



Behind Closed Doors: Forced Labour in the Domestic Work Sector in Singapore

January 2019



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First published January 2019

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Disclaimer:

The report sets out our findings based on casework data as well as a desktop review of publicly available sources in English. Users should at all times consult the full text of the relevant laws in the original language as well as seek advice from local counsel qualified in the relevant domestic jurisdictions. This report does not constitute legal advice under any circumstances.

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ACKNOWLEDGEMENTS

HOME gratefully acknowledges the contribution of Archana Sinha Kotecha, Asia Region Director and Head of Legal at Liberty Shared, who provided expert guidance and drafting support on this report.

Some information for this report was gleaned from other HOME submissions and we would like to thank MJ Davis for her assistance in this regard.

We are very grateful to Linklaters LLP (Singapore) for reviewing the report and offering their expertise on labour laws and other legal content.

The lead author of this report is Stephanie Chok, Research & Advocacy Manager at HOME. Research assistance was provided by Rebecca Liu Jia Yu and Chelsea Koh Zyang Kym. Credit also needs to be given to HOME staff whose insights and recommendations were instrumental in shaping this report: Sheena Kanwar (Executive Director), Jolovan Wham (Consultant) and Jaya Anil Kumar (Case Manager). For design and layout, a big thank you to Rinawati from Linklaters. We also thank Heidi Chiu and Leah Blewett for proofreading and careful editing of the near-final drafts. For the cover image, we extend our appreciation to photojournalist Tom White (<https://visura.co/white>).

FOREWORD

Globally, there has been increasing cognizance and scrutiny of the large-scale prevalence of forced labour in the context of migration. A sector that deserves attention in these discussions is that of domestic work. There are at least 67.1 million domestic workers worldwide, with over 40% in the Asia-Pacific region, of which 80% are women;¹ the ILO estimates there are 11.5 million migrant domestic workers in the world.²

In Asia, Singapore employs the second highest number of documented migrant domestic workers.³ As of December 2017, there were 246,800 migrant domestic workers in Singapore. Yet there are very few protections in place for this community in Singapore's formal, regulated and advanced economy. Where such reliance is placed on domestic workers to support working families, one would expect the receiving state to have relevant safeguards in place to ensure that the occurrence of labour exploitation is minimized, and to the extent that exploitation does occur, that it is addressed swiftly, fairly and in a transparent manner.

The lack of a guaranteed minimum wage, exclusion from the Employment Act, along with the non-mandatory employment contract and the insufficient guidelines on working conditions, among others, leave Singapore's migrant domestic worker population vulnerable to different forms and degrees of labour exploitation and abuse. Whilst anti-trafficking legislation exists, this is in no way a substitute for fundamental labour protections. Conversely, complex forced labour issues cannot be dealt with simply by reference to labour laws that are not designed to deal with such issues. In a framework in which labour inspections in homes are unlikely to take place, education of workers about their rights and avenues to access remedial justice, as well as employer education and accountability, are important safeguards in ensuring that exploitation is prevented and addressed correctly.

Whilst HOME has been primarily invested in providing support services to migrant workers in crises, we also aim to present relevant data and highlight systemic issues. This report is an important part of HOME's commitment towards our sustained efforts to address human trafficking and forced labour issues in Singapore. We also hope that this report will contribute to a deeper understanding of what forced labour looks like in practice and how it manifests itself in the domestic work sector in Singapore. It is hoped this will encourage key stakeholders, including policymakers, parliamentarians, government officials, researchers and civil society organizations to collaborate towards ensuring timely and much needed support to victims as well as the prevention of forced labour.

A greater degree of protection is necessary for this vulnerable community of workers, who should be able to flourish in their employment whilst they are away from their homes and families. This is also an opportunity for employers to step up and learn more about their duties and responsibilities vis-à-vis these individuals who have become an indispensable member of many households. We are hopeful that beyond much needed legislation and accountability, our humanity and reliance on each other will eventually prevail.

It has been a privilege for Liberty Shared and HOME to work together on this report and we will continue in our endeavours to document the stories of the most vulnerable domestic workers and seek justice and accountability for them.

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EXECUTIVE SUMMARY

This report examines the issue of forced labour (FL) among Singapore's migrant domestic worker (MDW) population. Engaged in essential care and household work, live-in domestic workers are recognized as particularly vulnerable to labour and human rights violations. As a community, domestic workers are highly susceptible to forced labour due to the isolated nature of their work and workplaces (private homes), the lack of legal protections in Singapore, as well as the difficulties of—and reluctance associated with—regulating domestic work, even when policies aimed at so doing already exist.

In the last year, HOME provided shelter to over 800 MDWs. The five most common complaints leading these women to seek shelter were: overwork, emotional abuse (including verbal insults, intimidation and threats), salary-related claims, illegal deployment and inadequate provision of food. Other issues reported included a lack or denial of rest days, unreasonable restrictions on communication (including the confiscation of mobile phones), the denial of sick leave and/or medical treatment, and poor living conditions. There were also reports of physical and sexual abuse or harassment. While not the primary trigger for leaving employment, almost all the domestic workers who seek help from HOME have their identity documents (most notably passports) withheld by their employers. Meanwhile, recruitment regimes continue to subject MDWs in Singapore to several months of salary deductions in order to repay recruitment fees, leaving them with low to no salary for an average of four to eight months. Pursuant to the International Labour Organization's (ILO) frameworks for forced labour, many of these practices are recognized as strong indicators of forced labour.

The key tenets of forced labour are deception, coercion and exploitation. These mark and shape the daily lives of MDWs in Singapore in several ways. They manifest themselves in the practices cited above and they configure relations between domestic workers, employers and recruiters. Such relations and practices, in turn, influence decision-making by further narrowing the already constrained options available to domestic workers. First and foremost forced labour must be recognized as a process: a person may consent to migrate for work but nonetheless become trapped in a situation of forced labour through deception, the use or menace of force and penalty, or other forms of coercion. Persons could remain in such situations for longer than they are willing due to coercive mechanisms, some of which are not easily detectable by external observers. In any analysis of forced labour, it is vital to explicitly acknowledge the acute power asymmetries that exist between employers/agents and employees which not only allow for such practices to occur and persist, but which make it extremely difficult for MDWs to escape such conditions.

In detailing particular case studies, this report offers insights into the conditions and contexts that enable and lead to forced labour situations. While individual actors facilitate systems of forced labour, it is often the collective impact of multiple actors—including a *lack* of action and intervention—that maintain and sustain such systems. The case studies also highlight the risk factors that need to be strictly managed in order to deal with forced labour.

Ultimately we strive to achieve the prevention of forced labour through the existence of a robust legal framework supported by a well-trained body of professionals capable of recognizing and taking action to reduce the vulnerabilities of MDWs to practices that could result, over time, in a

forced labour situation. Practices that are recognized as strong indicators of forced labour must be strongly dealt with as a critical component of risk management. Allowing exploitative recruitment and labour practices to become entrenched risks eroding and undermining the general conditions for decent work, hence creating an enabling environment for more extreme forms of abuse to occur and flourish.

The recommendations set out in Chapter 5 are premised around strengthening legislative protection, which includes guaranteeing basic employment rights for MDWs as well as greater specificity in law on particular practices and forms of abuse. Domestic workers are currently excluded from the Employment Act, which means basic labour standards, such as their working hours, are not adequately regulated. Though MDWs are covered by the Employment of Foreign Manpower Act, the ambiguous language of its provisions leaves MDWs vulnerable to abuse. Greater clarity is also required in defining key terms. In the Prevention of Human Trafficking Act, core concepts, including forced labour and exploitation, are not defined and aligned with international standards, thus inhibiting victim identification and the provision of holistic support for survivors of forced labour and trafficking. In order to ensure that any progress made towards the prevention and eradication of forced labour is aligned with international benchmarks, we urge the Singapore government to ratify the 2014 Protocol on Forced Labour and adopt the supplementary recommendations.

Our recommendations also focus on practical steps that can be taken to address the practices and policies that exacerbate the already uneven balance of power between MDWs and their employers/agents which have such a fundamental effect on the lives of MDWs. Some of these are related to the regulatory framework that govern Work Permit holders in Singapore, for example the security bond imposed on employers that incentivize draconian measures such as control of MDWs' movements and the withholding of identity documents. Another key issue exacerbating the high level of dependency on employers is the lack of labour mobility for MDWs. The right to unilaterally dismiss and repatriate the MDW is reserved for the employer as is the right to withhold consent to the MDW changing employers.

The current status quo of MDWs paying large sums for their overseas placements needs to be tackled if the coercive power of debt and its inextricable link to forced labour is to be mitigated. Measures to strengthen cross-border cooperation between countries of origin and countries of destination are required to improve regulation of recruitment agencies and other intermediaries, and to ensure the portability of rights and protection mechanisms for MDWs. Regional and bilateral agreements are frequently forged when it comes to the protection of trade interests. Likewise, political will needs to be aimed towards ensuring that such agreements are also focused on aligning labour standards between countries of origin and countries of destination with a view to protecting migrant workers.

Forced labour among the MDW population in Singapore is a problem that needs to be taken seriously. Forced labour can and does occur in 'ordinary households'; it can be perpetuated by accepted behavioural norms executed by ordinary people. Far from a covert activity, it takes place in formal economies and among documented workers with legal status who participate in highly regularized migration regimes. A more robust recognition of exploitation and coercion, and how these core concepts interact with each other and the particular vulnerabilities of MDWs is a necessary starting point for discussing and dealing decisively with forced labour.

CHAPTER 1

FORCED LABOUR: TAKING IT SERIOUSLY

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The suggestion that slavery exists in Singapore is a contentious claim. Yet contemporary forms of slavery are globally pervasive—the International Labour Organization estimates that over 40 million people are victims of modern slavery at any one time⁴—and Singapore is not immune to this pernicious phenomenon. The term ‘modern-day slavery’ is used to encapsulate a range of slavery-like practices and manifests in multiple forms: forced labour, human trafficking, debt bondage, forced marriage, as well as child slavery.⁵

This report specifically examines the issue of forced labour among Singapore’s migrant domestic worker (MDW) population. The ILO considers persons to be in a situation of forced labour ‘if they enter work or service against their freedom of choice, and cannot leave it without penalty or the threat of penalty’.⁶ Of the over 40 million people in modern slavery, the ILO estimates that over half (24.9 million people) are trapped in forced labour; of this group, about 16 million are exploited in the private sector (domestic work, construction or agriculture).⁷ Forced labour has been identified as a problem especially prevalent in Asia and the Pacific, in which four out of every 1,000 persons are victims of forced labour. Overall, women are disproportionately affected by ‘privately imposed forced labour’; and half of the victims of forced labour are in debt bondage.⁸ Additionally, the ILO estimates that 44% of the world’s forced labourers are migrants:⁹ migrant workers have, in fact, been identified as ‘particularly vulnerable’ to forced labour.¹⁰

Frequently linked to poverty, forced labour is sustained by inequality. This manifests itself through asymmetries in power, influence and access not only to money, but in the case of MDWs, to visas and overseas job opportunities. It is exacerbated by reduced literacy in complex bureaucratic processes, inability on the part of MDWs to unilaterally switch jobs, to seek protection and representation, as well as difficulties in accessing justice. Despite the ILO’s Forced Labour Conventions being some of the most widely ratified ILO instruments,¹¹ there are significant governance gaps between and within member states, which include both countries of origin and destination.

