to 4 days a month, with a day of the week to be specified if desired. This clearly indicates that there is no legal obligation to give an FDW at least 1 monthly day off. Again, national labour law outlaws continuous work and clearly provides for rest between hours. It is in part 38 of the Employment Act

Hours of work

38. — (1) Except as hereinafter provided, an employee shall not be required under his contract of service to work —

(a) more than 6 consecutive hours without a period of leisure;

(b) more than 8 hours in one day or more than 44 hours in one week: Provided that —

(i) an employee who is engaged in work which must be carried on continuously may be required to work for 8 consecutive hours inclusive of a period or periods of not less than 45 minutes in the aggregate during which he shall have the opportunity to have a meal;

In addition, the Clause can be defined in a way that an employer can negotiate with the FDW compensation for not taking the day/s off. In this sense, the contract template implicates that time to rest and recuperate is an exchange good in a relationship that is framed by a low-wage labour contract and characterized by potentially high daily working hours.

Finally, this Standard Employment Contract is binding for agencies accredited and members of the Association of Employment Agencies Singapore (AEAS) and the Consumers’ Association of Singapore (CASE) who are required to use it (Ministry of Manpower, 2010). All FDW placement agencies are required to be accredited. However, the government is not mandated to monitor contractual compliance (Ministry of Manpower, 2009a). Thus claims have to be taken to a civil court, a step that is a serious cost to FDW who then would have to

hire a private lawyer and stay in Singapore while the employer may have already applied for termination of the work permit, which immediately obliges the parties to enter the process of repatriation.

Overall, one can conclude that the Work Permit Conditions and the legally non-binding documents discussed encourage rather than oblige employers to respect the needs of FDW with respect to adequate maintenance and upkeep as well as working conditions. Here the Government appears to rely on the good will of its citizens and residents who hire such workers, while also aiming to actively promote a friendly and safe work relationship that is rich in the experience and practice of domestic work. In addition, the Government litigates violators brought to its attention. Most of the legal specifications of violations as well as defined proper behaviour, however, are in essence to ensure that the worker is a law-abiding temporary immigrant rather than a worker whose needs are recognized as entitlements. Given the overwhelming definition of the responsibilities demanded from the employer, the picture of a legally enforced paternalistic relationship between employer and foreign domestic worker emerges.

This picture is hardly common to modern labour, especially since it has the potential to trigger employer-side control of the FDW's personal relationships, as such intimate relationships can lead to pregnancy or marriage—conditions that are defined as violations under the Work Permit. Marriage to a Singaporean citizen is the only potential way for an FDW to gain citizenship status (discussed in Lim, 2009, p. 4). More importantly, the marriage provision in the Employment of Foreign Manpower Act puts the Government in the position of an agent that actively aims to restrict and repudiate marriage, sexual, and reproductive rights of FDW (Lim, 2009). In this scenario, the Work Permit Conditions second the employer into the role of the daily monitoring agent. It is equally important to see the potential problem of relative immobility emerging from relaxation of rest hours, including days off, in this context. Both non-availability of separate rooms and spatial proximity between employer and FDW make it more feasible to step into the role of the wilful executioner of the state's demand for the monitoring of FDW's social behaviour regarding intimate and sexual relationships with others.

Singapore, however, is not the only country, in which the FDW has been excluded from the national standard labour law. In fact, many countries around the world have turned this worker into a special category. To adequately evaluate Singapore's legal treatment of FDW and situate it in the pattern of labour legislation on domestic work around the world, we compare these findings to those by Ramirez-Machado's global survey of FDW regulation (2003). Often economic aspects of Singapore are compared with those of Hong Kong and Taiwan, similar Asian 'Tiger economies' with majority Chinese populations and a large workforce of domestic labour, which pronouncedly steps in as women in the family turn increasingly away from home-maker positions to become income earners like their male spouses. Ramirez-Machado's report makes reference to a vast array of countries of different development degree and national-economy composition, allowing us to assess Singapore's situation against the global pattern. We finish this section by including a brief discussion of the current status of legal provisions in Hong Kong and Taiwan, and provide concluding remarks on Parts I and II of this report.

II. DOMESTIC WORK AROUND THE WORLD: BENCHMARKING SINGAPORE'S EMPLOYMENT REGULATION ON FOREIGN DOMESTIC WORKERS

Domestic work has been characterized as demarcating one of the most vulnerable workforces around the world and has been increasingly discussed under the theme of the “feminization of migration”, a trend which has brought life to modern servant economies (Agustin, 2003; Akalin, 2007; Baxter, Hewitt, & Western, 2009; Jackson, 1992). Remittances from labour migration, sent home also by FDW, have been regarded as conducive to economic development in lower-income countries (United Nations-Instraw, 2007; Wickramasekera). To illustrate, in one of the oldest and largest remittance economy countries, the Philippines, women make up 58 percent of the total national outmigration. Ahead of the globalization of domestic and care services around the world, in which Filipinas play a visible role, the Philippines Government as early as 1974 became a labour-exporting agent, creating the Overseas Filipino Worker. This model was followed later by other Asian countries, such as Indonesia and Thailand, and puts states into “a double bind—needing women to migrate for economic reasons but not wanting citizens abused abroad or the accompanying adverse publicity” (Pyle, 2006).

Domestic work is often separated based on the reasoning that the work takes place in the private home. Domestic workers (in popular language called “maids”), gardeners, private-home security guards, and private drivers are dispersed across private family homes rather than sharing a collective workspace. Domestic workers are, in other words, not part of a unified production process—they don't have colleagues and work within a family household hierarchy. Unlike other workers, who have fended for labour rights, they face unique problems for collective mobilization in pursuit of better outcomes, which often invokes, as a study of “nannies” in Los Angeles shows, creative alternative resourcing (Armenta, 2009; Yeoh & Huang). While collective mobilization of FDW has occurred around the world (Das Gupta, 2008; Elias, 2008), the average situation for domestic workers remains a dependent one, being exacerbated by low levels of education and migrant status. This raises the question to what extent civil society actors and governments must step in to take on the role that is usually played by syndicates of other occupational groups.

The current trend of labour migration across large distances heightens the combination of low skill, gender-related lesser educational status, ethnic ‘other’, and migrant status into a lower status than citizens usually obtain (for discursive sexualisation of FDW see Chang & Groves, 2000). As Ramirez-Machado summarizes from a number of country cases, “migrant domestic workers often benefit from limited protection given their foreign status” and “may be subjected to special conditions”. The temporary character of the employment situation, tied to the worker's individual visa status “generates a precarious immigration status, a high dependency on employers, and gives rise to a situation of insecurity and fear of job loss and deportation if the employer is asked for better conditions.” (p4)

Working conditions of domestic workers

Although domestic workers are a relatively heterogeneous low-skill occupational workforce, including jobs defined in terms of suitability for both genders (e.g. “maid” and “driver”), they share a few characteristics and conditions of work. Firstly, they are socially and economically invisible, low-status jobs. According to Ramirez-Machado, this is related to their tendency to have average low levels of job security and salary, long hours of work, absence of social benefits normally granted within national regulatory frameworks on employment, heavy workloads, lack of privacy, and, for live-in workers, inadequate accommodation and food (2003, p. 1).

Ramirez-Machado cites arbitrary changes of employment contracts, pay cuts and pay omissions, with contracts often being found of an oral nature. Low-level salary, often below the minimum wage in countries that have national minimum wage legislation, are usually far below the average income. In addition, domestic workers often do not enjoy social-welfare (or, as in some countries, welfare-state) benefits such as maternity protection, pension and medical benefits, which are available to varying degrees in most other employment relationships. Often the conditions embraced by the social benefits policies, such as sickness, old age, or pregnancy, become the grounds for dismissal from the temporary employment contract of domestic workers rather than allow the worker special protection to further continue work when and where able to do so.

From the previous discussion of Singapore’s situation, we have already seen that the country is no outlier to this global pattern described by Ramirez-Machado. The level of job security is low, with only short-term termination and immediate repatriation for FDW. In addition, FDW are known to work long hours and there are no obligations for employers to pay any type of social benefits other than the purchase of accident and medical insurance. In Singapore, FDW pregnancy is a key reason for automatic termination of the employment contract. This exclusion from motherhood while being a FDW extends to the situation that many FDW leave their infants at home, often over the full course of childhood development. This living situation contrasts starkly with their position in the middle-class household they join, where they are often required to pay close attention to children and with the larger context of the Singaporean Government promoting and subsidizing Asian family values and inter-generational living.

Unique work-site characteristics

Secondly, these working conditions appear closely associated with the unique characteristic of the workspace. This is nowhere clearer than in the portrait of a live-in domestic worker, an occupation mainly undertaken by women. Live-in workers can be found to be exposed to on-call work day and night. Because of perceived low difficulty levels of work (e.g. hanging laundry, doing the shopping, watching a child or dropping a child off at school), employers of domestic workers have been observed to increase the number of chores to unduly high levels. Live-in workers can also face inadequate accommodation and food, with accommodation being arranged

in a way that permits no privately sanctioned space such as in small family residencies or because the worker is required to share space with a stranger. For Singapore we discussed that the Work Permit Conditions provide only for “adequate accommodation”, a term being left undefined.

The on-call characteristic of the live-in worker results from the employment-related desire to have such a worker around, resulting in a stand-by situation, which may exploit the ‘care ethic’ members of this occupation develop over time, particularly where dependents such as children or ill adults to care for are involved. Because of the propensity to overestimate and utilize the seeming on-call situation, employment regulation is particularly important to ensure the domestic workers’ wellbeing. These aspects of the work and the workspace can combine with a lack of privacy during off-time as well as interference in personal matters, from which a domestic worker, especially not live-in workers, cannot easily escape.

Migrants as domestic workers in local and global context

While employer agencies of domestic markets tend to segregate the market in terms of such human or social capital (e.g. profiling domestic workers in terms of religion and/or ethnicity as well as country of origin; see (Lan, 2006), migrant domestic workers appear to be excluded from modern labour markets by quasi or actual bondage to specific employers, who may be invested with the unilateral rights to revoke work permits for their migrant employees. For FDW, this often means nearly full immobility in the occupation-specific labour market, cut off from other labour markets, which may have low entry barriers, and artificial wage depression—in other words, an employers’ market for labour (Heyzer and Wee/1994). Labour market immobility also stems from confinement to the workspace (either by on-call understandings by the employer or measures taken to curb freedom of movement in order to prevent or correct what may be perceived as socially undesirable behaviour). It can result in low levels of peer interaction with others in the same occupation, leading to lesser labour market information.

Through globalized domestic work, young women in particular become rural-to-urban migrants, live and work in a household with higher economic and educational status, and are less exposed to traditional family and kinship patterns while establishing themselves as members of a transnational family (Asis, Huang, & Yeoh, 2004). At the same time, their income becomes desired remittances and may enable them to increase their social status and social power in the family household despite their absence as research shows (e.g. McKay, 2005; see also Rahman & Lian, 2009).

National labour law

The unique work situation of domestic workers appears to call for strong protection and regulation by the modern state, where governments have been commonly associated with offering protection to the vulnerable (De Swaan, 1988). According to Ramirez-Machado,

“the catch-22 is that, although domestic workers are often considered as a special category, this does not mean that specially tailored standards are enacted to take into account their particular conditions of work and employment relationship.” (Ramirez-Machado, 2003, p. 9)

National law varies by the inclusion and exclusion of the legal category of domestic worker from general labour law. Of a total of over 60 examined countries, in nine countries domestic workers are excluded from general labour law, in 19 countries there is no explicit reference to them in the law, another 20 have specific regulations in their labour code, and in 19 national laws, domestic work as special employment situation has been recognized through special laws.

“Regardless of the manner in which domestic work is regulated by national laws, it may be said that, in general terms, standards on domestic work fall below labour standards set for other categories of workers” (Ramirez-Machado, 2003, p. 64).

Only a small number of laws require the conclusion of a written contract, but a number of countries set out in their laws a standard form contract to be used as a model to curtail abuse and uncertainty. In the following, we discuss standard of working hours, special time such as night and overtime, and day off time. We conclude each section on a summary on the legal situation in Singapore.

(1) Standards of working hours

Domestic workers “tend by law to work longer hours than workers in other categories” (Ramirez-Machado, 2003, p. 64). Across the surveyed countries, the law varies in terms of what it defines in reference to the domestic workers’ hours of work, which includes aspects such as working hours, timing of hours throughout the calendar and scheduling of rest time. In some countries, domestic workers are straightforwardly excluded from the general norms of work hours and in other countries domestic workers are found to be not subject to fixed hours of work, as the law only refers to hours of rest.

