

Case Study #3:

Day-Off Movement for Foreign Domestic Workers

Singapore has faced criticism of the inadequate protection of labour rights of its large populations of migrant workers – a significant demographic of whom are foreign domestic workers. The movement, which sought to legislate a mandatory day-off per week for foreign domestic workers succeeded in mobilising public and political support, contributing to the inclusion of a mandatory day-off in the Employment of Foreign Manpower Act in 2013.

CATEGORY Migrant labour rights

KEY ACTORS TWC2 (Transient Workers Count Too)
HOME (Humanitarian Organisation for Migration Economics)
The Singapore Committee for UN Women
Human Rights Watch



WHO ARE THE ACTORS?

TWC2 (Transient Workers Count Too) is a Singaporean non-profit founded in 2013. TWC2 is committed to helping improve the living and working conditions of low-wage migrant workers through methods including but not limited to the engaging with policymakers and employers, conducting research, and advocating for a “more enlightened policy framework for migrant labour in Singapore”.¹

HOME (Humanitarian Organization for Migration Economics) is a Singapore-based charity founded in 2004. HOME is dedicated to empowering and supporting abused and exploited migrant workers through the provision of shelter for abused domestic workers, legal aid for migrant workers and skills training programmes for domestic workers, as well as research and advocacy on key migrant worker issues.²

¹ Transient Workers Count Too. *Who We Are*. TWC2 Webpage. Retrieved from: <http://twc2.org.sg/who-we-are/>

² HOME. *About Us*, HOME Webpage. Retrieved from: <https://www.home.org.sg/about-us/>

The Singapore Committee for UN Women is a non-profit organisation that aims to empower women and promote gender equality. Previously functioning as a National Committee of the United Nations Development Fund for Women (**UNIFEM**), the organization was merged with other women's entities under the United Nations in July 2010.

WHAT'S WRONG

Singapore has faced frequent criticisms of its inadequate protection of low-skilled migrant labour rights and inadequate enforcement of its migrant labour protection laws³. Migrant workers, including foreign domestic workers, are excluded from the protections afforded by the Employment Act and the Work Injury Compensation Act, resulting in abuses arising from the lack of enforceable limits on working hours and lack of regulation of overtime pay⁴.

In 2005, Standard Employment Contracts were designed by CaseTrust and AEAS, the accreditation bodies for employment agencies. The contract was to be used by over 500 accredited agencies, signed by all domestic workers and their employers.⁵ It included at least one day off per month (or compensation in lieu of that day off). However, problems soon emerged as agencies were told they could replace the contracts if they could produce "better" ones⁶. Additionally, there were no checks in place to ascertain if domestic workers were indeed given a day off⁷.

In 2013, the Ministry of Manpower enacted a regulation stipulating a mandatory rest day for all Foreign Domestic Workers (FDWs) whose work permits were renewed after 1 January 2013 in the Employment of Foreign Manpower Act Chapter 19(A)⁸. In lieu of a day off, employers must pay their FDWs at least one day's wage for each rest day forgone. The FDW's daily wage is calculated by dividing her monthly salary by 26 working days, as there are typically 4 weeks (and therefore 4 rest days) in a month.

³ Malay, M. 2014. *Singapore needs to address its treatment of migrant workers*. The Guardian.

Retrieved from:

<https://www.theguardian.com/global-development-professionals-network/2014/apr/21/singapore-address-treatment-migrant-workers>

⁴ Lee Kuan Yew School of Public Policy. 2017. *Foreign Domestic Workers in Singapore: Social and Historical Perspectives*. Retrieved:

https://lkyspp.nus.edu.sg/docs/default-source/case-studies/fdws_in_singapore.pdf?sfvrsn=2ac5960b_2

⁵ Koh, C.Y., Goh, C., Wee, K., & S.A. Yeoh. (2016). *The Dynamics of Policy Formulation and Implementation: A Case Study of Singapore's Mandatory Weekly Day off Policy for Migrant Domestic Workers*. Working Paper 36, *Migrating Out of Poverty*, p. 14. Retrieved from:

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⁶ Ibid.

⁷ Ibid.

⁸ Employment of Foreign Manpower Act. 2012. Retrieved from:

<https://sso.agc.gov.sg/SL/EFMA1990-S569-2012>

WHAT DID THEY DO?

In 2002, the death of Muawanatul Chasanah, an Indonesian domestic worker who died of internal injuries after being beaten and abused by her Singaporean employer, generated public concern about the treatment of migrant workers.⁹ Galvanised by this incident, The Working Committee, the precursor to TWC2, was established by local migrant labour activists.

