

**Additional Information for Singapore  
On Child Domestic Workers  
For the 81<sup>st</sup> Session of the United Nations  
Convention for the Rights of the Child (CRC)  
Committee**



**HUMANITARIAN ORGANISATION FOR  
MIGRATION ECONOMICS  
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## **About HOME**

The Humanitarian Organization for Migration Economics (HOME; [www.home.org.sg](http://www.home.org.sg)) is a non-governmental organization based in Singapore that serves the needs of the migrant community, especially low-waged migrant workers. Established in 2004, HOME has been granted United Nations ECOSOC status, and provides services to thousands of migrant workers in need through the provision of shelter, legal assistance, training, and rehabilitation programmes. We provide accommodation to between 700 to 800 domestic workers every year who have been abused and exploited. At our helpdesk, we register an average of around 15-20 new MDW cases every week. This report is based on our experience providing assistance to migrant domestic workers.

## **Background**

There are approximately 250,000 migrant domestic workers (MDWs) in Singapore. They come from countries including Indonesia, the Philippines, Myanmar, India and Cambodia. These women live and work with their employers, and perform household tasks such as cleaning, cooking, child minding and care giving to the elderly. It is estimated that one in five resident households in Singapore employs a live-in domestic worker and have become an indispensable part of many Singaporean families.

MDWs enter Singapore on a 2 year Work Permit (WP). Their working conditions are regulated by the work permit conditions of the Employment of Foreign Manpower Act. However, the standards stipulated by the Act do not comply with national labour standards.

Only employers and authorized employment agencies may apply to renew an MDW's work permit, and such renewal is determined by the Ministry of Manpower (MOM). The work permit is an employer-tied work pass and imposes similar conditions to the *kafala* system in the Gulf States. Employers retain the unilateral right to cancel an MDW's WP without her knowledge or consent.

Singapore law stipulates that domestic workers have to be at least 23 years of age to work in Singapore. For the period 2017 to 2019, HOME has seen 43 of such cases out of which an estimated 5 revealed that they are below the age of 18. In our experience, a significant number of them are from Myanmar. HOME believes that the number of under aged domestic workers who are below 18 is significantly higher but many are afraid of identifying themselves. Recruitment agents typically falsify the ages on passports to deceive authorities

in Singapore that they are of the right age. On May 2018, the Ministry of Manpower charged 2 employment agencies for recruiting girls who were 13 years of age.

### **Exclusion of domestic workers from labour law**

All domestic workers regardless of age and nationality are not covered by Singapore's Employment Act, which provides basic rights to most employees in Singapore. Mandatory days off, public holidays, limits to working hours and sick leave are some of the basic rights which are denied to them. The underage girls that HOME spoke to complained of overwork, denial of rest days, verbal and physical abuse. Even though the Singapore government says that the Employment of Foreign Manpower Act (EFMA) exists to provide them with protections, the provisions in EFMA are vague and do not adhere to international labour standards.

### **Exorbitant recruitment debts**

The underage MDWs whom HOME have spoken to pay recruitment fees of as high as up to 8 months of their salaries to agents in Singapore. As a result, they may only be paid a fraction of their monthly salaries, or not at all. Singapore's Employment Agencies Act only allows agencies to charge MDWs 2 months of their monthly salary as recruitment fees. However, MDWs pay much more than that on the basis of the agent's claim that any amount which exceeds the 2 month limit is remitted to the agency of the worker's country of origin. Local authorities are unable to regulate the payment of recruitment fees to the country of origin, on the basis these payments do not violate the cap imposed on *local* agents.

### **Confiscation of identity documents and passports**

Singapore's Passports Act prohibits any person from keeping or withholding any passport that does not belong to that person. However, this provision is not consistently enforced, which results in a widespread prevalence of employers withholding the passports of MDWs. 9 out of 10 of women and girls to whom we provided assistance are denied the right to keep their own passports.

### **Forced confinement and restriction on communication**

HOME has also documented cases of underage domestic workers who were confined in their employer's houses or their agent's living quarters. Many of these employers also disallow the MDWs from owning mobile phones or using the phone. When complaints are made against employers and agents for wrongful confinement and confiscation of mobile

phones, they are usually not accepted as serious complaints and MDWs are usually terminated by their employers and repatriated for filing such claims.