Laws vary by the units they assign to rest time definition. Some refer to night rest, thus between days, others prescribe rest breaks during the day, sometimes with food intake considerations. Rest time indication can vary from stating ‘sufficient periods’ (e.g. in Mexican law) to defining the rest period (e.g. 12 hours per day as in Argentina). In countries with special regulation of working hours, legislation often defines the rest hours in relation to longer periods (such as per week or in terms of an average over a number of weeks). Some laws probe deeper into the definition of working hour, aiming to differentiate between different aspects of working hours in the employment relationship, basically on-call hours of idling and actual working hours. Finland, for example, refers explicitly to the obligation for a worker ‘to remain home in order to be available’ and “no less than half such stand-by time shall count as working hours or such stand-by shall be remunerated” (Ramirez-Machado,

2003, pp.19-22). This obviously is recognition of both domestic workers' need of pay for work time and the need of employers to have access to domestic help when needed most.

Essentially, laws fall into three broad groups when considering rest periods. Some countries acknowledge necessity of rest periods but don't define them with any precision, a second group prescribes minimum daily rest hours, and a third prescribes hours by differentiating between live-in and non-resident domestic workers. With respect to live-in, the definition of rest as to whether being completely off work or not can vary. To illustrate, in Portugal, the domestic worker may still be subject to certain tasks between rest and meal times such as watching the children, and in South Africa, such a task must be performed if no other domestic worker is available but must be remunerated. To illustrate a deeply regulated situation, Austria serves the point: live-in domestic workers should interrupt their daily hours of work with breaks of at least three hours, including at least two uninterrupted breaks of 30 minutes each, granted to enable live-in employees to take their main meals (Ramirez-Machado, 2003, pp. 23-25).

The Government of Singapore does not set out standards for working hours. Furthermore, the obligation of a written contract is not provided by the Conditions of Work Permit. Only in a standard contract provided by the accrediting agencies for FDW employment agencies, a recommendation of eight hours shows up. This suggests that the legitimate daily working hours of an FDW in Singapore are seen as 16 hours. Human Rights Watch reported in 2005 that often FDW work between 13 to 19 hours a day (Varia & Human Rights Watch, 2005).

The legal situation is thus similar to that summarized for the first group by Ramirez-Machado: the Government acknowledges necessity of rest periods but doesn't define them with any precision. By contrast, formal sector employees in Singapore whose salary receipts don't exceed monthly 2,000 SGD are not allowed to work more than 12 hours in a day, including overtime work except in extraordinary circumstances, and overtime work is limited to 72 hours of work time while its exact rate of minimum amount of pay is also provided in the law (SG).

(2) Standards of special time (night time and overtime)

Closely related to working hour standards is the regulation of night time. Although domestic workers are known to work 'round the clock', surprisingly only a few countries address their night-time work. While the Philippines excludes the occupation from legal provisions for night work, Italian law states that night work must be accompanied by "adequate compensatory rest ...granted during the day" (Ramirez-Machado, 2003, pp. 22-23). Night work has achieved exceptionally strong protection in Danish and Finnish law. In Denmark, a "corresponding rest period" must follow upon a night shift if there is a valid reason to keep workers up. In Finland, the law not only defines what counts as night hours (23:00- 06:00) but also provides that in emergency situations a consent -based stand-by must be arranged. This stand-by situation is similarly identified in South Africa, where "night work" is defined as

work after 18:00 and by 6:00, and where stand-by situations called in by the employer require, for example, the written agreement of the domestic worker and the payment of an allowance per shift, payment at the overtime rate or equivalent time-off in relation to any time worked in excess of three hours. In addition, the work to be done must be completed without delay and no other work is allowed to be done. More strongly, the law even stipulates that no more than five times a month or 50 times a year can stand-by work be requested (Ramirez-Machado, 2003, p. 23). With respect to overtime, a significant number of countries have no regulation of these hours which are in excess of the ordinary working hours established mainly because they don't deal with working hours of domestic workers or have excluded them from the general norms referring to work time. Provisions addressing overtime, such as in Austria, Burkina Faso, and, for some occupations, Canada, once again, vary. For example, in Costa Rica and Iran, overtime is measured on a daily basis, with the limit fixed at four hours maximum over time. In Vietnam, the total additional hours shall not exceed four in a day or 200 in a year. In Spain, overtime must not exceed 80 hours in a year. The majority of these laws addressing overtime stipulate consent by the worker as a precondition for overtime work. National laws require compensation of overtime in three different ways: time off, cash payment, or a combination of both. The remuneration cannot be inferior to the regular rate of pay (Ramirez-Machado, 2003, pp. 25-27).

In Singapore, the law does not specify any hours of the day in terms of working hour, night work, or overtime. Therefore, provisions for compensation of particular work periods, such as night work, are excluded. Equally, on-call or stand-by work also remains undefined, although in its Employer Guidelines, the Singapore Government suggests to FDW employers that certain times are not rest time. For example, taking an FDW on a family vacation does not immediately make the FDW have a vacation, too.

(3) Provisions on specific worker tasks

Some national laws define special arrangements with regards to infant care or care for people who are unable to attend to their own needs, a state many law-makers define as requiring constant attention. For example, in Austria such hours shall not exceed normal hours by more than 18 in any two consecutive weeks. In Sweden, there is a limit of 12 overtime hours per week, averaged over a four-week period. In Finland, emergency work by the domestic worker can be required but only be done at a maximum for a fortnight at a time, and for no more than 20 hours in that period. In such a case the employer must notify the occupational safety and health authority that then authorizes and tailors the emergency work. Similar extensive regulation and limitation exists in South Africa ((Ramirez-Machado, 2003), p.25).

In Singapore, there is no provision for special obligations and rights with respect to domestic chores that are mainly defined by special social groups' for "constant attention". Here the government has a hands-off approach in defining work around difficulty, skill, and responsibility, which also means that adequate compensation for different skill levels and tasks are not considered.

(4) Provisions on weekly rest (related to day-off regulation)

The cross-national variation in weekly rest legislation is important to consider in the context of this survey for the Day-off campaign in Singapore. Weekly rest varies greatly in terms of legal provisions across national laws. For example, in Ecuador, domestic servants are entitled to one day of rest for every two weeks worked. In Bolivia, a six-hour weekly rest period without specification of day of week is in the law. In Costa Rica, weekly rests amounts to half-day to be decided by the employer, although twice a month the weekly rest must be on Sundays. In Guatemala and Haiti, workers have an additional six-hour rest on Sundays in addition to their normal rest hours. Austria specifically provides for Sunday as the day-off. However, the great majority of laws provides for a minimum 24 hours rest (Argentina, Burkina Faso, Chile, Colombia, El Salvador, Honduras, Iran, Italy, Malta, Nicaragua, Panama, Paraguay, Peru, Philippines, Portugal, Swaziland, Venezuela, and Viet Nam). In Finnish law, weekly rest exceeds 24 hours, extending to no less than 30 uninterrupted hours on Sunday or, if that is not possible, on some other day. In Spain, weekly rest is 36 hours of which 24 hours must be consecutive and preferably on a Sunday. In South Africa, the weekly rest period is of at least 36 consecutive hours.

With respect to a specification of the day of the week for the day off, some countries leave it to the employers of domestic workers to fix rest days, some to the agreement between the two parties. Some laws fix it on Sundays or the weekly religious day. This weekly rest period can be reduced according to the laws in either just exceptional circumstances (such as in France and Sweden) or with the worker's consent as the only requirement (such as in Burkina Faso, Canada, Malta or Tanzania), or a combination of consent and emergency (such as in Finland). In other countries, the legal instruction is only 'at employers' request', as is the case in El Salvador and Panama (Ramirez-Machado, 2003, pp. 28-30). In some countries (e.g. Austria, Peru, Philippines, Zimbabwe), laws include provisions on attendance of religious services and in some countries (such as Dominican Republic, Ecuador, France, Haiti, Honduras, Nicaragua, Peru) provisions for domestic workers to engage in educational and vocational training opportunities are made (Ramirez-Machado, 2003, p. 30).

Unlike the great majority of laws in the survey that provide for a minimum 24 hours rest a week, the Singaporean law for FDW employment has no regulated day off per week. While in a multi-cultural society such as Singapore it would not be conducive to fix the day on a particular day, the nature of the occupation and the often long working hours of FDW suggests the need for a day off.

Discussion of domestic work relationship in Hong Kong and Taiwan

Because of the aforementioned affinity with other Southeast and East Asian Tiger economies, we also briefly discuss the legal situation in Hong Kong and Taiwan—cases not included in Ramirez-Machado's study. We use online information publicly provided by the Hong Kong Government (Government of Hong Kong). In Hong Kong legal text, the FDW is called "foreign domestic helper".

According to Hong Kong law, the FDW employer must have a minimum monthly household income of 15,000 HKD or comparable asset during the whole contract period, which is a 2-year standard contract term. The written contract is mandatory and the salary must not be lower than the monthly minimum wage, which is set by the Government. The employer needs to be able to provide free medical treatment, which includes medical consultation, hospital stay, and emergency dental treatment. The Employment Ordinance states that failure to pay salary at the set minimum wage makes employers liable for a maximum fine of HK\$350,000 and three years imprisonment (Government of Hong Kong, 2008). Domestic helpers are required to live in the employer's place of residence and cannot work for other employers. Accommodation is defined in the contract, and by format and options it is very similar to the Singapore template, which, however, is not a mandatory contract. Similarly, employers in Hong Kong have the option of offering a separate room, but are also advised to not offer space that, for example, makes FDW sleep in the same room with a member of the opposite sex. Chapter 57 of the Employment Ordinance defines the rest day as "a continuous period of not less than 24 hours during which an employee is entitled to abstain from working for his employer." The FDW is "entitled to all rest days, statutory holidays, and paid annual leave as specified in the Employment Ordinance". She is entitled to "not less than one rest day in every period of seven days". With respect to FDW pregnancy, Hong Kong has tried to curb reproductive rights, making pregnancy an automatic ground for termination of contract, but fierce opposition from NGOs have prevented the implementation of an amendment (Lim, 2009).

In Taiwan, FDWs, like in Singapore, are not covered by the standard labour law, the Labour Standards Law. Only in January 2010, a draft law was introduced and if ratified by the Legislative Yuan, will safeguard the interests of migrant care and domestic workers. The current monthly basic salary of FDW is 15,840 NT but would automatically rise to 17,280 if the drafted law were ratified. Under this bill, Taiwanese FDW employers would have to purchase insurance of a minimum of 500,000 NT to cover injury, disability, and death of a worker. In case an employer wanted to terminate the contract, he or she would have to pay severance pay. The bill also introduces the provision of annual leave of seven days after one year of employment, and annual leave would get extended (by days) with growing years of employment. The draft bill states that employers should allow FDW a rest for at least 10 consecutive hours per day, but also states that this is negotiable as in case of necessary overtime the FDW can be compensated by extra pay. In a second contract option regarding rest, the bill demands agreement on the number of working hours between employer and FDW. Regarding regular leave, the draft bill stipulates FDW should take a paid leave for at least one day per week. If the employer asks the FDW to not take the leave, the employer should give an extra one-day pay. Migrant worker advocacy groups have criticized this draft bill for failing to regulate clearly working conditions, e.g. the number of daily working hours (China Post).

Comparing Singapore, Hong Kong, and Taiwan, we find that Hong Kong offers inclusion in standard labour law as well as the mandatory written contract. Similar legal provisions, and thus theoretically similar circumstances with respect to the guarantee of privacy, exist for the condition of adequate accommodation, but in Hong Kong the definition is part of the

mandatory contract. With respect to rest time, while both Hong Kong and Taiwan Governments have a hands-off approach on daily work and rest hours, Hong Kong's inclusion into standard labour law ensures a day off for the FDW, while in Taiwan a progressive draft bill in that matter is on its way. It is mainly the political-legal situation in Hong Kong, where FDW have the legal right to self-organize, where we find evidence that in Southeast and East Asia it is possible to have both a pro-active government and a strong labour rights and human rights advocacy landscape which, in public discourse, work for the improvement of employment conditions for FDW (Constable, 2009).