1. “Sundays Off” Campaign

In 2003, TWC2 launched the “Sundays Off” Campaign, which was intended to encourage Singaporeans to provide regular days off for their domestic workers.¹⁰

2. The Day-Off Campaign

In 2008, TWC2, HOME and the UN Development Fund for Women Singapore (UNIFEM) launched the Day-Off campaign, which aimed to encourage employers to give their domestic worker a weekly day off and to propose the mandating of a rest day in Singaporean legislature¹¹. Utilising poster advertisements, public education, and publicity via national media outlets, the campaign contributed to increasing attention to the issue within the political establishment.

Several NGO actors also approached the then-Nominated Member of Parliament Siew Kum Hong privately, raising the issue of migrant domestic workers’ lack of access to rest days. Siew later raised the issue in Parliament. Then-Acting Minister for Manpower Gan Kim Yong responded, pointing to the standard employment contract, concluded there is “no need at this point for MOM to legislate a mandatory rest day”¹². Nonetheless later, in 19 June 2011, then-Minister of State for Community Development, Youth and Sports Halimah Yaacob suggested mandating one rest day a week for foreign domestic workers, so as to combat and minimize the issues that many foreign domestic workers face, such as work-related stress and overwork.¹³

The Straits Times also ran a series of articles examining the employment conditions of migrant domestic workers in Singapore that culminated into a final commentary by Radha Basu on 23 June 2011, calling for the legislation of mandatory rest days for migrant domestic workers in Singapore. In

⁹Spillius, A. 2002. *18 years for man who killed maid*. The Telegraph.

<https://www.telegraph.co.uk/news/worldnews/asia/singapore/1402033/18-years-for-man-who-killed-maid.html>

¹⁰ Koh et al, p. 13.

¹¹ Koh et al, 15.

¹² Ibid.

¹³ Wong, M.C. 2005. *MOM considering mandatory weekly rest day for maids*. The Asian Parent SG. Retrieved from: <https://sg.theasianparent.com/mom-reviewing-call-for-weekly-rest-day-for-maids>

the commentary, Radha Basu argued that “to work ceaselessly without any rest day – whether the maid consents to it or not – has no place in any civilised society.”¹⁴

Finally in 2012, Minister of State for Manpower Tan Chuan-Jin announced a mandatory weekly rest day for maids whose work permits are issued or renewed from January 1, 2013.¹⁵

3. “The Right to Rest”

Even after the enactment of a mandatory day-of, TWC2 continued to exert pressure for proper enforcement of the new regulation. From 2013 to 2014, TWC2 conducted surveys amongst domestic workers to evaluate the impact of the mandatory day weekly day off policy.

On 16 June 2015, TWC2 published a new report “[The Right to Rest: The effectiveness of the ‘day off’ legislation for foreign domestic workers](#)” to mark International Domestic Workers’ Day. This report found that of all the domestic workers they surveyed, only 41% received a weekly day off.¹⁶ Additionally, the report recommended increase public education efforts to ensure compliance with existing legislation, adequate enforcement of the day off legislation, extending the Employment Act rest day provisions to domestic workers, providing a 24-hour rest day (with eight hours for sleep), providing adequate compensation for working on a day off and legislating minimum compulsory leave.

Till today, advocacy around this issue has been centered around ensuring that foreign domestic workers do get their weekly day off as they are entitled to by the law. A key barrier to this lies in the fact that rest days are currently tradable with wage compensation. Considering the unequal power dynamics amongst some employers and their domestic workers, some domestic workers feel unable to negotiate for sufficient leave conditions. According to TWC2, a domestic worker on average has to have at least 4.5 years of working experience in Singapore to have at least 2 days off per month. The tradability of rest days essentially grants employers the ability to “buy out” domestic workers’ rest days, leaving numerous domestic workers who would like sufficient rest days to end up settling for little or none at all.¹⁷

¹⁴ Koh et al., 17

¹⁵ Abbugao, M. 2012. *Cheers and jeers for maids' day off in Singapore*. Yahoo News Singapore. Retrieved from: <https://sg.news.yahoo.com/cheers-jeers-maids-day-off-singapore-063453707.html>

¹⁶ TWC2. 2015. *Weekly Day Off: Still a Long Way to Go*. TWC2 Newsletter. Volume 10, Number 3. Retrieved from: http://twc2.org.sg/wp-content/uploads/2015/07/nl_201505.pdf

¹⁷ TWC2. 2015. *The Right to Rest The effectiveness of the ‘day off’ legislation for foreign domestic workers*. Retrieved from: http://twc2.org.sg/wp-content/uploads/2015/06/Right_to_rest_v15.pdf

WHAT TACTICS WERE USED?¹⁸

1. Nurturing ground sentiments

Nurturing ground sentiment was achieved mainly through the prioritised method of pushing for important information and stories to be published on mainstream media such as *The Straits Times*. Such methods were enabled through strong, cultivated relationships with journalists. This overcomes the self-selecting bias that often becomes a limitation to efforts to raise awareness on a particular issue, for example in how a seminar typically only draws people who are already interested in the topic. To date, TWC2 has had regular appearances on *The Straits Times*, with a frequency of approximately once every two weeks.