While temporary low-wage migrant workers, as a social group, are recognized as vulnerable to forced labour, this report specifically focuses on women MDWs,¹² who are recognized as especially vulnerable.¹³ Domestic workers in Singapore, who are required to live-in with their employers, frequently have to contend with severe restrictions on communication (including confiscation of their mobile phones), constant surveillance, substandard living conditions, inadequate food and constant psychological abuse (including name-calling and threats of harm). Cases of physical and sexual abuse are also regularly reported. These issues have been determined by the ILO to be strong indicators of forced labour (see Chapter 2).

Objectives

Based on HOME’s casework data and accumulated experience assisting hundreds of MDWs annually, this report is a call to take forced labour issues in Singapore seriously. Its objectives are manifold:

- To identify patterns of forced labour and how it manifests in particular national contexts for certain social groups**—in this case MDWs in Singapore. Despite the prominence of forced labour as a global issue of concern, conceptually there is confusion over what the term encapsulates.¹⁴ The ILO has pointed out how forced labour, while universally recognized as a crime, is rarely prosecuted, due to the difficulties in articulating the various component elements that constitute forced labour in national laws and regulations.¹⁵ There are also distinctions between what the ILO terms ‘older’ versus ‘newer’ patterns of forced labour, in which ‘mechanisms of coercion’ may be shifting.¹⁶ This report, through its specific focus on forced labour imposed by private agents for economic exploitation in Singapore,¹⁷ aims to identify the key characteristics and forms of coercion that a) constitute forced labour situations in Singapore; b) pose particular risks for MDWs, such that forced labour conditions may develop.
- To address enduring myths (or partial truths) surrounding forced labour and its victims as well as perpetrators.** Mainstream characterizations of victims and perpetrators tend to veer towards extremes: an ‘illegal’ migrant chained up/locked in, assaulted by a tyrannical taskmaster and too terrified or in too remote a location to seek assistance. While not always entirely inaccurate, it is problematic when these representations of forced labour are used to set an extremely high ‘threshold of victimhood’,¹⁸ obscuring abuses and violations that are treated as relatively ‘less severe’ and thereby go undetected or unpunished. Additionally, forced labour is not just a covert activity taking place in informal economies: in Singapore, labour migration is highly regularized and documented workers with legal status—and legitimate papers—are also susceptible to forced labour, which may not involve physical restraints and overt displays of violence or other forms of physical abuse.
- To make explicit causal relationships between multiple actors and practices that create an enabling environment for forced labour.** The notion of a ‘single perpetrator’ needs to be re-examined, particularly in the case of domestic workers, who live and work in households with multiple members. It is also important to consider how various persons are complicit in enabling the sustained exploitation of a domestic worker through the ways they engage in deceptive and fraudulent practices, differentially exert control over her (e.g. employer threatens, agent invokes large debt), are indifferent to her plight, hinder her from seeking assistance, or obstruct access to remedial justice: this includes not just employers and employment agents, but other brokers and intermediaries, as well as law enforcement officers, labour attachés, and policymakers, in both countries of origin and countries of destination. MDWs are entwined in a complex web of relations—some intimate and familiar, others far removed—and are highly dependent on a wide range of intermediaries for a vast array of needs: from recruitment to travel and all the attendant bureaucratic requirements (passports, visas, certificates, training), job placements, basic needs (food, lodging, medical treatment) as well as their legal status, to name but a few. As forced labour involving migrant workers relies on complex collaborations that stretch from countries of origin to countries of destination, dealing with the multiple problems that arise requires attention to interlocking, interdependent features of labour migration and its varied cross-border actors.

- **To advocate for a rights-based approach when dealing with forced labour and human trafficking, with an emphasis on addressing exploitation and coercive practices in prevention work.** The framing of human trafficking as a security issue has led to States directing anti-trafficking efforts towards ‘better policing and border controls’.¹⁹ This can obscure States’ responsibilities in enacting and enforcing strong labour protections, and ensuring that increasingly restrictive immigration and labour controls are not creating conditions that encourage forced labour and human trafficking.²⁰ Dealing with forced labour requires a multifaceted approach that integrates labour and criminal justice responses, in which human and labour rights protection inform policy and practice.²¹ A human rights approach to anti-trafficking efforts ‘would...place an ethical concern with exploitation at the heart of the response’, in which efforts are directed towards supporting all on ‘the continuum of exploitation’,²² not just the ‘exceptionally exploited’²³ who are marked as deserving and legitimate by exceptionally narrow, legalistic categories. As people can gradually get trapped in a situation of forced labour through an assemblage of human rights abuses, it is important to protect persons from the varied forms of exploitation along this continuum, as a means of interrupting the process leading to forced labour.²⁴ Such an approach requires explicit acknowledgment of the acute power asymmetries that exist between parties that not only enable such abuses to occur and persist, but which make it extremely difficult for those attempting to escape such conditions.

Our report is motivated by the persistence and severity of the problems faced by MDWs, in particular those who have come through our doors seeking assistance. This report aims to contribute to a more nuanced, empirically-rich understanding of forced labour and its key tenets – namely deception, coercion and exploitation – and how these dimensions manifest in the working lives of MDWs in Singapore. There is a distinct lack of empirical data in this area and improved knowledge of how forced labour operates can contribute to improved policy-making and relevant action.

Methodology

This report relies on HOME’s casework data from April 2017–October 2018 to illustrate the nature of forced labour among MDWs who have sought assistance from our organization. An estimated 15 to 20 MDWs seek assistance at HOME’s shelter each week, with many women experiencing conditions akin to forced labour. As determining forced labour relies on an accumulation of abuses – rather than individual violations²⁵ – case studies offer insights into the multiple practices that lead to forced labour situations and the various actors involved. A few case studies involve domestic workers who have reached out to us for assistance but did not stay at our shelter. All domestic workers mentioned in our case studies have been given pseudonyms to protect their identities. In determining what constitutes forced labour, key ILO frameworks, definitions and indicators are adopted and applied to the selected case studies. Further details about the indicators applied are provided in the next chapter.

Outline

1

This first chapter sets out the key objectives of the report.

2

The following chapter, [Chapter 2](#), begins with a discussion of forced labour, including definitions of the term. This discussion includes an overview of international conventions related to forced labour and, specifically, Singapore's obligations under these conventions. Forced labour is a term that tends to be conflated with other related concepts, such as slavery, modern-day slavery, and human trafficking: the debate is fierce regarding this conflation (and the consequent confusion).²⁶ In this report, we focus on the relationship between forced labour and trafficking (which are closely-tied but distinct concepts); we refrain from adopting the terms 'slavery' and 'modern-day slavery', except when citing others using the term. In identifying forced labour, the ILO is relied upon to provide guidance and the final section details the key indicators used.

3

[Chapter 3](#) sets the context by analyzing the temporary status of visa programmes that allow migrant workers to reside and work in Singapore, specifically, Singapore's work permit system for low-wage migrant workers. The forced labour discourse places a heavy emphasis on 'irregular' workers who are especially vulnerable due to their undocumented status. In Singapore, it is notable that forced labour occurs under the context of a highly regularized and managed migration programme. This chapter details the work permit system as well as the legislative framework (or, as appropriate, the lack thereof) that sets labour standards for MDWs. It is a labour migration regime that creates and sustains systemic vulnerabilities capable of being exploited by employers and agents, to the detriment of the domestic workers they hire and place. Critical to these discussions is the issue of debt and recruitment: migrant workers incur excessive debts in order to obtain jobs in Singapore and the predatory practices of recruiters and their intermediaries exert immense pressure on them to remain in jobs despite highly exploitative conditions.



4

Chapter 4 delves into HOME's casework data to illustrate the nature of forced labour among domestic workers who have sought assistance from our organization. The chapter begins with a breakdown of our overall casework statistics for the past year, which give an indication of the top complaints received at our helpdesks. As can be seen, many of these complaints are considered strong indicators of forced labour. Specific case studies are then detailed to illustrate the complexities and characteristics of forced labour among the MDW population in Singapore assisted by HOME.



5

Chapter 5 concludes the report with a vision of the way forward and a range of recommendations to deal with the problems associated with forced labour. Forced labour is recognized as a problem that requires criminal as well as labour justice approaches, with those susceptible to forced labour treated not merely as 'victims' but also recognized as claimants of core, inalienable rights at work.

CHAPTER 2

FORCED LABOUR: AN OVERVIEW

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Forced Labour: What Is It?

The ILO's Forced Labour Convention, 1930 (No. 29) defines forced labour 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'.²⁷ This definition encapsulates two key dimensions of the lack of freedom: 'involuntariness' and 'menace of penalty'. Menace of penalty can take various forms: from criminal sanctions to multiple forms of coercion such as 'threats, violence, the retention of identity documents, confinement, or non-payment of wages'.²⁸ The ILO also recognizes the loss of rights or privileges as a penalty.²⁹ The concept of 'voluntariness', meanwhile, refers to a worker's consent to both enter an employment relationship and his/her freedom to exit it at any time (within reasonable notice in accordance with national laws).³⁰ A person is therefore considered to be in a situation of forced labour 'if they enter work or service against their freedom of choice, and cannot leave it without penalty or threat of penalty'.³¹ It also includes workers being forced to undertake tasks not initially agreed to at the time of recruitment.³² It is important to note that initial consent is irrelevant when deception or fraud has been used to obtain it.³³ These definitions demand recognition of *coercion*—how it operates, its consequences/potential consequences—and an explicit acknowledgement of the grave imbalances in bargaining power that keep persons in highly exploitative conditions against their will.