Concluding remarks

With respect to the four key aspects of working conditions discussed, it is clear from the discussion of Ramirez-Machado's findings that national regulation on weekly rest for domestic work is globally widespread. Comparisons with standards for other categories of workers nevertheless show that such standards set for domestic workers often clearly fall below the standards for these other categories of workers. In particular, the ability of the employer to define the availability of rest time when he or she needs it rather than when the employee requires it is often at tension with such national-government efforts to provide regulation. This picture is also evident when it comes to more extended rest time in the form of longer holidays as well as access to public holidays. It is, for example, more permissible to make domestic workers work on statutory holidays than other categories of workers (Ramirez-Machado, 2003, p. 65).

The diversity of variation in labour regulation we have presented shows that high levels of regulation are not necessarily associated with the higher socio-economic development status of a country. This is important to consider because in the global economy weaker nation-state actors often argue for weaker standards applied to them based on the economic growth and modernization they have to face. As this report shows, comparatively poor countries can have relatively extensive regulation of the work which, if enforced properly, can improve working and living conditions of this occupational workforce. Ramirez-Machado's study points to the condition of 'political will' to regulate domestic labour, something which should be more explored in further research. As others have mentioned before with respect to Singapore's labour import policy, the fact of a large pool of foreign unskilled workers, many of them being FDW and "typically from different cultures and less-developed countries, is thought to be socially undesirable for its potential influence on the values and work ethic of the local populations" (Yap, 1999, p. 204).

The report shows that the countries with the most protective measures enabling the welfare of the workforce are those that have been strong welfare states (Esping-Andersen, 1999) and that it is therefore possible to more fully regulate the seemingly private workplace conditions to give FDW rights and situate them in the employment relationship as more equal partners with both rights and obligations. Countries that, like Singapore, exclude domestic workers from their national labour codes, and thus from general norms on working and rest hours shared by the majority of the people that go to work like them every day, are, for example, Cambodia,

Egypt, Guinea Bissau, Japan, Jordan, Lebanon, Turkey, the UAE, Yemen and the Philippines. The Philippines stipulates a 24 hour-long weekly rest—a working condition to which Singapore’s Filipina FDW has no entitlement.

In Singapore’s case the Employment of Foreign Manpower Act steps in to regulate the category of FDW but leaves the very real working conditions to be defined by the private parties in a relationship that is highly asymmetrical, mainly because of the FDW’s temporary migrant status tied to the employment relationship itself. It largely appears to put the responsibility of the worker’s behaviour, including her wellbeing, into the employer’s hands. Here accrediting associations of FDW employment agencies may play a larger role in setting down the terms and conditions, as indicated by the Human Rights Watch report (Varia & Human Rights Watch, 2005, pp. 62-63).

In case of labour conflict, the Ministry of Manpower offers itself as a negotiator (Ministry of Manpower, 2007). The Work Permit Conditions’ provisions on termination of contract put a high bar on FDW’s capability to take employers to court in case of misconduct. In addition, the law allows another private person, the employer, to decide monitoring of not only work-unrelated but also intimate relationships the FDW may have. Such private surveillance regimes which may unfold in private households are an outcome of the legally strong position of the employer as a consequence of the interaction of the Immigration Act and the Employment of Foreign Manpower Act.

The situation of Singapore’s FDW can also be discussed in the context of human rights protection unfolding at the global civil society level, provided by United Nations legislation. Some reports have outlined that especially the ‘unscheduled availability at all times’ is a matter of gender expectations on women’s roles in the private home. Other problems highlighted include barriers to equal remuneration for work of equal value (CEDAW and ICESCR), discrimination based on national and ethnic origin in work and no free choice in employment (CERD) and most importantly violations of conditions laid out in the International Convention on the Protection of the Rights of All Migrant Workers and their Families (MWC), The MWC, specifically Article 25,

“clearly requires states to ensure that migrant workers benefit from the same terms of work as nationals, including remuneration, hours of work, overtime pay, weekly rest, and holidays with pay.” (Satterthwaite & United Nations Development Fund for Women, 2003, p. 9)

In addition, under Article 25,

“employers may not be relieved from obligations toward their workers on the basis of irregularities [in their work or residence status]” (Satterthwaite & United Nations Development Fund for Women, 2003, p. 11).

These statements point to a strong role for nation-states in the regulation of migrant labour to the benefit of the migrant workers themselves. They straightforwardly require the state to

constrain the employer in a way that does not relieve the employer from his/her obligations toward the worker. The Singapore Government has only ratified two of the nine major human rights treaties – the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The ratification of CEDAW was with a reservation to Article 16, which covers marriage and family life. The International Convention on the Protection of the Rights of All Migrant Workers and their Families, which would give protection as discussed above, has not been ratified. The Singaporean Government is well aware of the conditions of workers as well as the problems seen by global civil society and its own national advocacy and civil society groups such as UNIFEM-Singapore, HOME, and TWC2. The Government has moved only recently to introduce changes pertaining to the security bond as provided by the Immigration Act.

These changes were announced by the Ministry of Manpower on 27 September 2009 and consist of a revision of the condition of the security bond “to address the issue of salary arrears” (Ministry of Manpower, 2009c). Reportedly, there were complaints from 4,500 foreign workers about unpaid salaries. According to this announcement, the employer will only forfeit half of the 5000-dollar bond if the worker escapes as long as a reasonable effort to retrieve the worker has been made and “prompt payment of salaries has been included to address the issue of salary arrears” (Teh, 2009). Other conditions have also been revised to remove the employers' liability in situations which are out of their control. Should workers themselves violate work permit conditions—such as those relating to marriage to a resident, or pregnancy—employers will no longer be penalized as long as they inform employees of the terms and report any breach they know of to the authorities. (Teh, 2009)

This step clearly addresses concerns over human rights and potentially enables the relaxation of private-home surveillance regimes around the persona and the body of the FDW. It also helps to avoid paternalizing foreign adults, putting the employment relationship more at a level with a modern labour relationship among citizens from the same country. It is implicitly a step in implementation of CEDAW, the human-rights convention concerned with discrimination against women. CEDAW (Article 15.4) stipulates that ‘States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.’ CEDAW is ratified by the Singapore Government. FDW freedom of movement still remains restricted by immigration law and the Work Permit regulation of attending to compulsory regular pregnancy tests and termination of employment in the case of pregnancy. Effectively, however, it is a step toward restoring some dignity for the migrant worker.

III. SURVEY RESULTS

Highlights of the Findings

- FDWs worked an average of 14 hours per day.
- In a normal week of the year, nearly a third of FDW have at least one day off.
- In a normal month, about half of FDW have at least one day off. This is mostly a Sunday or a public holiday.
- Among those who indicated reasons for why they gave their FDW a day off, the most frequent responses are “Our maid has the right to a day-off” and “Our maid deserves a day off”.
- Among those who indicated reasons for why they did not give their FDW a day off, the most frequent responses are “we want to avoid maid falling into bad company” and “Our maid doesn’t want a day off”.
- Among those asked who do not employ FDW, nearly three-fourths responded that FDW should be given at least a day off every week by their employers.
- About half or more employers or non-employers of FDW would terminate their worker’s employment if she brought home a stranger or, in a different case scenario, slapped the household’s children or senior members.
- FDWs are not hired exclusively to do one particular type of work. Nine out of ten FDWs do general household work as well as perform other common tasks like child and elderly care.
- More than half of the FDW employers turn to agents for advice when in labour conflict with their FDW.
- One out of three surveyed FDW employers said they would definitely give a day off, but one out of two would consider doing so if there were no security bond.
- Almost eight out of ten FDW employers say their FDW’s task performance was effective and only one out of 15 claimed the opposite.
- The most important reason for FDW employers not to give a day off is that FDWs could fall into ‘bad company’. One out of two surveyed respondents gave reasons that indicate the desire or need to control a domestic worker’s behaviour or social life.

1. Research overview

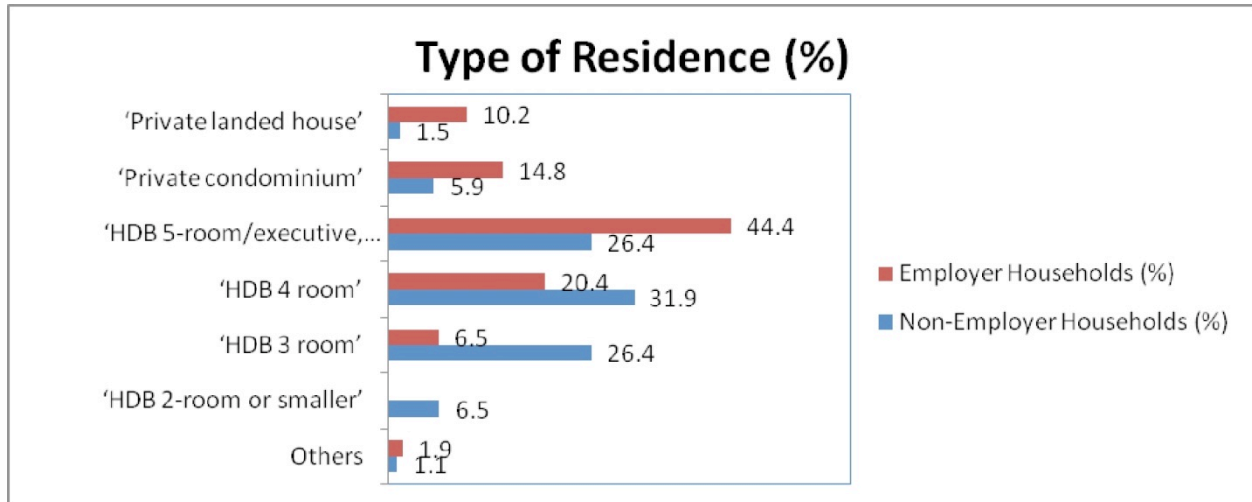
This study aimed to examine employer's attitudes towards granting regular rest days to migrant domestic workers and determine the number of workers receiving them. Through the use of a representative sample from the Singapore Department of Statistics, we hoped to empirically observe the issues pertaining to the living and working conditions of FDW as highlighted by the media and advocacy organizations engaging Singaporeans in the Day-Off Campaign. The research was trying to gauge the factors that would contribute to employers' reluctance to grant rest days, including an analysis of attitudes toward foreign domestic workers, related government policies, and other socio-economic variables. The survey was planned to target current and former employers of migrant domestic workers as well as Singaporean residents— both national and foreign ones— who at the time of the survey were not FDW employers. This was done to ensure that the NGOs for which the research was carried out gain a representative view across the country's residents.

In accordance with the research plan and initial expenditure calculations we purchased a sample of 4,000 household addresses from the Singapore Department of Statistics. This sample had to be representative of Singaporean private and public households. According to the NGOs' experiences and former research studies, such households are the typical locations for foreign domestic workers, as these mainly serve families. Sampling unit information included the residential address without any name provided, but with specification of the type of dwelling. An additional 480 addresses were included by the government agency to make up for possible vacated addresses.

The final sample used in analysis consists of 582 respondents, of which 108 (19 per cent) employed one or more migrant domestic workers in their households. The majority of the sample, 474 (81 per cent), is constituted of respondents who did not employ an FDW at point of data collection. While there was an average of four members in both types of households (the count excludes FDW), employers generally live in larger or more expensive housing than non-FDW employers.

In terms of residence type, the overall distribution of the final sample of 582 households examined in our study is similar to that of the original sample of 4480 households provided by the Department of Statistics. In both samples, the largest proportion (slightly more than half of the households) lived in HDB 4-room or 5-room/executive/HUDC apartments, while about one-fifth of the households lived in HDB 3-room flats.

Figure 1. Type of Residence



2. Survey instrument, data collection process, and sampling

Questionnaire and data collection design

The questionnaire, addressed to the head of the household and delivered during period June-August 2009, was differentiated by two subsets of the relevant target population. The questionnaire versions are presented in full length in the Appendix to this report. The Employer questionnaire (version “E”) –designed to be filled out by respondents who were employing an FDW in their household at the point of data collection—is five pages long and contains 46 questions. The non-Employer questionnaire (version “N-E”) –designed to be filled out by 22 respondents who were not employing an FDW at the point of data collection—is two pages long and contains 25 questions.

The data collection was planned as a two-step process. The first stage of data collection involved the use of an Internet-based survey (<http://www.surveymonkey.com>) and a questionnaire was developed accordingly for both FDW employers and non-employers. The questionnaire went online on 27 June 2009 and access was closed by the end of August. The web-published, online-accessible format was conceived as the primary means of data gathering because data collection from door-to-door for such a big sample would prove to be challenging without a major deployment of personnel. The households responding to the sampled addresses were informed by a postcard. The second stage of data collection involved follow-up door-to-door collection by volunteers, which was implemented swiftly with an eye on maximizing the manpower of the volunteer corps, which mainly consisted of students from Singapore Management University and other local educational institutions. A five-dollar supermarket voucher was given to every resident who filled out the questionnaire.