2. Allying with other civil society organisations

TWC2 sort to engage with groups advocating for elderly care, in order to build consensus on migrant labour in elderly care. Seeing elderly care as a significant workload of foreign domestic workers, TWC2 argued that foreign domestic workers may not have the necessary skills and knowledge to provide for elderly care – a professional skill. Instead, more capacity should be created elderly care, as opposed to reliance upon foreign domestic workers.

Ultimately, these groups adopted TWC2's stance on these issues when engaging with the government. Thus, pressure was exerted on the government from multiple fronts, beyond just migrant worker advocacy groups.

3. Pre-empting Public Opposition

Recognising how the day-off legislation would affect large demographics of Singaporean families who hired foreign domestic workers, TWC2 worked to promote alternative policy solutions in order to pre-empt cost considerations and opposition of employers to a day-off legislation. This took the form of also recommending policy solutions of affordable respite care services for employers. Respite care provides short-term relief of just an afternoon, few days or few weeks for primary caregivers. As a cheaper option as compared to compensating a domestic worker for a day off, this public effort worked to reduce public opposition to the day-off campaign.

4. Back-room engagement with government officials

TWC2 adopted an approach of signalling government contacts prior to publishing reports. This practice served the purpose of circumventing embarrassing officials by providing time for officials to push for minor policy tweaks prior to publishing, and time for relevant agencies to prepare and gather

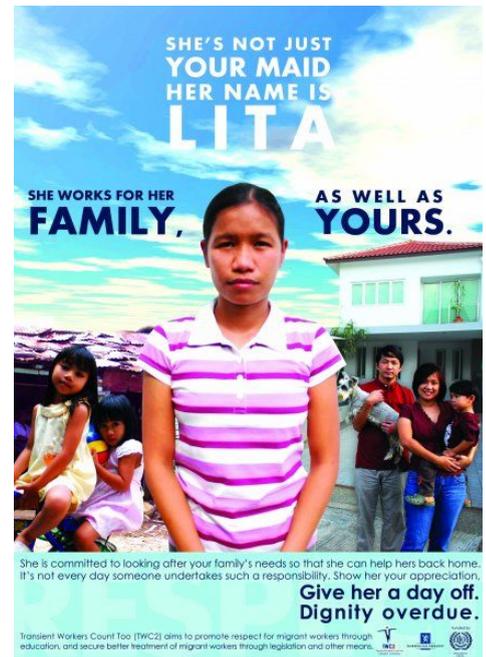
¹⁸ Based on an interview on 11 October 2018 with John Gee, head of Research and former president at Transient Workers' Count Too (TWC2).

information to respond to reports. This allowed TWC2 to elicit more information and policy manoeuvring from the government, while also maintaining good relationships of trust with officials.

5. Framing

Saleemah Ismael of UNIFEM believed that delivering a targeted and clear message, refining the proposed framing of the advocacy message, eschewing a human rights framework and settling on a clearly-defined and visible goal was key to an effective campaign¹⁹.

Wary of the public apprehension towards arguments based on human rights, the Day-Off Campaign avoided framing the campaign as that of rights, and instead focused on issues of dignity and fairness, as well as humanising foreign domestic workers as family breadwinners. The poster on the right is an example of this tactical framing, that sort to appeal to the general Singaporean public.



After the movement succeeded in winning a mandatory day-off for foreign domestic workers, latter campaigns that worked to increase enforcement of the law by TWC2 featured rights more prominently, such as in the Right to Rest campaign.

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¹⁹ Koh et al, p. 16

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Activism Archive is an archival project by CAPE on case studies of activism and movements of social change in Singapore. Focusing on their strategies and tactics, the archive reflects upon the diversity and dynamism of Singaporean civil society.

CAPE, or the *Community for Advocacy & Political Education*, a student organisation based in Yale-NUS College, was founded in 2017 by a group of students from Yale-NUS College and NUS Law. We are a community that examines local civic affairs relating to civil society, and provides avenues for Singaporeans to contribute constructively. We envision a Singapore where citizens are politically conscious and proactively engaged in civil society, policy making and social change. In this aim, we are focused on increasing political literacy and making civil participation accessible.

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