Importantly, forced labour is not assessed by either the nature of work being performed or the migration status of the worker (i.e. it does not matter if the work is considered 'legal' or 'illegal', or if the worker is documented or undocumented under national law). What matters is 'the nature of the relationship between the person performing the work and the person exacting the work'.³⁴ The means of coercion employed could be 'overt and observable' (e.g. beatings and physical confinement), but more frequently 'the coercion applied is more *subtle and not immediately observable*' (emphasis added).³⁵ Such actions could include the confiscation of passports or mobile phones, the withholding of wages, threats to report the worker to the authorities, or the withdrawal of privileges (e.g. the right to leave a workplace).³⁶ The covert nature of such practices is a key hurdle to the detection of forced labour, and impedes the collection of evidence as well as effective law enforcement action.³⁷

FIGURE 1. FORCED LABOUR: AT A GLANCE

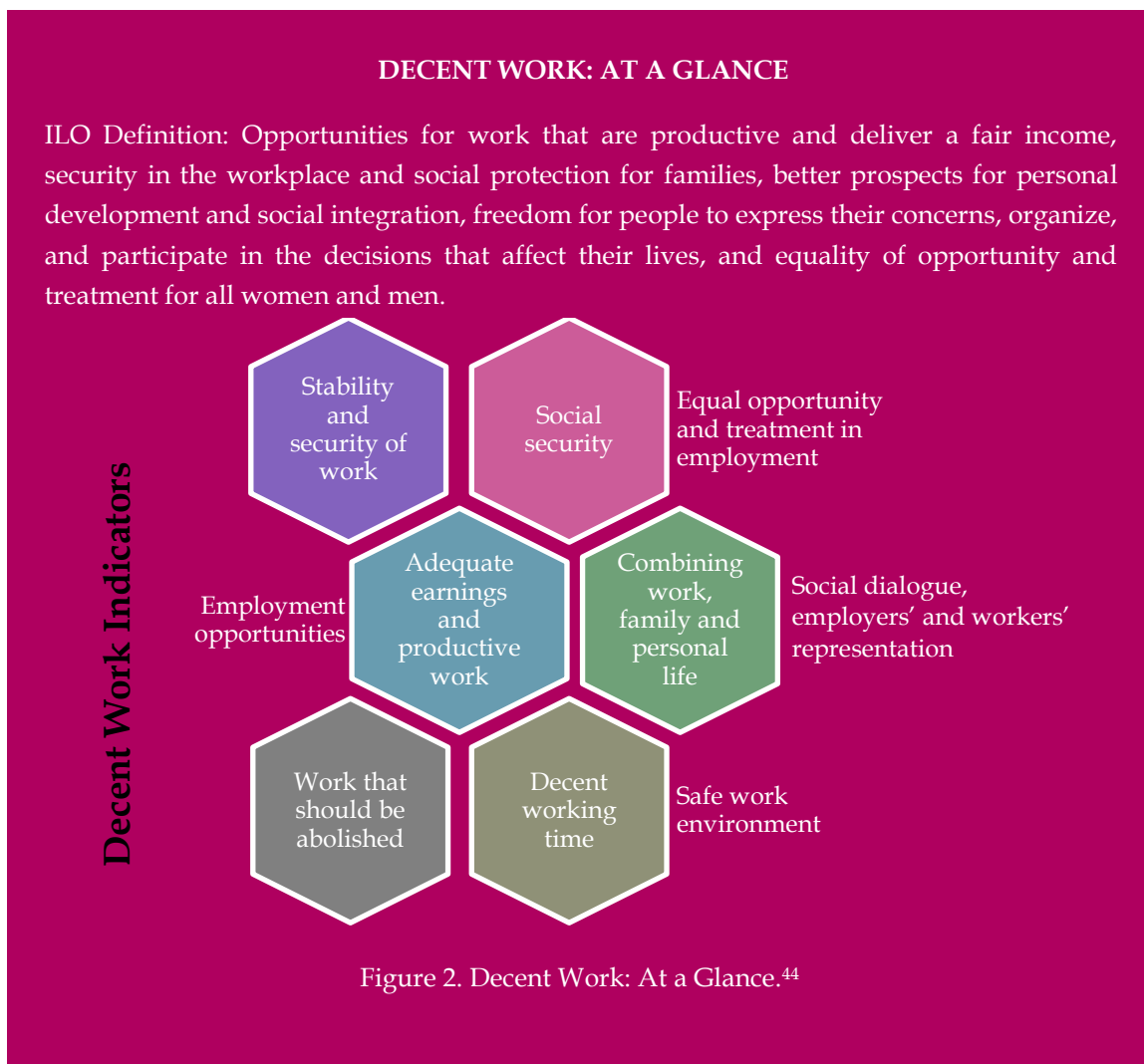
ILO definition: all work or service exacted from a person under the *menace of any penalty*, for which the person has not offered him/herself *voluntarily*.

Menace of penalty: criminal sanctions as well as forms of *coercion*—threats, violence, retention of identity documents, confinement or non-payment of wages etc.; also includes loss of rights or privileges.

Voluntariness: refers to workers' consent to freely enter into employment, and freedom to exit it (with reasonable notice).

A person is in a situation of forced labour if they enter work against their freedom of choice, and cannot leave it without penalty or the threat of penalty.

The ILO stresses that forced labour involves more than being paid low wages or enduring poor working conditions; failing to respect labour laws which set out the criteria for adequate working conditions does not, on its own, constitute forced labour³⁸—they can, however, be important signifiers to the potential of a forced labour situation. The problem is that a wide spectrum of working conditions and practices exist—from ‘decent work’ (where the full range of rights are respected; see [Figure 2](#)) at one end, to severe violations and extreme abuse on the other. Trying to determine precisely where ‘the line dividing forced labour in the strict legal sense of the term from extremely poor working conditions’ can be extremely challenging.³⁹ It is also debatable whether clear lines can be established, if the fluidity involved in employment relations can be as tidily delineated. Researchers and practitioners are therefore advocating approaches that recognize the ‘continuum of exploitation’ to better understand and deal with situations of forced labour.⁴⁰ Viewing labour exploitation as a continuum acknowledges the dynamism and volatility of a migrant worker’s migration and employment experiences. Labour conditions can deteriorate, and along with coercive employer practices and indebtedness, may result in the situation lapsing into the realm of forced labour.⁴¹ As has been pointed out by anti-trafficking NGOs, there is often a passage of slippage into a forced labour situation.⁴² Forced labour needs to be recognized as a ‘process more than a static relationship’, a process described as ‘an ever narrowing labyrinth where the decision-making power of the worker is surrendered in the end’.⁴³



In relation to MDWs, the ILO recognizes their specific vulnerability due to the nature of their work and living arrangements: there is a high level of dependency on employers, who are able to exert undue influence over a domestic worker's movements and ability to communicate freely with others. A domestic worker may enter an employment relationship voluntarily, but the emergence of particular conditions may transform that situation into one of forced labour: these include but are not limited to physical confinement, psychological compulsion (e.g. credible threats, including the loss of employment), physical or sexual abuse, the withholding of wages and retention of identity documents.⁴⁵

Forced labour requires the twin elements of penalty (or menace of penalty) and involuntariness. It is exploitative work exacted under coercion. A point of contention is the *degree* of coercion and how that is determined. The ILO has indicated that States and employers cannot be accountable for 'all external constraints or indirect coercion existing in practice'.⁴⁶ However, while a perpetrator cannot be blamed for the existing vulnerability of victims, taking advantage of their vulnerable status and situation to induce them to work or prevent them from leaving would be considered forced labour. It is therefore critical that States commit to the full implementation of ILO standards in relation to labour protections and rights for all workers, including migrant workers, in order to suppress the conditions that allow employers/agents/other intermediaries to exploit workers' vulnerabilities.⁴⁷ This is a necessary and vital preventive measure. When labour standards are continually violated, the general conditions for decent work are undermined and this creates an enabling environment for 'more extreme forms of violations to flourish'.⁴⁸ Viewing forced labour from the perspective of a continuum of exploitation points out the various interventions required at every stage to deal with the risks and vulnerabilities that expose workers to abuse and labour exploitation.

Forced labour includes situations where persons are induced to work – through deception, debt, fraud, or forms of coercion – and also involves situations in which one lacks the freedom to exit an employment relationship without penalty/threat of penalty.⁴⁹ These threats need to be assessed from the perspective of the person being threatened. This is especially relevant in Singapore, particularly in relation to MDWs, who frequently encounter problems trying to 'resign' or exercise their freedom of choice to terminate their employment contracts. In HOME's experience, employers may simply refuse to accept their terminations, ask them to 'wait until I find a replacement' without specifying a timeline (or set unreasonable ones, and keep extending them), renew their work permits without their consent, or threaten them with harm or denunciation to the authorities if they continue to ask to return home. In some cases, requests to transfer or go home are met with wrongful confinement and the confiscation of identity papers. As the ILO notes, even in cases where an employment relationship was the result of a 'freely concluded agreement', a worker's 'right to free choice of employment remains inalienable'.⁵⁰ Restrictions on leaving an employer, even if the worker freely consented to the job, can be considered forced labour (of course, there are qualifiers regarding reasonable notice periods in accordance to national law). In instances where there was deception or fraud, a victim's initial consent is irrelevant.⁵¹

Singapore and its Forced Labour Obligations

The ILO has two key FL conventions: the C029 Forced Labour Convention, 1930 (No.29), and the C105 Abolition of Forced Labour Convention, 1957 (No. 105). These are considered fundamental conventions and are the most widely ratified. Additionally, the ILO Declaration on Fundamental

Principles and Rights at Work, adopted in 1998, 'commits all member States to respect and promote the abolition of forced labour', regardless of whether they have ratified the FL conventions.⁵² Singapore has been a member of the ILO since 1965 and it signed the Forced Labour Convention No.29 the same year. While the Singapore government also ratified the C105 Abolition of Forced Labour Convention in 1965, it was denounced in 1979.⁵³

Other than C029 and C105, other ILO conventions relating to forced labour include the Protocol of 2014 to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).⁵⁴ The 2014 Protocol is a legally-binding instrument that 'requires States to take measures of prevention, protection and remedy' to fulfil its obligations to suppress forced labour;⁵⁵ only ILO member States that have ratified C029 can ratify the 2014 Protocol.⁵⁶ Recommendation No.203 provides 'non-binding practical guidance' on how States can strengthen legislation on forced labour and supplements both the 2014 Protocol and Convention No.29.⁵⁷ It was at the June 2014 ILO International Labour Conference that governments, employers and workers 'voted overwhelmingly' to adopt the Protocol and the Recommendation.⁵⁸ The Singapore government voted for the 2014 protocol⁵⁹, but has not ratified it yet. However, even if Singapore has not ratified the 2014 protocol, there is still a need to adhere to certain obligations as an ILO member state that has ratified C029.⁶⁰ By signing C029, Singapore has undertaken 'to suppress the use of forced or compulsory labour in all its forms within the shortest possible period'.⁶¹ As this convention was signed more than 50 years ago, the presumption is that the State has reasonably exceeded this 'timeline'. This obligation on the State to suppress the use of forced labour includes both an obligation to abstain and an obligation to act: States must 'neither exact forced or compulsory labour nor tolerate its exaction'.⁶² It is also necessary to 'repeal any laws or regulations which provide for or allow the exaction of forced or compulsory labour', and amend national laws such that any exaction, whether by public or private entities, will be illegal.⁶³

Singapore's Penal Code, described as 'an Act to consolidate the law relating to criminal offences',⁶⁴ includes a section on 'Unlawful Compulsory Labour'. Section 374 states: 'Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.' There is, to date, no public record of anyone being convicted under Section 374. It is also unclear how 'unlawfully compels' is to be interpreted. The 2014 Protocol establishes that member states that have ratified C029 should not only make forced labour a penal offence, penalties must be adequate and strictly enforced.⁶⁵