Sampling and final response rate

Only a small number of online questionnaires were returned—216 forms in total. Hence, to continue with an intensified effort involving door-to-door collection, the original database given by the Department of Statistics was used to re-sample. Because the door-to-door effort could not facilitate all addresses due to the small number of volunteers, a new sample had to be drawn. Based on a conservative estimate of volunteers (specifically: who had reported at volunteer training day on 4 July 2009 (51); a volunteer’s estimated propensity to perform a certain number of door knocks (50); and an addition of extra door knocks (10) in case of highly efficient volunteers), a random sample of 3,060 was drawn based on the formula of $3,060 = 51(50 + 10)$. We required that at least 2,550 visitations (51 volunteers x 50 door knocks) had to be completed. Among these 3,060 randomly drawn addresses, 145 cases had turned out to be already completed by online correspondents and were clearly marked out for the volunteer groups’ data sheets as “completed/do not visit”. While the purchased sample was stratified as explained above, the volunteer data collection had to be prepared with a random sample based on it, because the information from the completed 216 online responses was insufficient to stratify the sample further.

A total of 611 questionnaires were completed, of which 29 were removed before the data for a final sample of 582 were entered into analysis with SPSS statistical package. Considering only door-to-door collection, the response rate is 15.5 per cent (395/2,550). If we consider postcard mailing as sufficient ‘call’ for data collection and include all responses (395 plus 216 online-completions prior to the door-to-door collection) the response rate would still be 13.6 per cent (611/4,480). This is an acceptable rate, as low response rates for national surveys have been shown to be only minimally less inaccurate than higher ones (e.g. Holbein 2005). Nonetheless, we faced certain constraints with the volunteer effort in the door-to-door collection. For example, some volunteers only enrolled under the condition that they would be accommodated as to the location for data collection for their choice and hence not all districts were evenly visited. This behaviour and the inability to respond with capacity introduced a non-measurable bias. In the Appendix, we provide information summarized from the volunteers’ logbooks, which the volunteers were obliged to fill out for each ‘door knock.’

3. Findings

For ease of discussion, we will refer to respondents who are from households that are employers of migrant domestic workers as “Employers” and respondents from households without such workers as “Non-Employers”. In the case of the Employer households, 44 per cent of the respondents reported that they were the supervisors of the migrant domestic worker(s) in their respective household. For the Employer households that employed more than one FDW we ask to report about the FDW they knew best.

Since the questionnaires naturally had to differ for the respondent groups, we divide our main discussion section by reporting first on the findings pertaining to Employer households and

second on non-Employer households. For the migrant domestic workers we use the (in Singapore) legal abbreviation FDW and alternatively use the term “worker”.

Respondent characteristics

The sub-samples from both household types were similar (see Table 1). Respondents were mostly Singaporean citizens or Permanent Residents, with the majority being Singaporean Chinese, followed by Malays, and Indians. There were slightly more women respondents in the Employer households compared to non-Employer households and Employer-household respondents tended to be more senior and more likely to have higher levels of education than the respondents in the non- Employer households. In non-employer-households more homemakers responded compared to respondents in Employer-households where there were more respondents that were employed at time of survey.

Table 1. Respondent characteristics of the final sample (counts, with percentages in parentheses)

	Employer households, n= 108	Non-employer Households, n= 474
Sex		
Male	32 (29.6)	195 (41.1)
Female	75 (69.4)	268 (56.5)
Age		
20 years old or younger	0 (--)	14 (3.0)
21-30 years	13 (12.0)	114 (24.1)
31-40 years	40 (37.0)	132 (27.8)
41-50 years	32 (29.6)	110 (23.2)
51-60 years	13 (12.0)	65 (13.7)
61 years or older	10 (9.3)	36 (7.6)
Ethnicity		
Singaporean Chinese	86 (79.6)	360 (75.9)
Singaporean Malay	7 (6.5)	43 (9.1)
Singaporean Indian	8 (7.4)	44 (9.3)
Singaporean Eurasian	3 (2.8)	7 (1.5)
Other	4 (3.7)	20 (4.2)
Highest Educational Qualifications		
Primary, PSLE & below	3 (2.8)	49 (10.3)
Secondary, O, N levels	34 (31.5)	161 (34.0)
Pre-University, A levels	7 (6.5)	19 (4.0)
Polytechnic, Diploma	30 (27.8)	90 (19.0)
University, Degree	27 (25.0)	107 (22.6)
Postgraduate, Professional	7 (6.5)	36 (7.6)
Employment		
Employed	79 (73.1)	280 (59.1)
Self-employed	8 (7.4)	43 (9.1)
Unemployed	3 (2.8)	36 (7.6)

Retired	8	(7.4)	25	(5.3)
Student	3	(2.8)	28	(5.9)
Home-maker	7	(6.5)	60	(12.7)

Employers and their migrant domestic workers

Employer profile

By a large majority (97 percent), the FDW-employing households mainly had one worker at the time of the interview, but the majority of these households (69 per cent) also had a history of FDW-employment prior to this worker's employment.

FDW profile

According to the reported information, the FDW were mostly Indonesians or Filipinas. Two-thirds of the FDW were between 23 and 30 years old. Most of these FDW were reported to have secondary or lower education, and half of them were indicated to be mothers (53 per cent). Most of the respondents reported that their FDW had less than 5 years of overseas work experience. Two-thirds of the household respondents said they had been employing their current FDW for less than 2 years. .

Table 2. FDW characteristics as reported by the respondents (counts, with percentages in parentheses)

Profile of FDW (as reported by respondents)	Employer households, n= 108	
Country of origin		
‘Philippines’	34	(31.5)
‘Indonesia’	63	(58.3)
‘India’	2	(1.9)
‘Sri Lanka’	1	(0.9)
‘Myanmar’	6	(5.6)
Age		
‘22 years or younger’	5	(4.6)
‘23-30 years’	72	(66.7)
‘31-40 years’	27	(25.0)
‘41-50 years’	4	(3.7)
Highest educational qualifications		
‘Primary, PSLE & below’	34	(31.5)
‘Secondary, O, N levels’	52	(48.1)
‘Pre-University, A levels’	9	(8.3)
‘Polytechnic, Diploma’	4	(3.7)
‘University, Degree’	4	(3.7)
Years of employment in current household		
‘0-2’	72	(66.7)
‘3-5’	17	(15.7)

'6-10'	14	(13.0)
'More than 10'	4	(3.7)
Years of overseas work experience as FDW		
'None'	46	(46.3)
'1'	34	(26.9)
'2'	7	(13.9)
'3 or more'	8	(12.0)
'I don't know'	12	(0.9)

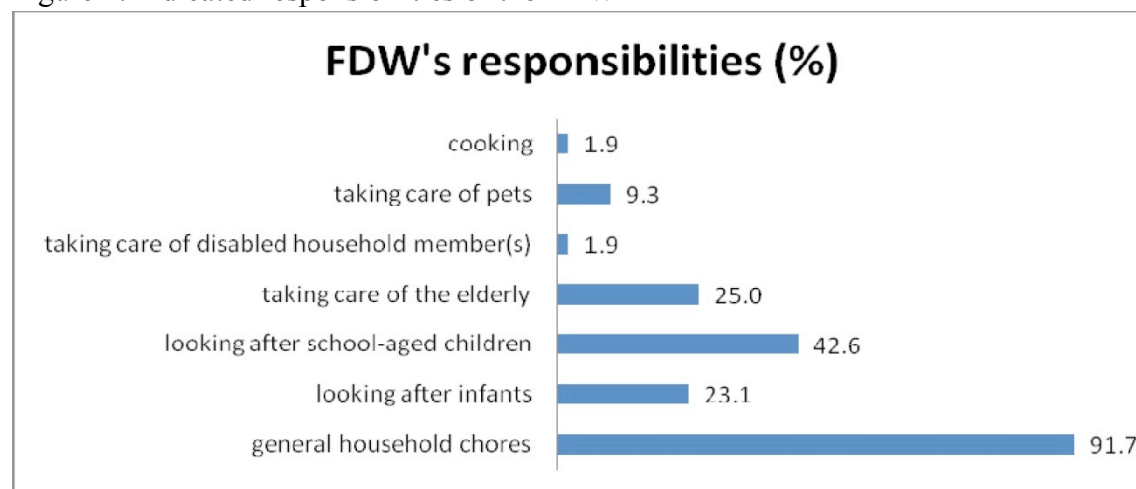
Most of the FDW (75 per cent) were recommended by an FDW employment agency. About a third of Employer respondents (27 per cent) reported that their FDW held a loan, with most of them (93 per cent) owing to the FDW employment agency.

Most of the Employers (79 per cent) reported that their FDW has been remitting money to their parents (66 per cent), children (41 per cent), spouse (19 per cent), and siblings (16 per cent).

FDW roles and responsibilities and Employer-side satisfaction and rewards

The workers' responsibilities included tasks in the following order: general household chores, child care, and elderly care. Almost all FDW (95 per cent) were paid on a monthly basis.

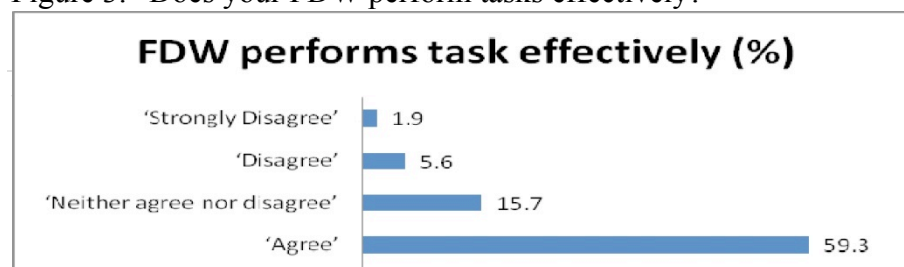
Figure 2. Indicated responsibilities of the FDW



Note: Multiple responses are allowed

A good two thirds of the Employer respondents (77 per cent) agreed or strongly agreed that their FDW performed her tasks effectively. Most of the respondents (88 per cent) reported that they rewarded their FDW on top of her salary, of which 73 per cent were in kind (e.g., clothes and food), 66 per cent were in cash, and 34 per cent treated their FDW to social gatherings with themselves. Only nine per cent of the respondents gave additional time off.

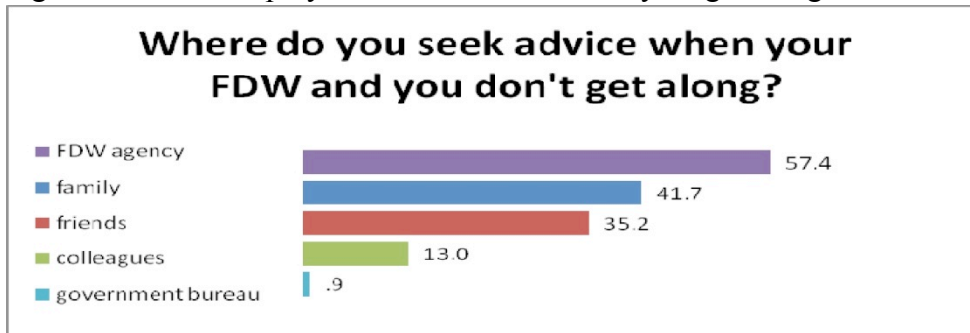
Figure 3. "Does your FDW perform tasks effectively?"



Conflicts with FDW and potential reactions

During times when Employers have conflicts with their FDW, the largest proportion of Employers reported that they would seek advice from the FDW's agency, followed by their family, and/or friends.

Figure 4. Where Employers seek advice when they do get along with FDW



Three hypothetical scenarios were presented to examine respondents' potential responses when their FDW make a mistake (see also questionnaires in the Appendix).

For Scenario 1, “Your FDW forgot to do an important household chore (e.g., wash clothes)”, the most frequent response was to “verbally reprimand/scold her”, followed by “not doing anything”.

For Scenario 2, “Your FDW brought a stranger home without the family’s consent”, the most frequent response was to “verbally reprimand/scold her”, followed by “terminating her employment”.

For Scenario 3, “Your FDW got frustrated with your child or a frail elderly household member and slapped them”, the most frequent response was to “terminate her employment”, followed by “verbally reprimanding/scolding her”.