### **Punitive measures against underage domestic workers**

The Ministry of Manpower has said that those who confess to being underage before starting work will not be penalized and will only be deported to their countries of origin. However, those who are found to be underage after starting work run the risk of being prosecuted and barred from working in Singapore in future as there are no legal guarantees that they will not be. This includes those who are trafficked or are victims of forced labour, who run the risk of being prosecuted for being an undocumented migrant worker. Singapore's Prevention of Human Trafficking Act does not provide immunity to young victims who are undocumented or had committed legal infractions inadvertently while they were trafficked.

### **Lack of job mobility**

Employers also have the ability to restrict the occupational mobility of MDWs within Singapore. A letter of consent is required in order for a domestic worker to switch employers. This gives employers disproportionate power which is often abused. This dependency on sponsor/employers for their legal and employment status often induces compliance with exploitative conditions for MDWs who do not wish to lose their jobs and be sent back home. In some cases, the threat of being dismissed and repatriated leads to many girls accepting conditions which are akin to forced labour.

Under MOM regulations, only MDWs who are held back as prosecution witnesses to assist in investigations may be granted permission to switch employers on a case-by-case basis (the employer's consent is not required in this instance). Otherwise, it is entirely contingent on employers whether or not to allow MDWs to transfer to a new employer while in Singapore. Even in instances where an employer may have mistreated the MDW (for e.g. withheld her wages or denied her rest days), the employer retains the right to repatriate the worker and deny her the opportunity to seek a new employer if MOM does not require her as a possible prosecution witness.

### **Trafficking in persons and forced labour**

In 2014, the government enacted the Prevention of Human Trafficking Act as part of its efforts to combat trafficking in persons. However, the law does not adequately uphold the rights of survivors of trafficking. Paragraph 189 of the State report says that the government

'adheres to internationally accepted definition of TIP.' This is inaccurate. Even though the government has ratified the Palermo Protocol and the ASEAN Convention Against Trafficking in Persons, the major indicators of trafficking such as deception, coercion and forced labour are not defined in the Prevention of Human Trafficking Act. HOME has encountered many cases in which survivors are not identified as having been trafficked when they should have been because of the lack of clarity in the legislation.

Whether survivors of trafficking are granted any rights at all is discretionary. The following are still not guaranteed in law:

- The right to be treated as a victim during the identification process;
- Immediate authorization of temporary residency upon reporting to the authorities;
- The right not be prosecuted for legal infractions inadvertently committed while trafficked;
- The right to give informed consent to participation in investigations, protection and privacy, and legal assistance at no cost.

Victims of trafficking also have limited/no access to support measures including:

- The right to decent work opportunities
- The right to education
- The right to compensation;
- A recovery period after reporting; and
- Access to physical and psycho-social recovery services/facilities, and return to country of origin.

Shelter and counselling are the only rights guaranteed to victims under the Prevention of Human Trafficking Act. Even so, only victims under the age of 16 are granted because the Act only guarantees them to those covered under the Children and Young Persons Act. Victim's rights are discretionary for those 16 and above. There are also no special support and provisions for victims who are minors, guaranteed in law.

### **Recommendations**

1. Ensure that underage domestic workers are not penalised for falsifying their ages regardless of whether they have started work with their employers
2. Include domestic workers in the Employment Act to ensure that basic labour rights such as a weekly mandatory day off is given to them.

3. Ensure that key indicators of trafficking, such as deception, coercion and forced labour are defined in the Prevention of Human Trafficking Act and that they adhere to the standards set out in the Palermo Protocol.
4. The rights of trafficked children, including the right to education, protection and welfare need to be more comprehensive and enshrined in law. Special measures for child victims need to be legislated.
5. Penalise employers and agents who deny domestic workers the right to communication, including the use of their mobile phones.
6. Take the confinement of domestic workers seriously and investigate and prosecute employers and agencies who do not respect their right to movement.
7. Ensure that the right of domestic workers to keep their passports is upheld by educating employers and penalising those who withhold them.
8. Include domestic workers under relevant provisions of the Employment Act so they are not forced or pressured to work excessive overtime
9. Implement measures to ensure that domestic workers do not have to pay usurious recruitment debts. The Ministry of Manpower should disallow employment agencies in Singapore from entering into “loan” agreements with MDWs under the guise of collecting inflated recruitment fees for agents in countries of origin.
10. Allow domestic workers to switch employers freely within reasonable and prescribed time frames, and abolish the requirement that the current employer to give permission for them to seek a new employer.