Singapore enacted its Prevention of Human Trafficking Act on 1 March 2015,⁶⁶ in which the definition of exploitation includes forced labour (see [Table 1](#)). The Singapore government has also signalled its commitment to eradicate human trafficking and forced labour by acceding to the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.⁶⁷

Forced Labour and Human Trafficking

The term forced labour is frequently linked with related concepts such as 'human trafficking', 'slavery', 'modern-day slavery' and 'slavery-like practices' (which further encapsulate practices such as 'debt bondage', 'debt slavery', 'forced marriage', 'servitude', and 'serfdom'). While these are closely-linked concepts, differences remain, particularly in how they are legally defined in international and national laws.⁶⁸ The utility and relevance – as well as the harm – of such terms

being conflated and used interchangeably continues to be debated by scholars and practitioners.⁶⁹ For the purposes of this report, the focus is on establishing the relationship between human trafficking and forced labour, concepts with ‘overwhelmingly deep ties’.⁷⁰

Table 1: Definitions of Trafficking in Persons⁷¹

HUMAN TRAFFICKING: KEY DEFINITIONS
<p>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime</p>
<p>Definition of Trafficking in Persons (TIP): Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>
<p>Singapore’s Prevention of Human Trafficking Act</p>
<p>Definition of Trafficking in Persons: Any person who recruits, transports, transfers, harbours or receives an individual (other than a child) by means of –</p> <ul style="list-style-type: none"> (a) the threat or use of force, or any other form of coercion; (b) abduction; (c) fraud or deception; (d) the abuse of power; (e) the abuse of the position of vulnerability of the individual; or (f) the giving to, or the receipt by, another person having control over that individual of any money or other benefit to secure that other person’s consent, <p>for the purpose of the exploitation (whether in Singapore or elsewhere) of the individual shall be guilty of an offence. Exploitation, meanwhile, is defined as ‘sexual exploitation, forced labour, slavery or any practice similar to slavery, servitude or the removal of an organ’ (emphasis added).</p>

The UN’s Trafficking Protocol (sometimes referred to as the Palermo Protocol, see Table 1) continues to be the definition of human trafficking most often cited, with the definition explained as comprising three constituent elements: the act, the means, and the purpose (see Figure 3).⁷² It bears emphasizing, though, that the ‘essence of human trafficking is *exploitation* and not movement’.⁷³ One of the forms of exploitation identified is forced labour, a crucial element and, in HOME’s experience, the most prevalent form of exploitation among potentially trafficked MDWs. While the focus of this report remains on examining forced labour practices, trafficking discourse and anti-trafficking measures are invoked primarily to emphasize that the global movement to eradicate human trafficking must necessarily involve efforts to deal decisively with forced labour,

regardless of how people arrive in these conditions.⁷⁴ Related to trafficking yet legally distinct, forced labour needs to be taken seriously as a problem ‘rather than (or in addition to) the mechanisms of trafficking itself’.⁷⁵ As has been repeatedly pointed out, ‘not all forced labour is the result of human trafficking and ... not all trafficking-related activities necessarily result in forced labour’.⁷⁶ The existence of anti-trafficking laws should not discount the necessity of laws to combat forced labour: if forced labour is punishable only when there is an established link to trafficking, ‘those in non-trafficked forced labour will find it even more difficult, if not impossible, to seek justice’.⁷⁷ States should undertake to criminalize the exploitation of persons in forced labour situations.⁷⁸ A clear definition of forced labour in national legislation is needed, one that adheres to the ILO’s C029 FL convention. This should be complemented with the formulation of victim identification protocols aligned with internationally recognized and accepted ILO forced labour indicators.

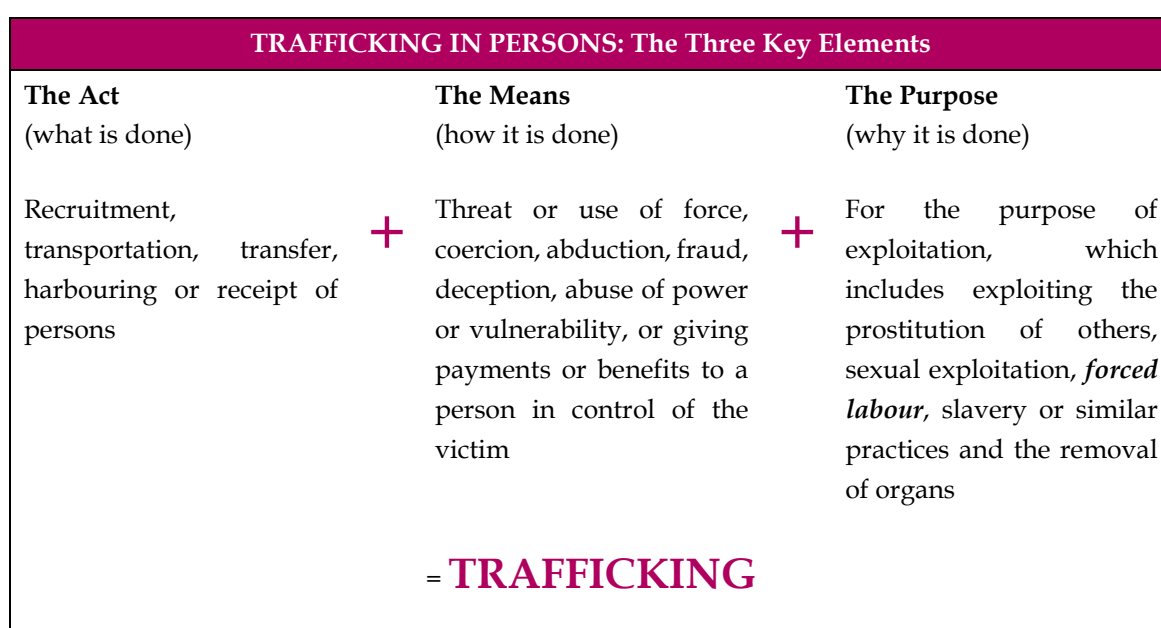


Figure 3: Three Key Elements of Trafficking in Persons⁷⁹

Indicators of Forced Labour

The ILO is the leading UN agency engaged in labour standard-setting with the endorsement of 187 member States (including Singapore).⁸⁰ It is relied upon to provide authoritative guidance on interpretations of forced labour. In 2012, the ILO’s Special Action Programme to Combat Forced Labour (SAP-FL) produced a booklet in which it identified 11 indicators of forced labour.⁸¹ These indicators include the ‘main possible elements of a forced labour situation’, and are intended to help front-line officials (such as criminal law enforcement, labour inspectors) as well as trade union and NGO workers in the identification of possible FL victims.⁸² The 11 indicators are:

- **Abuse of vulnerability:** taking advantage of a worker’s vulnerability in order to deceive, impose highly exploitative conditions, and/or prevent a worker from leaving the job.
- **Deception:** a ‘failure to deliver what was promised’ – in writing or verbally – such that if the reality was known, the worker would not have accepted the job.⁸³

- **Restriction of movement:** being locked up or having movements restricted and tightly controlled.
- **Isolation: restricting or denying contact with the outside world.** Isolation could be geographical (such as being in a remote or difficult-to-access location) or social, that is, having communications and movements restricted (e.g. confiscation of mobile phones). It includes situations where businesses are informal, remote and unregulated, such that law enforcement is unable to monitor and detect what is happening.
- **Physical and sexual violence:** acts of physical and sexual violence could also be a means of disciplining workers and extracting more work, as well as inducing them to take on additional tasks not originally agreed to. Violence is a very strong indicator of FL.
- **Intimidation and threats:** particularly when the worker complains about conditions or wants to quit. Besides threats of physical harm, common threats include threats of denunciation to authorities, loss of wages or withdrawal of privileges. Psychological coercion, in which workers are constantly verbally abused and undermined, increases their vulnerability – this is especially prevalent in the case of domestic workers and is one of the most common complaints received at HOME.
- **Retention of identity documents:** this also includes the retention of valuable personal possessions. Sometimes termed ‘safekeeping’ by employers and government officials, retention in this case refers to situations where workers are unable to access their documents upon demand, or feel they are unable to leave without risking losing these items. The lack of identity documents also impacts workers’ access to other jobs as well as services and the way they are subsequently treated by authorities.
- **Withholding of wages:** involves a systematic and deliberate withholding of wages in order to compel workers to stay, or prevent them from changing employers.
- **Debt bondage:** when persons are working to pay off an incurred or inherited debt. Debts can be manipulated and thereby compounded, making it difficult for workers to escape the debt. Sometimes referred to as bonded labour, the situation ‘reflects an imbalance in power between the worker-debtor and the employer-creditor’, and ‘has the effect of binding the worker to the employer for an unspecified period of time’.⁸⁴ The situation is different from loans taken from a bank, in which there are ‘mutually agreed and acceptable terms’ for repayment.⁸⁵
- **Abusive working and living conditions:** working conditions that are degrading, hazardous and in severe breach of labour law; they are conditions workers would never freely accept. Substandard living conditions include overcrowded and unsanitary facilities. While abusive conditions alone are not sufficient to prove FL, they serve as an ‘alert’ that there may be coercion preventing the worker from leaving.
- **Excessive overtime:** long working hours beyond those stipulated by national law; includes being on call 24/7 and being denied breaks as well as days off. A FL situation arises if a person works overtime in excess of legal limits, under some form of threat, or in order to earn a minimum wage.

'Measuring' forced labour is a daunting task. The ILO's global reports have attempted to capture the scale of the problem,⁸⁶ but it is an imperfect – and controversial – science. In this report, we focus on identifying forced labour in an attempt to understand what enables it and how it manifests itself; it is also an attempt to improve understanding of the core FL concepts, particularly coercion. In addition to these 11 indicators, the interpretation of FL and key concepts has also been informed by key literature on forced labour and trafficking. There are considerable overlaps with indicators used in other key frameworks such as the ILO's *Hard to See, Harder to Count*,⁸⁷ and the ILO's Delphi indicators (see Appendices A and B),⁸⁸ notwithstanding that both frameworks weight the indicators (strong, medium or weak). In this report, however, the aim is to illustrate the cumulative impact of various employer/agent practices and the exercise of coercion: these elements are mutually-reinforcing and, in particular combinations and contexts, can transform an employment relationship entered into voluntarily into one of forced labour.