Table 3. Labour conflict in three fictitious case scenarios—responses by Employer respondents

Potential reactions	Forgot important household chore (%)	Brought stranger home (%)	Slap child/elderly household member (%)
‘Not do anything’	18.5	.9	1.9
‘Verbally reprimand/scold her’	59.3	65.7	50.9
‘Take away her benefits (e.g., deduct pay)’	.0	3.7	4.6
‘Make her do more work’	.9	.9	.9
‘Physically punish her’	.0	.9	2.8
‘Terminate her employment’	.9	50.9	63.9

Note: Multiple responses are allowed. Only “Yes” responses are reflected.

FDW working conditions

In a separate section of the questionnaire, we gauged working hours, rest time, and day-off time. We also asked Employers for the specific reasons that motivated them to either give a day off or not. We further asked about the impact of the security bond in the Employer's decision to permit a day off.

Most Employers responded that their FDW started work between 6 a.m. and 7 a.m. and finished with work between 8 p.m. and 10 p.m. Based on these estimates, they worked an average of 14 hours per day, with the majority (85%) falling in the range of 13 to 16 hours.

Figure 5. Start of the average working hours of the employed FDW

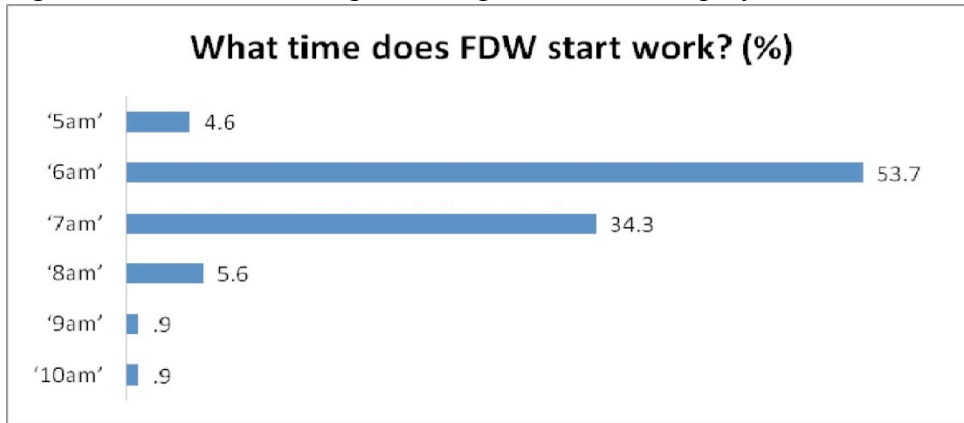
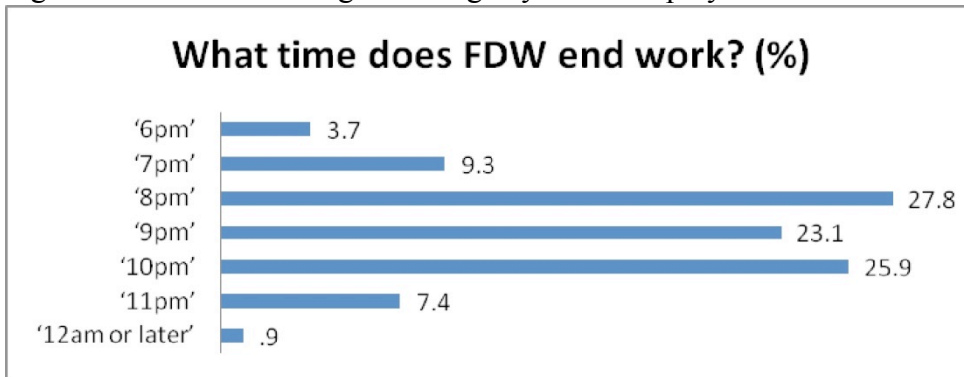
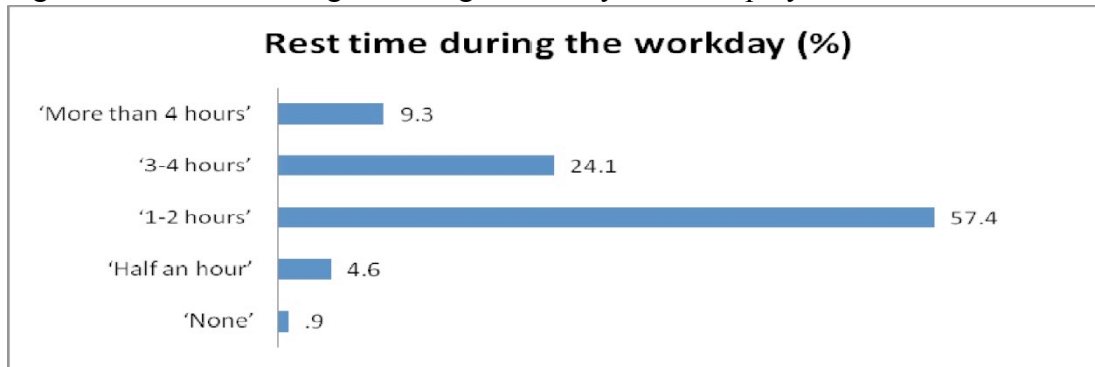


Figure 6. End of the average working day of the employed FDW



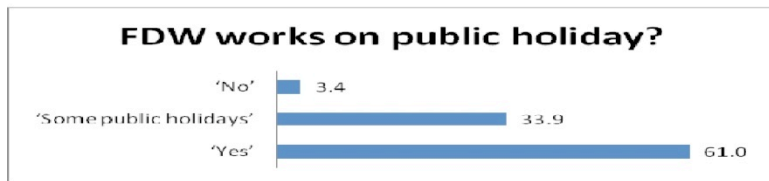
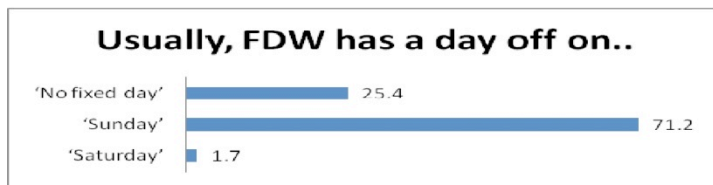
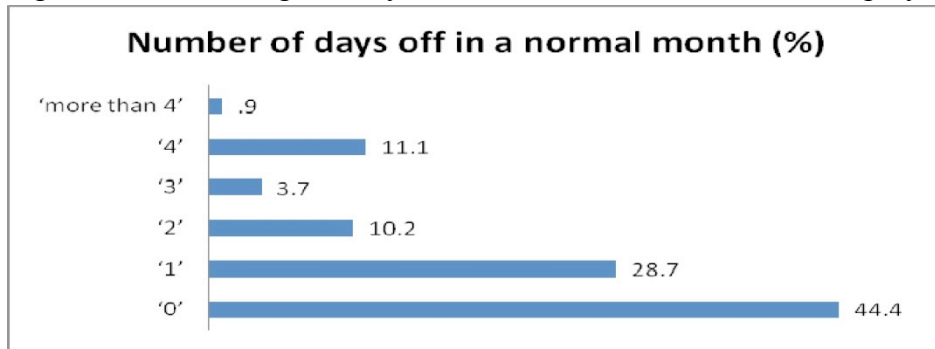
Slightly more than half of the Employers (57 per cent) indicated their FDW had a total of one-two hours of rest time. According to the reporting Employers, the majority of the FDW never or rarely leave their residences after finishing their daily work (77 per cent). Further analysis showed that the 6 FDWs who received only half an hour or no rest period appear to work at least 13 hours a day.

Figure 7. Rest time during an average work day of the employed FDW



Only about half (55 per cent) of the respondents reported that their FDW were given at least a day off in a normal month, mostly on a Sunday or public holiday. 85% (29 out of 34) of the FDWs from the Philippines received at least a day off in a normal month, compared to only 38% (24 out of 63) of the FDWs from Indonesia. Further analysis also showed that the number of days off given to the FDW in a month was positively correlated with the number of years the FDW has worked for the employer ($\alpha = .38, p < .01$), and the employer's evaluation of the FDW's task performance ($\alpha = .29, p < .01$).

Figure 8. Number of given days off in a normal month of FDW employment



To enable the FDW advocacy organizations to educate the public broadly, we also inquired about the reasons behind the decisions pertaining to days off. We invited indication of multiple reasons to gauge the wide spectrum of reasons leading to lack of sufficient rest periods. Reasons were provided by 59 of the 108 respondents from the Employer-households who gave their FDW at least a day off a month. Most of them chose the following reasons to explain why they gave their FDW a day off: they believed that the worker deserves a day off, she has the right to a day off, and she should be allowed to spend time with her friends.

Figure 9. Indicated reasons for giving day/s off

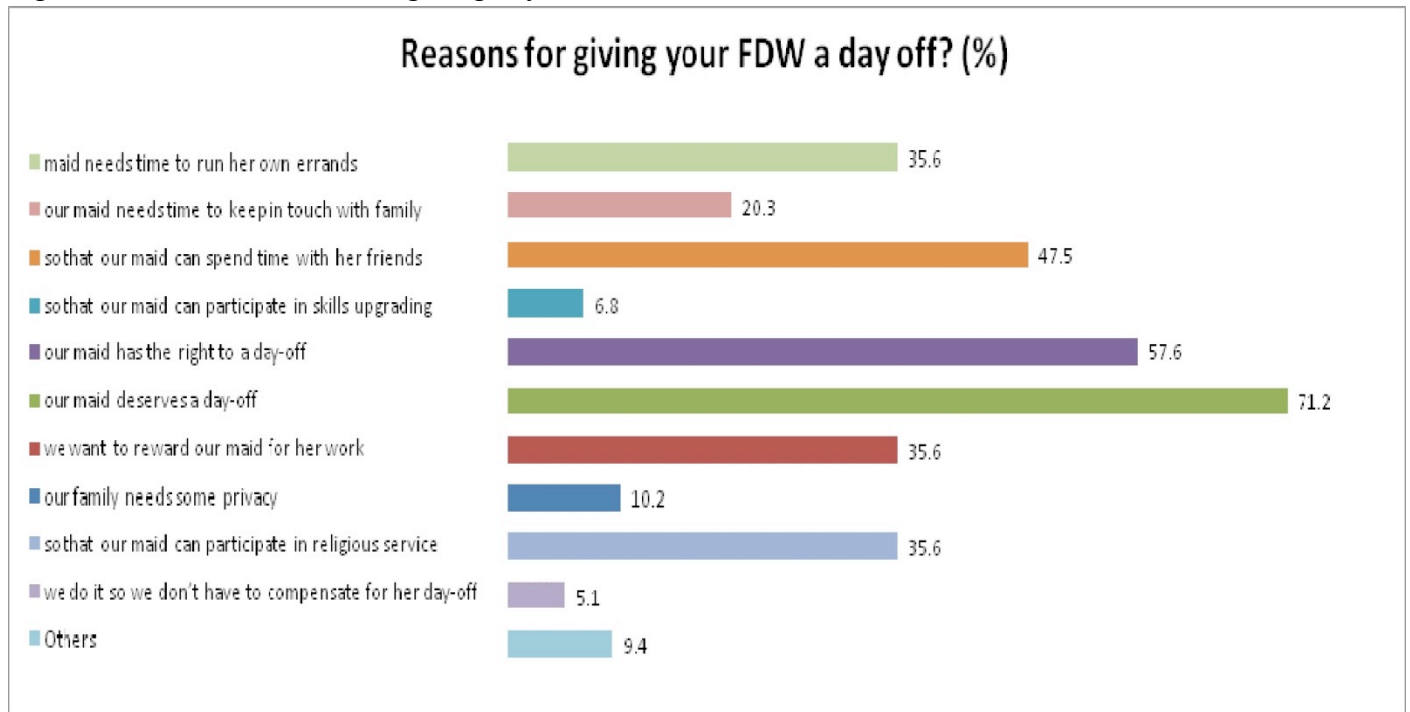
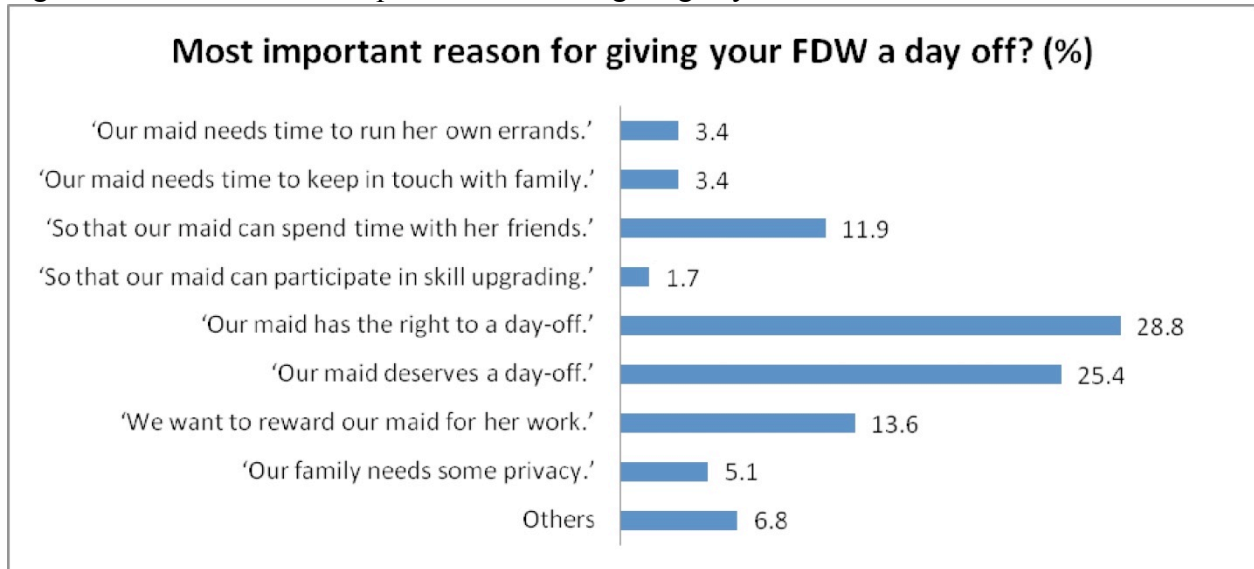
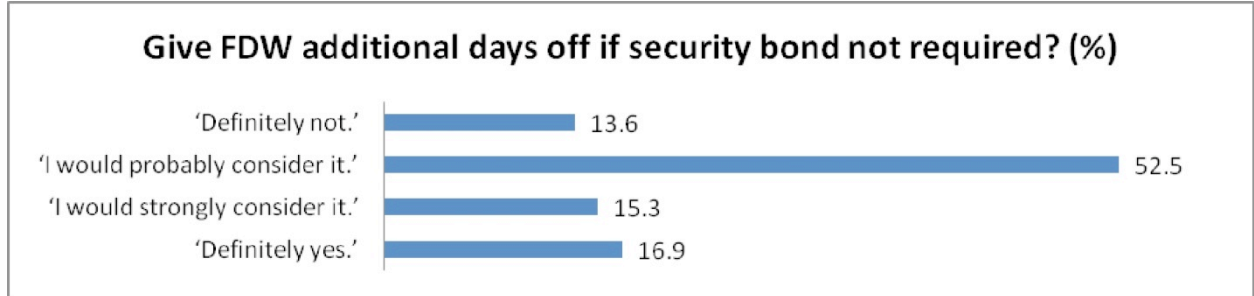