CHAPTER 3

FORCED LABOUR AND SINGAPORE'S WORK PERMIT REGIME

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In discussions about forced labour and trafficking, reference is often made to undocumented/'irregular' workers and their increased vulnerability. This is undisputed. What this chapter highlights is the growing acknowledgment that documented workers, who migrate for work under highly regularized 'employer-tied' visa programmes, are subject to severe rights restrictions that heighten their vulnerability to forced labour.⁸⁹ Singapore is not alone in being affected by these issues. In countries that have established guest worker programmes, such as the United States and Canada, there is mounting criticism about such programmes: they have been termed 'exploitation express',⁹⁰ described as 'close to slavery',⁹¹ and targeted for the 'creeping economic apartheid' between migrant workers and citizens.⁹²

These 'use-and-discard'⁹³ regimes share core characteristics: a migrant worker can enter the country but is only allowed to work for a particular employer, or in a specific industry; they are clustered in sectors in which the work is generally low-paid and working conditions are poor (e.g. agriculture, domestic work), and where they can be easily dismissed and repatriated.⁹⁴ MDWs in Singapore are subject to this regime of 'permanent transience',⁹⁵ in which they are not entitled to access permanent residency or citizenship as well as family reunification. Their 'deportability', shaped by deportation laws that render them 'disposable economic subjects with few or no political rights',⁹⁶ functions as a form of 'structural coercion' that impedes their ability to resist and contest highly exploitative working conditions and workplace abuse.⁹⁷ What matters, then, is not merely 'legality' but stability and labour mobility: MDWs' legal and employment status is extremely tenuous, and highly dependent on employers and recruiters. This confluence of factors makes MDWs extremely vulnerable to forced labour. Consequently, it is critical to acknowledge that FL is not a covert activity that flourishes in the absence of state intervention; it can manifest in formal, regulated, and advanced economies, with States playing an active and 'constitutive role in producing unfree labour'.⁹⁸

Tied Work Permit System

The Work Permit (WP) system is a restrictive visa system that is often compared to the *kafala* system in the Gulf States, a system Human Rights Watch calls a 'sponsored' gateway to human trafficking.⁹⁹ There were 965,200 low-wage migrant workers on WPs in Singapore in December 2017; of these, 246,800 were MDWs.¹⁰⁰ It is estimated that one in five households in Singapore hires an MDW.¹⁰¹ WP holders are subject to sector-specific restrictions determined by the Ministry of Manpower (MOM). MDWs in Singapore mostly come from Indonesia, the Philippines, and Myanmar, with smaller numbers from India, Sri Lanka, and Cambodia.¹⁰²

This employer-sponsored WP system is a fundamental stumbling block to the realization of migrant workers' rights. This is because attempts to assert rights of any kind can lead to immediate dismissal and repatriation, as well as retaliatory measures that may impinge on the migrant worker's ability to return to Singapore to work. This exerts a coercive effect on workers to comply

with exploitative working conditions – including those akin to forced labour – for fear of losing their jobs.

Work Permit conditions for MDWs simply state that employers are to give the domestic worker ‘reasonable notice’ of her repatriation.¹⁰³ It is not clarified what is ‘reasonable notice’, and employers have been known to dismiss and repatriate a domestic worker within a day, with less than 24 hours’ notice. HOME regularly receives calls from domestic workers who are on the way to or are already at the airport, having been summarily dismissed and sent packing. Whether or not a worker is then able to successfully resist her repatriation depends on a range of factors, including whether or not she has a ‘valid claim’ as determined by the MOM (see Chapter 4), the attitude of the immigration officers, and if the domestic worker has the capacity to stand her ground against frontline officers who may, in certain instances, encourage the domestic worker to return home or even actively tell her that she has no right to remain. Conversely, we are also aware of situations where a domestic worker pleads with her employer to let her leave and return home, but the employer refuses this request; in certain cases, employers may even go online to extend the domestic worker’s WP without her consent.

Restrictions on Labour Mobility

In Singapore, an MDW who wishes to ‘transfer’ to a different employer requires the consent of her current employer, who needs to sign what is locally referred to as ‘transfer papers’ or ‘release papers’. If her current employer refuses, the domestic worker has little choice but to stay with the current employer or return home.

If the employer grants a transfer, he or she has the right to determine which employment agency actions the placement: there have been many occasions where domestic workers have had to return to employment agencies that treated them poorly because they were desperate to stay in Singapore to work and therefore had to comply with the ‘terms and conditions’ of the transfer as imposed by the employer and/or the agency. This includes situations where the agents had overcharged them, did not respond when assistance was required, verbally abused the MDW, confiscated their identity papers and personal belongings, did not give them adequate decision-making power when placing them with an employer or even engaged in deceptive recruitment. Employers may stipulate such terms because of contracts signed with employment agencies and their ability to get a ‘free replacement’ during a stipulated period.¹⁰⁴ These arrangements are closely linked to the financial arrangements made between employers, employment agencies and MDWs (see later section on recruitment fees).¹⁰⁵

Restrictions on Freedom of Movement and Communication

WP conditions stipulate that employers ‘shall control and supervise’ their foreign employee.¹⁰⁶ The Singapore government further imposes financial burdens on employers to ensure they undertake this obligation. Every employer of an MDW (unless the employee is a Malaysian citizen) has to furnish a security bond of up to S\$5,000 to the Singapore government for each worker hired (this is usually done via an insurer’s guarantee).¹⁰⁷ This bond is liable to be forfeited (whether in whole or in part) if the domestic worker ‘goes missing’ or contravenes any WP conditions.¹⁰⁸

There are WP conditions that place restrictions on WP holders’ ‘conduct’. WP conditions impose restrictions on marriage (e.g. WP holders are not to marry a Singaporean or permanent resident without the permission of the Controller of Work Passes).¹⁰⁹ Further, female WP holders ‘shall not

become pregnant or deliver any child in Singapore’, unless she is already married to a Singaporean or PR – domestic workers who are found to be pregnant are to be repatriated; they may also be blacklisted.¹¹⁰ Meanwhile, MDWs have to undergo mandatory six-monthly medical examinations, which include a pregnancy test.¹¹¹ WP conditions also state that the ‘foreign employee shall not be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore’.¹¹² This broadly worded provision potentially criminalizes MDWs who become involved in relationships with Singaporeans or PRs, and induces the moral policing of MDWs.

It is regarded an employer’s responsibility to ensure domestic workers do not violate the terms of their WPs: liability for particular contraventions by the MDW is discharged only if an employer has informed an MDW of the conditions they are to comply with, and reports any violation to the authorities once they are aware of it.¹¹³ These regulations effectively incentivize employers to adopt draconian control measures to restrict and monitor their MDWs movements, activities and communication, such as through the denial of rest days or the enforcement of strict curfews on rest days, and through the confiscation and withholding of MDWs’ mobile phones, passports and other key documents.

While weekly rest day legislation for domestic workers came into effect on 1 January 2013, this mandated that MDWs are entitled to a weekly rest day *or* financial compensation-in-lieu.¹¹⁴ Such arrangements are meant to be ‘mutually agreed’ upon between employers and domestic workers but significant imbalances in bargaining power mean that, in practice, the number of rest days a domestic worker does/does not have is often imposed by employers and agents (see Figure 6). A 2015 study by TWC2, a local migrant worker advocacy organization, found that more than half the domestic workers surveyed did not have a weekly rest day.¹¹⁵

Fear of Employer Retaliation

The Ministry of Manpower maintains an online ‘feedback’ system (otherwise known as a ‘reference channel’) in which employers are able to share unsubstantiated negative feedback about an MDW after she has left the country. A domestic worker will not know this has occurred until a prospective employer or recruitment agent makes a new application. At that point, the prospective employer will be alerted to the fact that the MDW’s ex-employer has left a ‘personal reference’ – usually a complaint (see Figure 4). The employment agent or prospective employer making the application will be provided with the contact details of the former employer, who can then make unverified allegations about the MDW, thereby jeopardizing her chances of being hired. While a prospective employer can still insist on hiring the MDW despite the complaint, it is unlikely that employment agents and employers will continue with the application.¹¹⁶

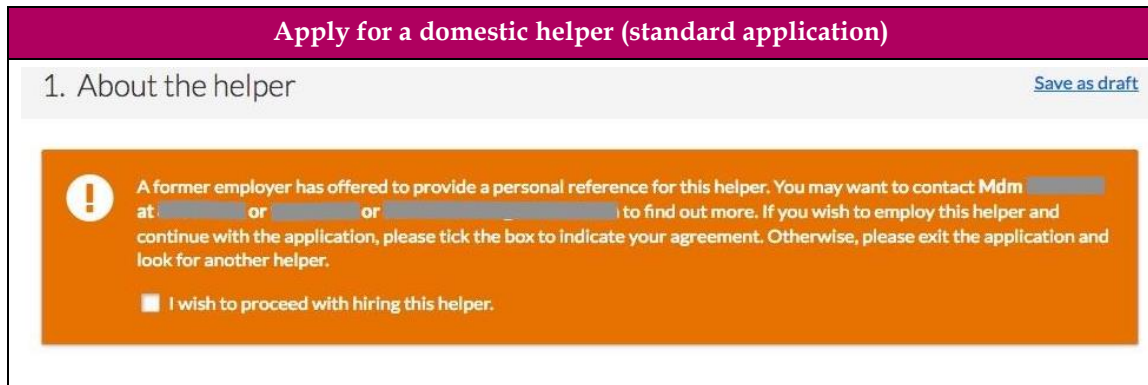


Figure 4. ‘Personal reference’ left in respect of a MDW that prospective employers will be notified of when making an application to hire her. *Source:* Screenshot from MOM website.

This ability of employers to potentially ruin an MDW’s chances of returning to Singapore to work makes the threat of ‘blacklisting’ a powerful tool, one that employers and agents regularly and effectively wield to threaten and coerce workers into not making claims against them or into agreeing to unfavourable terms of employment. HOME receives at least one enquiry a week related to feedback left by employers on this system. It is worth noting that there is no equivalent system for MDWs to leave feedback on their employers or employment agencies.

Legislative Framework: Exclusions & Regulatory Gaps

Exclusion from the Employment Act

The main labour law in Singapore is the Employment Act (EA), which governs basic working conditions in core areas. It sets limits on working hours (no more than 12 hours a day), including overtime hours (no more than 72 overtime hours a month).¹¹⁷ It also prescribes formulas for overtime, rest day and public holiday pay and provides minimum standards on notice periods, annual leave and paid sick and hospitalization leave.¹¹⁸ Currently, the EA excludes civil servants, managers/executives with a monthly basic salary of more than S\$4,500, seafarers and domestic workers.¹¹⁹

The State rationalises domestic workers’ exclusion from the EA on the basis that the nature of domestic work is ‘quite different from normal work’,¹²⁰ making conditions of work difficult to regulate. This exclusion leaves MDWs bereft of core labour rights protection. In responses to criticism of this exclusion, the Singapore government tends to reiterate that MDWs are covered by the Employment of Foreign Manpower Act (EFMA).¹²¹

However, the EFMA offers a limited set of protections and entitlements which are not equal to those provided for under the EA. For example, MDWs are not protected by legal limits on working hours as EFMA merely stipulates that MDWs should have ‘adequate’ rest. This lack of specificity has enabled employers to pressure domestic workers to work gruelling hours – a situation exacerbated by their live-in situation – and MDWs are unable to seek effective redress for forced overtime and excessive working hours, which are key indicators of forced labour.