Figure 10. Indicated most important reason for giving day/s off



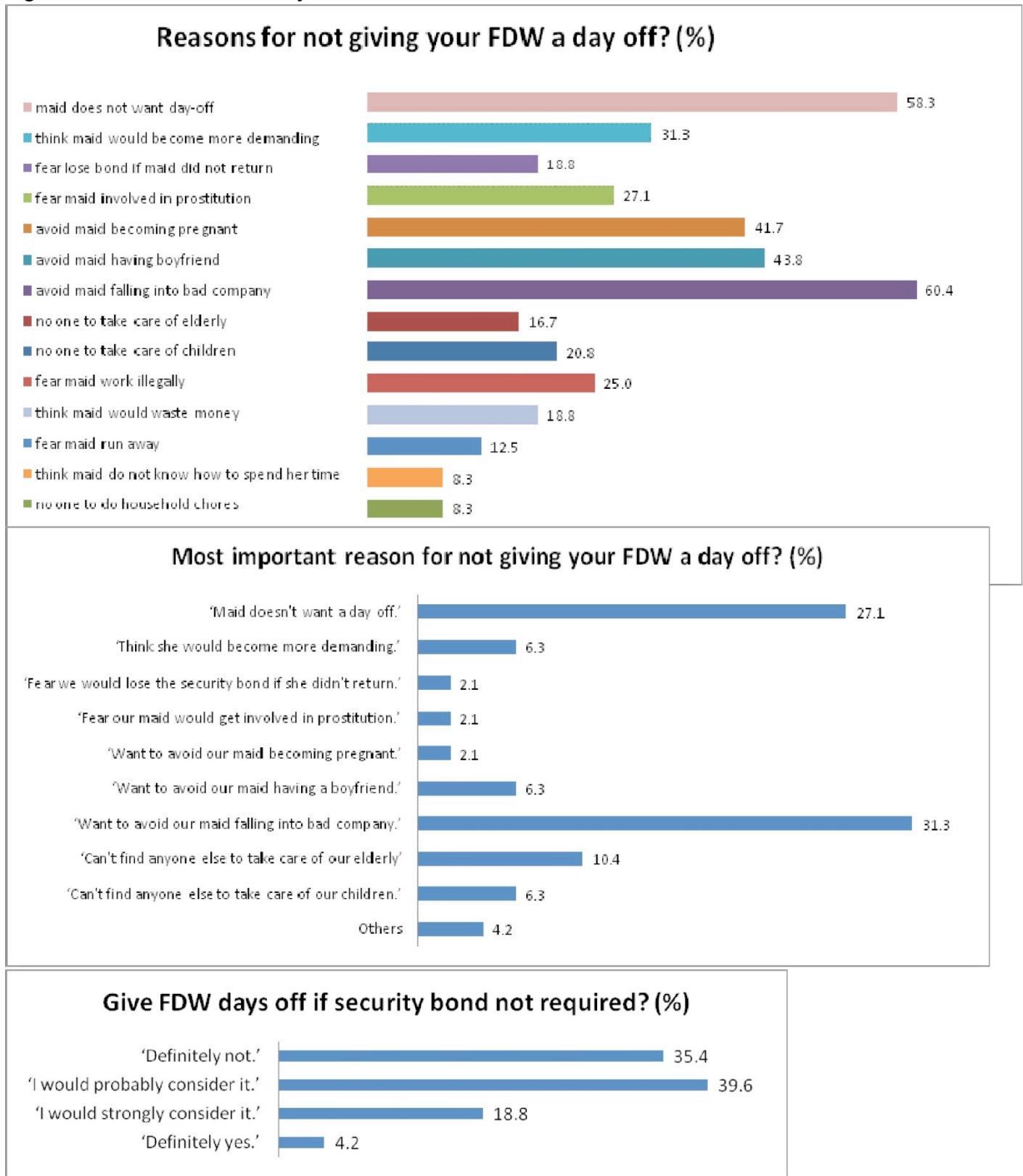
When asked whether Employers would consider giving the FDW additional days off if the security bond were not required, only eight out of the 59 respondents were definitely against giving extra days off.

Figure 11. Would an Employer give additional days off if the security bond were not required?



Respondents were also asked for the reasons why they did *not* give their FDW a day off. Reasons were provided by 48 of the 108 respondents from the Employer- households who did not give their FDW at least a day off a month. The most frequent reasons given were that the FDW did not want to have a day off and that they wanted to avoid her 'falling in bad company'. Other frequently indicated reasons were related to the FDW sexuality and reproductive rights. In addition, a third of the respondents check-marked the reason that 'the maid would become too demanding.'

Figure 12. Reasons to refuse day/s off



Findings for non-Employers and their households

In the questionnaire for Singaporean residents without FDW at the time of survey, we gauged opinions about FDW task performance and rewards for work, potential reaction in case of labour conflict, and beliefs about working conditions, including all the issues discussed in the correspondent section in the Employer’s questionnaire.

If non-Employers were to employ FDW, 44 per cent would reward the worker on top of her salary, mostly in kind (73 per cent) or in cash (62 per cent). Approximately half would treat her to social gatherings (47 per cent). A third would give the worker time off (35 per cent). Multiple answers were possible. The relative share of those who would reward the FDW for her work on top of salary is only half of that in the Employer sample, which makes real Employers more generous on average. Employers also scored higher on taking FDW to social gatherings when compared with fictitious employers. As a group, the latter also turned out more generous than the real employers in terms of giving additional time off.

How did the non-Employers react to the conflict case scenarios presented to the Employers?

In response to Scenario 1 the most frequent response was to “verbally reprimand/scold her”, followed by “not doing anything”.

In response to Scenario 2 the most frequent response was to “verbally reprimand/scold her”, followed by “terminating her employment”. In response to Scenario 3, most of the respondents would “terminate her employment”, and/or “verbally reprimand/scold her”.

Table 4. Labour conflict in three fictitious case scenarios—responses by non-Employer respondents

Potential reactions	Forgot important household chore (%)	Brought stranger home (%)	Slap child/elderly household member (%)
‘Not do anything’	8.9	2.1	1.5
‘Verbally reprimand/scold her’	62.0	58.6	51.3
‘Take away her benefits (e.g., deduct pay)’	4.0	10.8	11.4
‘Make her do more work’	2.7	3.0	4.2
‘Physically punish her’	.2	1.1	1.9
‘Terminate her employment’	3.0	47.0	65.2

Note: Multiple responses are allowed. Only “Yes” responses are reflected.

Finally, what did non- Employers make of FDW working conditions, especially the day-off issue? And what were their normative expectations on themselves as potential employers compared to what they thought other, real, employers were permitting?

On average, respondents who did not employ FDW believed that these workers work 11.5 hours per day, while they should work only about 10 hours a day. While most respondents thought that FDW *should* have at least a day off per week, less than half believed that they actually had at least a day off.

Figure 15. Non-Employers' guesses of FDW's number of work days per week

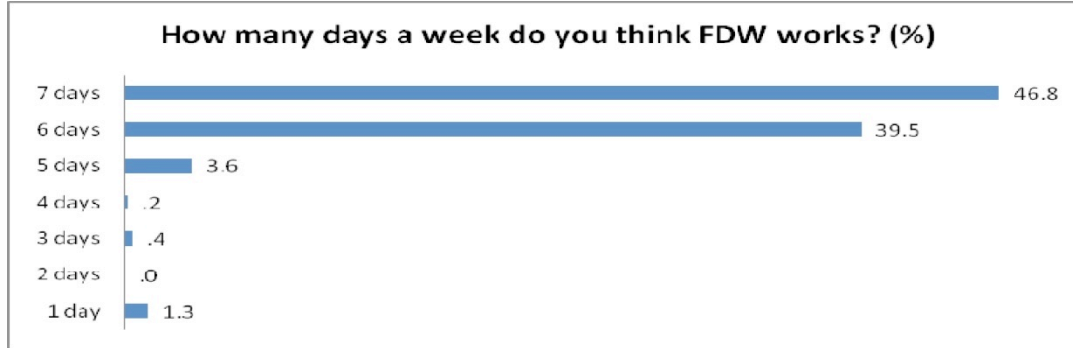
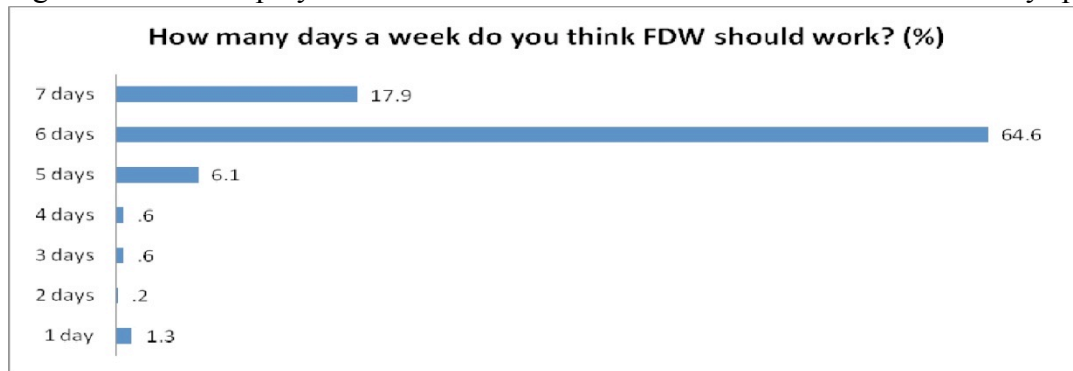
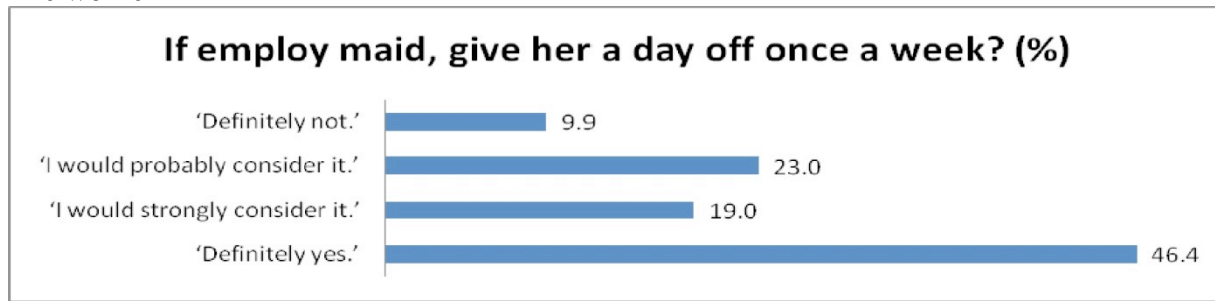


Figure 16. Non-Employers' normative beliefs about FDW's number of work days per week



If they were to employ an FDW, most would consider giving the worker a day off per week. Notably, about half indicated that they would definitely give her a day off.