The ambiguous language of EFMA provisions impacts on MDW’s welfare. Presently the EFMA requires employers to provide ‘acceptable’ accommodation, ‘adequate’ food, ‘adequate’ rest, and ‘reasonable’ notice of repatriation.¹²² Failure to clearly specify these terms means MDWs’

wellbeing and working conditions are largely dependent on the whims of employers and their interpretation of these regulations. This is exacerbated by inconsistent enforcement even when guidelines are issued.¹²³ The tendency for state authorities to leave employment conditions to negotiations between employer/employment agent and domestic worker ignores the grave inequalities in bargaining powers between parties, and the limited ability of MDWs to contest the imposition of exploitative conditions, which may continue to deteriorate.

Lack of Minimum Wage Protections

Working excessive overtime in order to earn a minimum wage is recognized as contributing to a forced labour situation.¹²⁴ The ability to assess this is complicated by the fact that the Singapore government does not prescribe a mandatory minimum wage for any workers, whether local or foreign. The MOM's stance is that '[w]hether wages should increase or decrease is best determined by market demand and supply for labour'.¹²⁵ While the Philippines embassy, Indonesian embassy, and Sri Lankan embassy have set recommended minimum wages for their citizens working as domestic workers in Singapore – at the monthly rate of S\$570 (USD 400), S\$550 (USD 411), and S\$500 (USD 374) respectively¹²⁶ – these wage rates are not legally enforceable.

The lack of enforceable minimum wage guidelines leave MDWs vulnerable to long-term economic exploitation, where their wages remain depressed and do not reflect increased costs of living as well as the inflated placement costs incurred in overseas labour migration. Depressed wages and higher migration costs also lead to increased debt burdens and longer loan repayment periods. It can also result in domestic workers forgoing rest days in lieu of financial compensation in order to earn a higher monthly wage.

Debt-Dependent Migration: Excessive Recruitment Fees

The indebtedness of migrant workers in Singapore is a significant factor in their compliance with deteriorating working conditions and increases their risk of being in forced labour.¹²⁷ Currently, many MDWs are required to pay fees of around S\$1,200–\$4,000 (USD 874–2,913) to employment agencies for being placed in a job in Singapore. This practice is common and widespread. Whenever the issue of excessive recruitment fees is raised, the Singapore government cites the Employment Agencies Act (EAA), which limits agency fees to one month of salary per contract year, at a maximum of two months fixed salary for a two-year employment contract.¹²⁸ However, the Singapore government does not regulate training or agency fees paid in the home country, which it deems to be outside its jurisdiction;¹²⁹ debts listed as 'personal loans' for fees incurred overseas appear to be 'allowable' deductions. This regulatory loophole is easily exploited by employment agencies, who continue to charge MDWs four to eight months of salary deductions. To abide by the EAA regulations, some local employment agents couch the overall 'agency/placement fee' as comprising:

1. A service fee charged to the domestic worker by the local agency
2. A personal loan incurred by the domestic worker in the country of origin

ii) Placement Fee

The placement fee of S\$ _____ which comprises (a) of the service fees charged on the FDW by the Agency and (b) personal loan incurred by the FDW whilst employment in her native hometown overseas and or whilst she is on local transfer after failing to satisfy her current Employer needs.

- a. Local Placement Fee charged on the FDW by the Agency amount to S\$ _____
- b. Personal loan know as Overseas Placement Fee incurred by the FDW whilst she is seeking Employment in her native home town this amount to S\$ _____ as agreed by the FDW through the salary deduction table which is duly signed by the FDW through in the presence of the Employer on the day of deployment.
- c. The Employer agrees to pay the total placement fees of S\$ _____ on behalf of the FDW which the Employer is authorized to recover from the FDW through salary deduction as agreed upon whose quantum is determined in the Employment contract.

Figure 5: Sample of MDW Employment Contract Signed by MDW's Employer with Employment Agency.¹³⁰

As can be seen in Figure 5, the total amount is paid upfront by the employer of the domestic worker to the employment agency, and thereafter regarded as an 'advance' by the employer for the MDW's 'loan'; the employer then makes a deduction from an MDW's salary until the amount is recovered. Depending on the MDW's salary and the size of the 'loan', this could amount to six or eight months' worth of salary deductions. MDWs therefore often work for months either without any pay or with only a minimal monthly sum (sometimes referred to as an MDW's 'allowance' or 'pocket money', see Figure 6). Fearful that the MDW may 'run away' during this salary deduction or 'loan repayment' period, employers often impose additional restrictions such as denying MDWs their full complement of rest days and/or restrict their use of mobile phones.¹³¹ Some employers may also withhold an MDW's 'allowance' until the loan repayment period is over.

Head Office: _____

EMPLOYER NAME: _____ NRIC NO: _____

FDW NAME: _____ PP NO: _____

COMMENCEMENT DATE: _____ 2015

MONTHLY SALARY/ GAJI BULANAN: 470

SALARY + COMPENSATION IN LIEU: 18

COMPENSATION OFF IN LIEU (\$470/26 DAYS)/ GAJI BUAT 1 HARI LIBUR: \$18. per off day

S/NO	DAY	MTH/YEAR	SALARY	LOAN	PKT MONEY	SIGNATURE	REMARKS
	HARI	BLN/TAHUN	GAJI	HUTANG	UANG SAKU	TNDTANGAN	KOMENTAR
1	23	FEB 15	\$542.00	\$470.00	\$72.00	80 577.25	NO OFF DAYS
2	23	MAR 15	\$542.00	\$470.00	\$72.00	80	DURING LOAN
3	23	APR 15	\$542.00	\$470.00	\$72.00	80	PERIODS
4	23	MAY 15	\$542.00	\$470.00	\$72.00	80	
5	23	JUN 15	\$542.00	\$470.00	\$72.00	82	
6	23	JUL 15	\$542.00	\$470.00	\$72.00	82	(TIADA OFF DAY
7	23	AUG 15	\$542.00	\$470.00	\$72.00	82	WAKTU MASIH ADA
8	23	SEPT 15	\$542.00	\$470.00	\$72.00	84	POTONGAN)
9	23	OCT 15	\$542.00		\$542.00	80	0 OFF DAY
10	23	NOV 15	\$542.00		\$542.00	542	0 OFF DAY
11	23	DEC 15	\$542.00		\$542.00	542	0 OFF DAY
12	23	JAN 16	\$542.00		\$542.00	572	0 OFF DAY
13	23	FEB 16	\$542.00		\$542.00	542	0 OFF DAY
14	23	MAR 16	\$542.00		\$542.00	542	0 OFF DAY
15	23	APR 16	\$542.00		\$542.00	542	0 OFF DAY
16	23	MAY 16	\$542.00		\$542.00	542	0 OFF DAY
17	23	JUN 16	\$542.00		\$542.00	542	0 OFF DAY
18	23	JUL 16	\$542.00		\$542.00	542	0 OFF DAY
19	23	AUG 16	\$542.00		\$542.00	542	0 OFF DAY
20	23	SEPT 16	\$542.00		\$542.00	500	0 OFF DAY
21	23	OCT 16	\$542.00		\$542.00	550	0 OFF DAY
22	23	NOV 16	\$542.00		\$542.00	550	0 OFF DAY
23	23	DEC 16	\$542.00		\$542.00	542	0 OFF DAY
24	23	JAN 17	\$542.00		\$542.00	542	0 OFF DAY
TOTAL:			\$13,008.00	\$3,760.00	\$9,248.00		

MONTHLY SALARY/ GAJI BULANAN: \$470.00

COMPENSATION OFF IN LIEU (\$470 / 26 DAYS)/ GAJI BUAT 1 HARI LIBUR: \$18. per day

*\$18. x 4 NO OFF DAYS/ TANPA LIBUR: \$72.00

I HEREBY AGREED WITH THE ABOVE SCHEDULE AS ARRANGED
(SAYA SETUJU DENGAN PERNYATAAN GAJI YANG TELAH DIATURKAN)

EMPLOYER (MAJIKAN) _____ EMPLOYEE (PEMBANTU) _____

NRIC: _____ 2015

Figure 6: Sample of Salary Schedule and Loan Repayment Scheme. As can be seen in the salary schedule, the MDW has 'no off days during loan periods' and the total amount deducted is $S\$470 \times 8 \text{ months} = S\$3,760$. During those months, she is meant to receive 'pocket money' of $S\$72$ a month. The '0 Off Day' in the right column over a period of two years indicates the MDW is on a contract that does not allow her to take any rest days, with the rest day compensation factored into her monthly salary, thus making it $S\$542$ instead of $S\$470$ a month (after the 8-month salary deduction period).

The Ministry of Manpower does *not* consider these salary deductions a breach of the EEA regulations. Domestic workers who wish to leave their placement are particularly vulnerable during the loan deduction period – they often experience great difficulty in trying to resign or getting their employers to agree to a transfer. Recruitment agents are also often reluctant to provide them with assistance, with agents known to pressure MDWs to endure unfavourable working conditions until they have paid off their ‘loan’.

In addition to the initial recruitment and placement fees, domestic workers who are transferred from one employer to another incur additional fees, typically an additional two months’ worth of salary deductions. There have been cases, though, where agency fees escalate quickly due to agents preying on a succession of transfers (see Chapter 4).

Difficulty in Leaving Employment

A domestic worker who wishes to leave an exploitative or forced labour situation faces considerable obstacles because current regulations only allow employers to cancel WPs. Employers have the upper hand, especially as the MDW is reliant on them for a transfer. MDWs sometimes risk the wrath of employers by leaving the household without notice because previous suggestions of leaving have been met with disapproval or ambiguity (‘let’s see’), or because MDWs are fearful that raising the notion of quitting/transferring would lead to a deterioration in the working relationship and, consequently, working conditions. From HOME’s casework experience, common complaints such as excessive working hours, inadequate food and rest, emotional abuse, and restrictions on communication are generally not treated as ‘valid claims’ for a change of employer by the Ministry of Manpower. MDWs who approach the MOM with such complaints and seek a change of employer will most likely not be granted permission and, consequently, will either be repatriated or told to return to their agencies/employers.

Inadequate Enforcement Regarding the Withholding of Passports

The withholding of passports and identity documents is a key indicator of forced labour as it restricts freedom of movement. An overwhelming majority of domestic workers who seek assistance from HOME have their passports withheld either by employers or employment agents. This practice is widespread but employers are rarely (if ever) penalized for it,¹³² even though it is against the law to do so without ‘reasonable excuse’,¹³³ and the MOM website expressly provides that employers should not do so.¹³⁴ Employers, meanwhile, often rationalize this practice as ‘necessary’ due to the Singapore government’s S\$5,000 security bond regulations.¹³⁵

CHAPTER 4

FORCED LABOUR & MIGRANT DOMESTIC WORKERS IN SINGAPORE: CASE STUDIES

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FORCED LABOUR & MIGRANT DOMESTIC WORKERS IN SINGAPORE: CASE STUDIES

This chapter delves into HOME’s casework data to illustrate the nature of forced labour among domestic workers who have sought assistance from our organization. The chapter begins with a breakdown of our overall casework statistics for the past year: April 2017 to March 2018 (52 weeks in total). These give an indication of the most common complaints received at our helpdesks for domestic workers. It is of particular concern that many of the key complaints are considered strong indicators of forced labour. Specific case studies are detailed in order to illustrate some of the complexities and characteristics of forced labour among the MDW population in Singapore assisted by HOME.

Casework Statistics: Domestic Workers

HOME runs a shelter for domestic workers. At the helpdesk that receives the domestic workers who need shelter, HOME saw an average of 17 new runaway domestic workers per week between April 2017 to March 2018. The following figure and table provide a breakdown of their nationalities and the nature of complaints received, categorized into specific issues – it should be noted that most domestic workers have multiple complaints.

Figure 7: Number & Nationality of MDWs Who Sought Shelter at HOME (2017–2018)

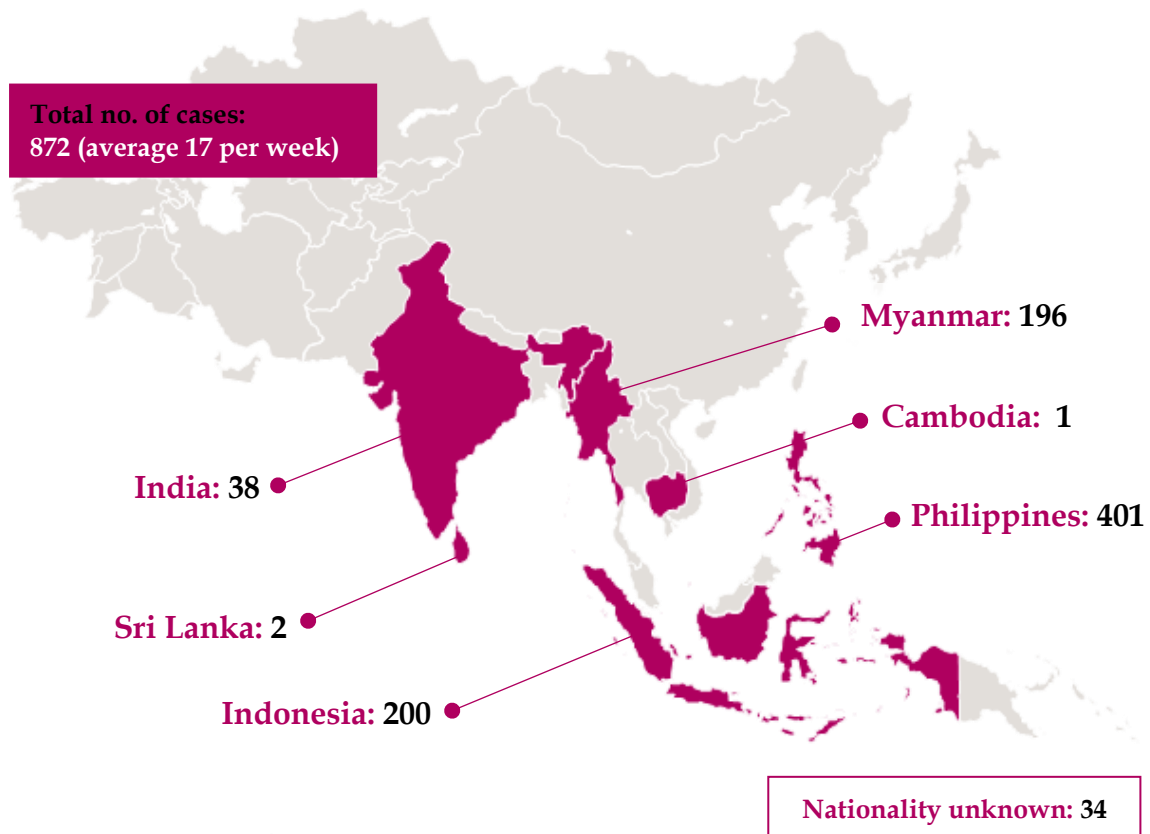


Table 2: HOME's Domestic Worker Casework Data

DOMESTIC WORKER CASEWORK DATA: APRIL 2017 TO MARCH 2018	
Overwork	483
Verbal abuse (shouting/threats/insults)	472
Salary-related issues: salary unpaid; salary withheld; salary delayed; salary deducted; medical expenses paid by worker/deducted from salary; salary not as promised	342
Inadequate or poor quality food	292
Illegal deployment by employer (more than one house, or employer's business)	194
Unreasonable restriction of phone usage	197
No days off	166
Poor living conditions	154
Physical abuse (including threats of physical abuse)	138
Unsafe work	91
Denied medical treatment	90
Denied sick leave	65
Terminated by employer	61
Inappropriate tasks (e.g. massage)	55
Sexual abuse/sexual harassment	32

The top complaint received was being **overworked**, with working hours generally exceeding 12 hours a day. It is not uncommon for domestic workers to report working hours that range from 16–18 hours a day (in some extreme cases, even 20 hours a day), with the domestic worker also not having any rest days. As there is a live-in requirement for MDWs, those who look after the elderly or young children may be on call 24/7. The presence of surveillance cameras in the home – which is very common in Singapore – makes it difficult for domestic workers to take breaks or rest during the day without express permission from their employers. Workloads are often excessive and unreasonable, and domestic workers may also be asked to perform duties that are not traditionally viewed as domestic work, such as washing their employers' cars and giving them massages, sometimes on a daily basis. There are also regular complaints about **illegal deployment**, in which domestic workers are asked to undertake work for another household (usually a family member of the employer) or to work in the employer's business (e.g. a shop or a restaurant). This exacerbates their workload and is a violation of EFMA.¹³⁶

Many domestic workers who seek help from HOME do not have weekly rest days: those who are allowed to have rest days may only be allowed to go out once or twice a month. Additionally, even among those who have rest days, a common complaint is that they are asked to perform chores

before they leave the house and have early curfews (sometimes as early as 5pm) as they are required to return home in time to prepare dinner. Currently, the law does not state that a domestic worker's rest day has to include 24 hours of continuous rest.¹³⁷



Verbal abuse is the second highest complaint, and MDWs frequently endure shouting and name-calling ('stupid', 'idiot', 'dog'), vulgarities ('fuck you', 'cunt'),¹³⁸ as well as sexually-loaded insults and harassment ('whore', 'you are no better than a prostitute'). Domestic workers are also often threatened—employers may threaten to dismiss and repatriate them, 'blacklist' them and ensure they are not able to work in Singapore or file a police report against them (for example, a theft charge). These threats are taken seriously as they are tools frequently utilized by employers and can greatly undermine a domestic worker's self-esteem and livelihood.



Violence and/or **threats of violence** are also regular complaints. Domestic workers are subject to abusive behaviour not just by their main employer, but anyone else living in the household; which can include the elderly and even children. Domestic workers supported by HOME have complained of being slapped, bitten, scalded, kicked, punched and sometimes having items thrown at them. They may also be threatened with harm. HOME also receives complaints of sexual harassment and abuse, in respect of which the live-in requirement and isolated nature of domestic work make them especially vulnerable. Domestic workers complain of being molested, of having to deal with lewd remarks, suggestive talk, and of being 'flashed'. There are also cases of sexual assault, which is likely under-reported.

While **physical** and **sexual abuse** cases are generally taken seriously by the authorities, the problem lies in obtaining sufficient evidence for a prosecution. The investigation process is also protracted and unpredictable. If required for a police investigation, a migrant worker's passport is impounded by the police, and they may not be allowed to leave the country when they wish even though such investigations can continue for longer than a year. HOME is currently housing one of two domestic workers from the same household who suffered egregious abuse by their employers (a couple). The domestic workers were punched, slapped, kicked, and suffered food deprivation and humiliating punishments (one of them was forced to eat her own vomit; the two domestic workers were also forced to slap each other in front of the employer), and were closely monitored via surveillance cameras.¹³⁹ As of late October 2018, the case for one of the domestic worker involved has yet to conclude notwithstanding that it has been ongoing for *five years*. The offences took place between February 2011 and December 2012,¹⁴⁰ and were reported in 2012. In May 2018, compensation was ordered by the court for one of the domestic workers and the amount payable was S\$7,800 comprising S\$500 for each incident of abuse and loss of income for four months (S\$450 multiplied by four, amounting to S\$1,800).¹⁴¹ While the inclusion of compensation is an

improvement, concerns have been raised about the adequacy of the compensation, and if payment will actually materialize. The couple appear intent to claim insolvency and the amount might not be paid; instead a longer jail term would be served by the perpetrators.¹⁴²

In HOME's experience, domestic worker cases that involve physical and sexual abuse typically include other strong indicators of forced labour such as threats of denunciation to authorities, limited freedom of movement and communication, constant surveillance, confiscation of passports, and recruitment linked to debt. It is our view that many physical and sexual abuse cases encountered would qualify as forced labour cases as outlined by the ILO. However, the tendency for the authorities to segregate issues means allegations of physical abuse are investigated by the police, and all other issues mentioned are generally not treated as punishable offences by the MOM unless they are severe enough to become criminal offences.



Food deprivation is another common complaint by MDWs.¹⁴³ While the Ministry of Manpower issues advisories for employers on what the typical daily food intake for an MDW should comprise,¹⁴⁴ such advisories are not given the force of the law, and enforcement is inconsistent. In 2014, it was reported that as many as eight in 10 domestic workers who sought help from HOME did not get enough food.¹⁴⁵ During a series of focus groups conducted by HOME in early 2017, MDWs complained of inadequate food in terms of quantity as well as quality. Some were only allowed to eat instant noodles and/or bread, others only leftovers, and almost all said they were not allowed to have fruit. Many said they were not allowed to snack in between meals and would drink water to stave off their hunger pangs.¹⁴⁶ Some Muslim MDWs have related how their employers did not consider their religious beliefs and would mix pork (considered non-*halal*) with most of the food, leaving them to eat only rice and some leftover vegetables.



About 40% of the complaints received by HOME from domestic workers are **salary-related**. The complaints involve unpaid salaries, withheld salaries, delayed salary payments and salary deductions (including for employer obligations such as medical expenses). There are also cases where salaries are not paid in accordance to what was initially promised to the domestic worker. This is immensely difficult to prove if the promises were made verbally, and extremely challenging even if written documentation was initially provided. Domestic workers have reported being asked to sign new contracts/documents upon arrival in Singapore at employment agencies, or after being sent to their employer's homes, with such contracts stipulating lower salaries and more restrictions (e.g. fewer rest days), or with salary deductions higher than they were expecting. There are also employers who withhold the wages of their workers under the guise of helping them to 'safe-keep' their money.¹⁴⁷

Furthermore, MDWs are sometimes pressured to sign contracts allowing the employer to do this, or sign documents indicating they have already received their salaries. HOME has also encountered situations where employers heavily control the MDW's money/spending by giving them stipulated amounts on rest days (if they are allowed rest days)—the MDW is to return all unspent cash to the employer when she returns at the end of her rest day. MDWs who do not have rest days are reliant on their employer to remit money to their families. At the time of writing this report, it was announced by the Ministry of Manpower that a new WP condition will be introduced from 1 January 2019, in which employers will not be allowed 'to safe-keep any money belonging to their MDWs, including paid salaries or any other money'.¹⁴⁸ This is an important development, and further clarification is required on whether or not domestic workers who come forward to file such complaints will be granted transfers if their claims are verified.¹⁴⁹ If the risk of job loss followed by repatriation remains, under-reporting is likely.