Figure 17. Non-Employers' normative beliefs about giving FDW's day/s off if they were to hire worker



19 per cent of the respondents would give their FDW a day off on all public holidays, and 26 per cent would give her a day off on some holidays, while 8 per cent would not give her a day off on public holidays. 18 per cent of the respondents think employers might give their FDW a day off if the security bond is not required, while 21 per cent think employers wouldn't do so.

Interpretation of Findings

Overall, the findings reflect the situation well-known from the research that has been done on the living and working conditions of FDW in Singapore. We discuss these as well as employer attitudes related to the working conditions. We must keep in mind the small sub-sample size of the Employer-household respondents and the non-representativeness of the study with respect to the entire Singapore FDW-employing population as well as other citizenry.

A large proportion of FDW stems from Indonesia and the Philippines, with the Filipinas being more senior and more educated. Half of the FDW reported on are mothers. This measure should be improved further, probing for younger children left at home while working overseas. The remittance-sending measure suggests that the larger majority of the FDW work to support their families back home.

Labour conflict

Regarding labour conflict, the reactions toward perceived wrong-doings of FDW are similar across the respondent categories. Verbally reprimanding the FDW would be the major course of action across all kinds of offenses. Slapping children or the elderly family members is obviously conceived by the majority as a major offense, which warrants the response of employment termination. Bringing strangers to the family home without prior consent is also seen as a major offence leading to termination.

Working hours

In our survey of working conditions, we found that the large majority of FDW (over 92 per cent) has started work by 7 a.m. while a large majority of FDW (over 94 per cent) finishes after 7 p.m. They worked an average of 14 hours, with only a third having three or more hours of rest, and another 57 per cent having one-two hours rest. In this sample, six FDWs receive only

half an hour or no rest period, despite working at least 13 hours a day. Such work hours are clearly higher than the expectations of the non-Employer respondents, who on average, thought that domestic workers should only work 10 hours a day.

The day/s off

With respect to the day-off issue, the study of these 582 respondents showed some clear trends in popular opinion, albeit we must keep in mind that the study is not representative of the Singapore population and definitely not of the Employers of FDW among them.

Most Employers indicated satisfaction with the work of their FDW and cited their own readiness to reward the worker on top of her monthly wages. Such rewards mainly stemmed from household provisions in terms of consumer goods and cash awards of unnamed size. Employers, however, tend to not give additional time off as a reward, which may reflect their need of a worker, their lack of perception of time off as necessary leisure time for an employee, or the fact that the worker prefers other rewards. Among the non-Employer respondents, relatively more respondents would give additional time off.

Filipina FDWs appear more likely to receive at least a day off in a normal month, compared to FDWs from Indonesia. Given that at least one day off is a regular feature for a normal employee under national labour law, this situation contrasts strongly with the experience of most of the population: the monthly day off measure shows that within a month, only 13 workers reported on by the 108 Employers (12 percent) had at least four days off. Among the non-Employers, over 70 per cent (348 respondents) think that workers should receive at least a weekly day off (Figure 16). This wide discrepancy between actual and hypothetical is important for further public education about days off. Despite the non-representativeness of the sample, the gap is large enough to suggest that there is an understanding in the population that FDW should have a weekly day off, while it is the employment situation that highly likely constrains the realization of this understanding in a real working arrangement. When non-Employers were pressed harder on the matter of whether in a real work relationship they would give a weekly day off, only 46 percent stayed committed, while, however, another 19 percent would “strongly consider it” (again a 309 people would be committed or strongly considering the day off). This leads to the question of what sort of employment terms and conditions would be needed to foster such a commitment to the equalization of the employment relationship of the FDW vis-à-vis the normal employee.

Therefore it is important to examine the reasons behind day(s)-off given and not permitted. We first discuss the group of 59 Employers who provided reasons for giving a day off. It is interesting to note that many reasons are actually obvious to these Employers when it comes to the utility of a day off—reasons which overwhelmingly correspond with social benefits of the FDW (e.g., spend time with friends) rather than their own needs (e.g., family needs privacy). Notably, when asked to provide the most important reason for giving their FDW a day off, the largest proportions of respondents believe that she has the right to a day off or deserves a day off, reasons which pertain to a general right for workers to have a rest day.

Results from the responses by 48 Employers who provided reasons for not giving days off are overwhelmingly directed at the Work Permit Conditions. The majority indicates that the Employer perceives him/herself as the warden of the social and sexual behaviour of the FDW. The shares of Employer responses regarding pregnancy and potential intimate relationship (i.e. the basic social, sexual and reproductive rights of women around the world) indicate that nearly half in this group of day-off denying Employers respond directly to the instructions given by the Government. Another large share of nearly two thirds of responses also indicates that they see themselves as wardens of morality, as they don't want to see the FDW "falling into bad company". This is also the most important reason indicated.

The large share of respondents indicating that their FDW does not want to have a day off is a finding worth further exploration. Simply asked, why would a hard working individual not want to have a day off? But it is possible that this potential rejection is related to contractual agreement or that the FDW perceives her social time with the family as leisure time when she gets it. This high indication of reasons for not taking day/s off suggests that more work needs to be done to understand such reasons in a representative manner.

Elimination of the security bond as stepping stone toward day(s) off?

Among all 108 Employers, 25 are highly committed to either not giving any additional days off or keeping up the practice of not giving any day off. This contrasts with a total of 12 Employers who would definitely give day(s) off, or add on day(s) off if the security bond were eliminated.

More importantly, however, 68 per cent of Employers already giving day/s off and 58 per cent of Employers not giving day/s off would probably or strongly consider day/s off in the absence of the security bond. This concerns 68 individuals (or 62 per cent) of all Employer respondents. In addition, 220 respondents among the non-Employers would definitely give a weekly day off in full knowledge of the security bond. Here we can ask the question whether on the whole, this sample of Singaporeans is for or against day(s) off in their different roles as employers and non-employers of FDW. To examine this issue, we urge the NGOs and the Government to undertake a representative poll which clarifies through civic response the desirability of the security bond.

Limitations and Research Consultants' recommendations

The major limitations on the study are the overall low response rate, which does not permit more detailed analysis, and the potential biases in data collection by the volunteers, which made us less confident about the representativeness of the sample. In addition, only 108 FDW employer surveys could be included in the final dataset, lowering the information power with respect to the study of attitudes, profiles, and working conditions.

We suggest a few potential reasons for the low response rate. The first is the potential perception of a low pecuniary benefit for survey completion in relation to the fact that it took time and asked about things happening in the private home. Given the public's awareness about misconduct of FDW employers, the survey may have not appealed to those who were

sharing the role of employer. Some of those who rejected the survey stated that they didn't like to fill out a survey for UNIFEM. The choice of a low pecuniary incentive should also be re-evaluated in the context of Singaporean commercial enterprises offering incentives for information-sharing about consumer households that are far from the five-dollar voucher given away by the NGOs, such as cars and thousands of dollars. While non-employers make up over 80 percent of our sample, one must also ask what specifically did not appeal to them, as they didn't have to risk getting uncomfortable about questions that can potentially be interpreted as inquisitive. The logbook information of the volunteers shows that many people simply refused to participate without stating a clear reason. This may be interpreted in the context of a general apathy of Singaporeans to engage with political issues at the civil-society level in a society where welfare and charity associations' activity is relatively high when compared to other developed countries. Respondent complacency is probably not unrelated to the FDWs' social status. Here we think it is pertinent to work together with the Singapore Government to educate the citizens and permanent residents as well as the temporary foreign residents in Singapore on the importance of data collection on marginalized social groups. Singapore has a tradition of educational campaigns, and collaborating with the government on this may in the long-term achieve better treatment of FDW.

Given the relatively low response and the problems with data collection, we suggest treating this survey as the pilot survey to a future project, as it generated some knowledge on the conditions of surveying on this labour issue. In addition, we suggest that the NGOs team up with the Government and employer associations to get a fuller citizen response. Including the Government, especially the agency of the Controller of Work Passes, would have the advantage of getting a better sampling frame, as FDW can be directly located through the information this agency holds.

Furthermore, if the NGOs were to carry out a new survey, we feel that data-collecting individuals also need to be remunerated because representativeness is a serious issue in the pursuit of information NGOs can use for advocacy and lobbying means. In addition, rather than running on a mainly young and/or student workforce, more senior citizens would be useful as they are not bound by the priorities of academic and school schedules and would be a better match with the targeted respondent population. Indeed, having respectable citizens helping with surveys would have an educational effect right at the door.

Given the gap between Employer and non-Employer answers regarding the day-off question, we recommend to probe into the matter further by combining focus groups with representatives of divergent views. Information on whether gaps are due to differences in levels of exposure to and involvement in FDW-employer relationships should be used as basis for more research to unfold policy measures addressing obstacles to day-off.

ANALYSIS AND RECOMMENDATIONS by UNIFEM- Singapore, HOME AND TWC2

This section outlines the organizations' analysis of the key findings of the report and presents several recommendations to promote fair and decent work for domestic workers.

Work hours and work load

The data yielded from the survey of 108 employers show that on average their domestic workers work 14 hours per day. Rest time during the day is arbitrarily decided but a majority of employers noted that their domestic worker at least have one to two hours rest. This suggests that on average the domestic workers who were working for the employers surveyed put in 12 to 13 hours of work daily.

A weekly day off is more the exception than the norm with only one third of employers reporting that their domestic workers take a day off once a week while half reported that their domestic workers take a day off once a month. Only three per cent of employers reported that their domestic workers do not work on public holidays while the rest indicated that they work on some public holidays with sixty one per cent reporting that their domestic workers work on all public holidays.

Almost all (nine out of 10) of the employers surveyed indicated that their domestic workers do general household chores. As multiple responses are allowed, about 90% of employers surveyed indicated that their domestic workers also look after school-aged children, take care of the elderly, look after infants and take care of pets. It is fair to conclude then that the domestic workers of the employers surveyed shoulder at least two main responsibilities, performing general household chores in addition to either taking care of school-aged children, the elderly, infants or pets.

On average, the domestic workers who were working for at least two-thirds of the employers surveyed put in 87 hours of work per week while the ones who were working for one third of the employers surveyed who had a weekly day off put in 72 hours of work per week. These figures far supersede the average weekly paid hours of employees in Singapore, which have been hovering around 46 hours since 1999, as reported by MOM¹⁴ It can be concluded that given these findings, on average, a majority of the domestic workers of the employers surveyed work extremely long hours performing multiple tasks of caring and cleaning without a weekly day off. This does not differ gravely from the findings of the Singapore Press Holdings survey in 2003 (see previous section) suggesting that the work conditions of paid domestic workers from the two data sets are more or less the same and that there have not been drastic change in the work hours and work load of domestic workers since 2003.

Policymakers have argued that it is unrealistic to regulate paid domestic work because of its unique nature and the rigidities of some of the work performed for example, taking care of young children, sick people and the elderly who need constant care. In addition, adopting a

¹⁴ "Hours Worked", available at <http://www.mom.gov.sg/statistics-publications/national-labour-market-information/statistics/Pages/hours-worked.aspx>, accessed on 10 November 2010)

more flexible approach to allow for employers and domestic workers to agree on an arrangement could also mean that domestic workers be given the space to choose to earn extra should they prefer to work instead of enjoying day off as stipulated in the Standard Employment Contract introduced in July 2006¹⁵ (Parliament No:11 Session No:2 Volume No:86 Sitting No:8 Sitting Date:2009-08-18 Section Name: ORAL ANSWERS TO QUESTIONS NOT REACHED Title: FOREIGN DOMESTIC WORKERS (One rest day per month) MPs Speaking: Mr. Christopher de Souza; Mr. Gan Kim Yong, available at http://www.parliament.gov.sg/reports/public/hansard/title/20090818/20090818_S0007_T0004.html#1). We would argue that it is pertinent to accord key labour provisions such as maximum work hours, day off and overtime pay as research findings show that paid domestic service is inherently laborious and those who perform it are subjected to extremely long hours of work without having any guarantee of a regular day off. Legislating such key labour provisions would be a step forward in recognizing domestic work as work and in protecting the basic labour rights of domestic workers.

Recommendations

The unregulated nature of domestic work makes them highly vulnerable to situations of forced labour¹⁶. Debts incurred to recruitment agencies may compel some to accept exploitative working conditions, for fear of repatriation and termination of employment. Singapore should ratify ILO Core Convention C105 Abolition of Forced Labour Convention, 1957, which calls on member states to suppress and not to make use of any form of forced or compulsory labour.

Singapore should include domestic workers under the Employment Act or separate legislation which provides full and equal protection with other workers for key labour provisions such as a weekly day off and regulated work hours. Such legislation should be in line with international labour standards as outlined by the eight ILO core conventions:

¹⁵ Parliament No:11 Session No:2 Volume No:86 Sitting No:8 Sitting Date:2009-08-18 Section “FOREIGN DOMESTIC WORKERS (One rest day per month)” available at http://www.parliament.gov.sg/reports/public/hansard/title/20090818/20090818_S0007_T0004.html#1, accessed on 25 November 2010

¹⁶ Forced labour is defined by the International Labour Organisation as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ Article 2 C29 Forced Labour Convention, 1930

- 1) C29 Forced Labour Convention, 1930
- 2) C87 Freedom of Association and Protection of the Right to Organize, 1948
- 3) C98 Right to Organise and Collective Bargaining Convention, 1949
- 4) C100 Equal Remuneration Convention, 1951
- 5) C105 Abolition of Forced Labour Convention, 1957
- 6) C111 Discrimination (Employment and Occupation) Convention, 1958
- 7) C138 Minimum Age Convention, 1973
- 8) C182 Worst Forms of Child Labour Convention, 1999

The Standard Contract for domestic workers which was introduced in July 2006 has no teeth in ensuring that domestic workers are accorded decent employment conditions. The contract does not prescribe how long FDWs should work or how much they should be paid. Even though the contract prescribes that a domestic worker should be given one day off a month it also allows for cash compensation in exchange for the day off¹⁷. Thus Standard Contract does not prescribe minimum standards of work but in turn promote employers and domestic workers to work out their own arrangement on employment conditions. This approach is deeply flawed as it ignores the imbalance of power between the employer and domestic workers. More than often the domestic workers would feel compelled to accept whatever conditions stipulated by employers given the pressure in paying off the debt they incurred in securing work overseas. In addition, employment agencies are more likely in favour of employers paying the domestic workers extra in exchange for the day off as it would serve their interest as the money could go into servicing the money loan out to domestic workers.

Attitudes towards day off

It has been argued before that legislating a day off for domestic workers would be impractical as domestic workers are hired predominantly to care for dependents such as the elderly, the infirm, children and infants where the work involved can be unstructured. Proponents of such arguments express the view that rest time and rest days are best negotiated privately instead of being legislated, as implementation of such a law will be rendered impossible because of the nature of the work. On the other hand, the findings of the survey show that employers who did not give their domestic worker a day off did so because they are fearful that domestic workers would either fall into bad company, fall pregnant or meet a boyfriend. A third of the 48 employers who responded to the question gave as the most important reason for not giving their domestic worker a day off a fear that their domestic worker would fall into bad company.

There are two possible explanations for the attitudes of the employers above. Firstly, it could be that these employers do not want to be inconvenienced if their domestic workers lose focus on their work. The second possible reason for such attitudes is the security bond conditions that place the legal responsibility for a domestic worker's behaviour and actions on the employer. The current regulations state that an employer will lose the security bond if they fail

¹⁷ Basu, R, 30 July 2009, "Relook maids' pay and benefits", *The Straits Times*

to report to MOM a domestic worker who falls pregnant or gives birth to a child in Singapore, marries a Singapore citizen or permanent resident and who gets involved in activities detrimental to the security of Singapore.

Seventeen per cent of the 108 employers surveyed indicated that they would definitely give a day off if the security bond was not required while sixty eight per cent would probably consider it if the security bond was not required. Whilst we acknowledge that MOM has revised the security bond conditions¹⁸, thus reducing the risk of employers losing the bond should workers breach work permit conditions, the new rule still hold employers responsible for domestic workers' moral and social behaviour as they are legally obligated to educate workers of these work permit conditions and report transgressions.

Recommendations

- Repeal all security conditions that require employers to be legally responsible for the moral and social conduct and behaviour of their migrant domestic workers. It is unfair to impose such obligations on employers as it would require them to interfere in the private lives of their workers. Having to do so presents a serious impediment against the employer and domestic worker building a professional relationship based on the principles of trust and dignity. Freeing employers of such obligations is also a necessary step forward in according domestic workers the basic right of a regular day off. The burden and risks of breaching work permit conditions should be shouldered by employers and workers separately.

Almost fifty per cent of the fifty nine employers noted that the reason for them to give their domestic worker a day off was because it is the worker's right to have a day off while seventy per cent also stated that they did so because their domestic worker deserves one. Twenty nine per cent of the same set of employers noted that the most important reason for giving their domestic worker a day off is because it is the right of a domestic worker to have a day off while twenty five per cent noted that the most important reason for giving their domestic worker a day off was because they believe that their domestic worker deserves the day off. This shows that amongst employers who gave their domestic workers a day off there is an understanding of employees' rights. However, these employers still constitute a minority of the overall sample of employers surveyed.

Seventy per cent - the 474 respondents from non-employer households - indicated that domestic workers should only work at least six days a week. This shows that there is a widespread view amongst the majority of those surveyed from non-employer households that domestic workers should have a day off. However, while there is such an understanding, only

¹⁸ "Employers obligations tweaked", available at

<http://www.mom.gov.sg/newsroom/Pages/PressReleasesDetail.aspx?listid=26>, accessed on 10 November 2010

forty six per-cent surveyed indicated that they would give their domestic worker a weekly day off should they employ one.

The findings discussed above show that there is a considerable gap in those surveyed for both employer and non-employer households of the notion that the weekly day off is a right of domestic workers. Moreover, as noted by the researchers, the discrepancy between actual and hypothetical pertaining to granting domestic workers a day off could also be because of “the employment situation that highly likely constrains the realization of this understanding in a real work arrangement” (p. 37). Whilst noting that the demands of domestic work can actually impinge upon the willingness of employers to give a weekly day off, the survey findings also show that the reason most cited by employers surveyed for not giving their domestic workers a day off is a fear of these workers transgressing moral and social codes of conduct stipulated in the work permit.

Recommendations

- Provide rights based education for employers. The emphasis of the rights based education should be different from the current orientation program that all first time employers have to sit for and pass where the focus is on educating employers of the current employment regulations. Although issues such as welfare and treatment of domestic workers are covered in current orientation program, the content is not couched within a rights perspective given that a mandatory day off is absent from the current regulatory framework.
- Conduct further research to identify which employment situations pose constraints to realizing a mandatory day off for domestic workers. The objectives of such a research should be to identify gaps in services that can help employers cope without a domestic worker.

Employer-domestic worker relationship

The survey found that about half of the employers surveyed would terminate their worker’s employment if she brought home a stranger or in a different case scenario, slapped the household’s children or senior members. Such actions are serious enough to warrant a dismissal, compared with other transgressions made at work such as forgetting to perform household chores.

Media reports have also supported the above findings that bringing a stranger, especially a boyfriend, into the employer’s home leads to immediate dismissal. Reports about domestic workers abusing the charges under their care have also been highlighted. Such abuses may happen because of the domestic worker’s inability to cope with the stress of being a live-in domestic worker. As a result, she may take it out on the child or the elderly person she is caring for by abusing them. It should be stressed that the survey presented interviewees with a hypothetical situation and gives no indication of the actual occurrence of such behaviour.

The nature of live-in domestic work creates special demands on the employer, the employer's family and the domestic worker. The boundary between the domestic worker's 'work' space and 'personal' space becomes blurred since she is also living in the premises where she works. This living arrangement makes it almost impossible for domestic workers to get time to themselves and to totally divorce themselves from work, which adds to the stress of the job. At the same time, the presence of a domestic worker in the household encroaches on the personal space of employers and their family members, thus making employer-domestic worker relationships vulnerable to conflicts.

Recommendations

- Enhance efforts to educate employers on employer-employee relationship management, and managing the stresses associated with live-in domestic work. Even though the Ministry of Manpower has implemented an employer's orientation programme, it is targeted at first time employers only. More efforts should be made to reach out to existing employers. Incentives should also be given to employers for attending such courses. Employer associations such as the Singapore National Employer's Federation and professional bodies such as the Singapore Human Resources Association should look into reaching out to employers and conducting courses in collaboration with the Ministry of Manpower and employment agencies on such issues.
- Promote the establishment of support networks such as unions for migrant domestic workers, to help them cope with the stress of live-in domestic work, improve their ability to communicate with employers effectively and inculcate skills to build a positive and professional relationship with employers. This is consistent with ILO Convention 98, Right to Organise and Collective Bargaining Convention, 1949 which Singapore has ratified. A weekly day off is necessary for this to happen and to ensure that domestic workers will be better able to organise themselves and support one another.
- Promote the establishment of social support networks for employers of migrant domestic workers to help them build a positive and professional relationship with their domestic worker, especially in the areas of dispute resolution, effective communication and management of expectations with regard to job scope and behaviour at work. Grassroots organisations and workplaces should be encouraged to take a more proactive role in the establishment of such support groups.

The role of employment agencies

The survey findings revealed that slightly more than half of the employers surveyed would seek advice from employment agencies in the event of a conflict with domestic workers. This underlies the important role that employment agencies might play in giving competent,

professional and effective advice to employers who need help to manage their relationship with domestic workers. Cases handled by HOME and TWC2 on their helplines and help desks have shown that many employment agencies are typically more concerned with the repayment of loans or placement fees by the workers than the difficulties faced by them in the course of employment.

Recommendations

- Enhance the professionalism of employment agencies dealing with the hiring of domestic workers. The staff at employment agencies should be trained in counselling, effective interpersonal skills, cross cultural communication techniques, and mediation. Evidence of such skills and training should be made criteria for approval of licenses and license renewal. The Association of Employment Agencies (AEAS) and Case Trust should take a proactive role in professionalising employment agencies by making available appropriate training courses and other resources for their members. These organisations should work towards shifting the mindset of employment agents from treating domestic workers as products to be sold to clients who are deserving of decent services.

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APPENDIX

Possible biases in the data based on volunteers' logbook information

	Biases
Volunteer-dependent biases	<ul style="list-style-type: none"> - Volunteers might have not visited all addresses - Volunteers might not have done enough to get the attention of the residents to open the door or to listen to the volunteer's invitation to participate - Volunteers were choosy about where to go and unwilling to serve in areas they didn't live in - Volunteers were supposed to repeat visit if no one at home but not all did it (some did) - In some cluster areas there were just not enough volunteers (some swapping of addresses on the go was done to keep a balance but that was not very effective due to the inflexibility of the volunteers to do what the organization ultimately needed)
Respondent-based biases	<ul style="list-style-type: none"> - Respondents don't like on line surveys, don't like paper surveys - Respondents didn't like to participate in a survey from UNIFEM - Respondents refused to participate - Some apartment doors were blocked by guards, there was a guarded condo situation, other barriers, bells without direct communication access (coded doors), etc. - Some respondents only spoke Chinese (a questionnaire in Chinese was introduced after a couple of weeks but not all volunteers picked them up from headquarters to pass them on) - When visited, some said they would participate by going to the online survey (which was kept open) but might have not done so after all. - Incomplete surveys

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