Isolation, confinement or surveillance is a strong indicator of coercion at destination under the ILO's framework for identifying victims of trafficking for forced labour.¹⁵⁰ HOME has documented dozens of cases where MDWs have been locked up in their employer's houses or their agent's living quarters. Many employers also prohibit them from owning mobile phones or may confiscate their phones and severely restrict their use (for example, only allowing them to use it on certain days and for a specified period of time). When complaints are made against employers and agents for wrongful confinement and confiscation of mobile phones, they are not accepted as serious complaints and MDWs' contracts are usually terminated by their employers and the MDW repatriated. As previously stated, employers commonly install surveillance cameras in their home to enable them to keep a watch on domestic workers.¹⁵¹ Sometimes, cameras are also installed in the bedroom or living space where the domestic worker sleeps: this practice is allowed, especially if the domestic worker shares the bedroom with a child or elderly person.

Case Studies: Domestic Workers in Forced Labour Situations

HOME has identified multiple cases that illustrate situations of forced labour encountered in the past year. These case studies are detailed in order to illustrate some of the complexities and characteristics of forced labour among the MDW population in Singapore.

Multiple Forms of Coercion: The ‘Subtle and Not Immediately Observable’

The following case study involves a domestic worker who lived in our shelter in 2017 and exemplifies what the ILO has pointed out – that there are different forms of coercion that need to be acknowledged, especially those that are ‘subtle and not immediately observable’.¹⁵²

Case Study 1: Indah
FORCED LABOUR INDICATORS <ul style="list-style-type: none">• Withholding of wages• Isolation• Restriction of movement• Excessive overtime• Retention of identity documents• Abuse of vulnerability
<p>Indah worked with her employer for nearly ten years without direct pay. In those ten years, her employer said she was not allowed to hold on to any money and withheld more than S\$40,000 of her salary. Four years after she started working for them, her employer remitted about S\$1,000 to her family. After a further four years, her employer claimed to have remitted S\$2,000 but no proof was given. Indah worked from 7am to 11pm daily, and was not given a rest day for ten years: she could only go out of the house for chores such as to wash the car, water the plants, or sweep outside the house. She was not allowed to own a mobile phone and was also instructed not to speak to any strangers (including other domestic workers in the neighbourhood) and would be censured if ‘caught’. Her appeals for home leave were rejected by her employer and she was not able to speak with her family for almost seven years. Indah was never shown or given a copy of her employment contract – her salary was only S\$280 when she first arrived in Singapore. Her passport and WP were kept by her employer throughout her employment.</p>

HOME considered Indah’s case one of forced labour and suggested to the authorities that Indah could also be a victim of trafficking but this suggestion was rejected. Additionally, her employer, who did pay the outstanding wages after an MOM mediation, was not publicly penalized (HOME is not privy to other outcomes, for example, if the employer was privately punished or given a warning). It was deemed by MOM that the matter was successfully resolved once Indah’s wages were received. An additional complication in relation to redress for Indah and prosecution of the employer was that Indah, having not seen her family for so many years, was desperate to return home as soon as possible. Indah was reluctant to pursue any further claims once her owed wages were received. As noted by the ILO, relations between forced labour victims and employers can be complex and contradictory:¹⁵³ Indah, despite the extreme isolation, prolonged financial abuse, and suffering from being cut off from her family (her family thought she had died), did not wish to cause harm to her employer, and seemed to resist the framing of herself as a victim of forced

labour. This was an especially alarming case and illuminating in terms of how coercion and abuse of vulnerability operates as Indah worked without pay for a decade despite the absence of physical or sexual violence directed towards her. It is a key example of how coercion can be ‘subtle and not immediately observable’, and how abuse of vulnerability operates.¹⁵⁴ When asked repeatedly why she didn’t seek help earlier, Indah indicated that she was confused and had no idea where to seek help. She couldn’t speak any English, it was her first time working overseas, and she was ‘clueless’ about where to go or what to do about her situation. It is immensely difficult, under current civil law systems, to prove that subtle forms of coercion and deception should be considered critical components of criminal offences of forced labour or labour trafficking. Consequently, there are few successful prosecutions.¹⁵⁵ As a result, national legislation tends to ‘focus on the objective conditions of exploitation, rather than on the coercive or deceptive means by which people are brought into these conditions’.¹⁵⁶

Not Criminal Enough: Exploited but ‘Not Abused’

A key observation – and point of contention – is that cases in which there is no physical abuse but strong elements of coercion and psychological abuse rarely result in employer penalties. Additionally, domestic workers may be penalized for filing complaints about such employers as they lose their jobs and may not be allowed to transfer. They may also suffer additional penalties such as being ‘blacklisted’ for not returning to their employment agencies.¹⁵⁷ The potential for penalty can contribute to domestic workers complying with unacceptable employment situations due to fear of losing their job and being repatriated.

Case Study 2: Ella

FORCED LABOUR INDICATORS:

- Excessive overtime (one rest day a month)
- Isolation
- Retention of identity documents
- Abusive working and living conditions

In addition, there was illegal deployment, a breach of the EFMA.

Ella had to do household chores in two houses: her employer’s, and her employer’s daughter’s. Whenever she raised an objection to this, her employer would scream at her, and say that Ella had to repay them for the costs incurred in bringing her to Singapore. Ella worked around 17 hours a day, and had one rest day a month. Her mobile phone was confiscated by her employer, who said it would only be returned after her recruitment fees had been repaid; her passport was also retained by her employer.

Ella had to hand wash the clothes of all the family members each day and complained to her employers that her hands were hurting: they insisted she continue doing so. Ella also told her employers it was dangerous to clean the ceilings while perched on a ladder unsupervised, but her employers insisted she do it. Ella was only given rice and vegetables for lunch and dinner; she was not allowed to eat any fish or meat. After Ella ran away, her employer rang HOME to ask Ella to return to work until a replacement MDW was hired; the employer said ‘there was no abuse’. Ella requested a transfer, but the Ministry of Manpower said this depended on her employer, who refused.

Case Study 3: Anna

FORCED LABOUR INDICATORS:

- Excessive overtime
- Intimidation and threats
- Retention of identity documents
- Isolation
- Restriction of movement

When Anna asked for a transfer to a new employer, there was a loss or withdrawal of privileges (her rest day) and additional restrictions on communication.

Anna worked long hours, from 5am to midnight. During the day, she only had short breaks for meals. Anna complained of constant shouting and scolding from her employer, including name-calling. She was only allowed to use her mobile phone after work, which was past midnight. After some weeks, Anna asked for a transfer. As a result, her employer revoked her rest day for the coming Sunday and confiscated her belongings: her phone, laptop, WP and wallet. Alarmed at not being allowed out of the house and having her cash and communication devices confiscated, Anna, in desperation, escaped to the HOME shelter via the rubbish chute of a high-rise building. While Anna was hoping to transfer to a new employer, this request was denied by the authorities. Additionally, she was investigated by the police for 'endangering her life' by escaping from the house via the rubbish chute.

Denying domestic workers the right to seek alternative employment when complaints are filed against employers who exploit them is punitive. It is problematic to suggest that MDWs have access to due process and should come forward to report complaints when many do so, on a regular basis, but are then sent home. In the above case studies, the employers, instead of being censured, were effectively given license to punish their employee by denying her the right to work for someone else in Singapore. While the MDW can go back home and return to Singapore on a new WP application, this often relies on the MDW having the money to pay for upfront costs, as well as incurring another round of recruitment fee debt upon her return (i.e. working for more months without pay or for nominal pay).

The MDW in the following case study was subjected to extremely harsh treatment. However, under Singapore's current legislative framework governing domestic workers, there is very little avenue for redress for women like her. The harshness of her treatment was not deemed adequate enough for the police to pursue any criminal charges. Meanwhile, the issues presented – excessive working hours, lack of rest days, verbal abuse, inadequate food, poor living conditions, constant surveillance, wrongful confinement, threats, retention of identity documents – are not offences that generally attract punishment by the MOM or the police. While the employer may be privately warned, there is no public censuring of specific employers regarding such behaviour.

Case Study 4: Myaing

FORCED LABOUR INDICATORS:

- Excessive overtime (including no rest days)
- Abusive working and living conditions
- Intimidation and threats
- Isolation
- Restriction of movement
- Retention of identity documents

In addition, recruitment fees charged were in excess of the legal limit under the EAA.

Myaing was subjected to forced overtime in which she worked almost 20 hours each day; she was not allowed any rest days. She also suffered severe food deprivation – plain bread and water was all she was allowed to consume and she was also deprived of food as punishment if her employer got angry. Myaing was also subjected to constant verbal abuse – including vulgarities like ‘cunt’. She slept on the balcony where there was a surveillance camera. Her employer kept her mobile phone and locked the house when she left each day (Myaing did not have the keys). Her employer also threatened to blacklist her if she ever told anyone about her situation. Myaing’s passport and WP were held by her employer. She was charged eight months of recruitment fees for this job and when she ran away from the employer, it was still during her salary deduction period.

An additional point to note is the evidentiary burdens. Domestic workers are often asked to undergo polygraph or lie detector tests by the MOM as well as the police when they make allegations against employers. It is unclear if employers are also asked to undertake such tests, and with the same frequency that MDWs are subject to. It is also unclear how the results of such tests are used and the influence they have over outcomes.¹⁵⁸ Domestic workers are also always warned by officers that they are liable to being charged for making a false statement if their testimony is inaccurate, which can be extremely intimidating and causes much anxiety to victims, especially if they are unable to provide adequate evidence. Under such pressure, domestic workers sometimes choose not to pursue complaints and prefer to return home instead.

The following case study is one in which MOM deemed there was no ‘valid claim’ and insisted on sending the domestic worker back to her agency. She ran away from the agency after they told her she had to pay them money in order to return to her home country.

Case Study 5: Citra

FORCED LABOUR INDICATORS:

- Excessive overtime (including no rest days)
- Isolation
- Retention of identity documents

In addition, there was illegal deployment, a breach of the EFMA; she was also asked to perform inappropriate tasks (such as massaging her employer). Recruitment fees charged were in excess of the legal limit under the EAA.

Citra worked about 17 hours a day – she started work at 5.30am and finished at approximately 11pm – and could only rest when she was having her meals. She was also sent to her employer’s mother’s house twice a week where she had to do the cleaning. She was required to massage her employer up to three times a week, for about an hour each time. Citra was not given any rest days. She was not allowed to own or use a mobile phone; her request to call her family was denied. Her passport was withheld by her employer and she was charged recruitment fees equivalent to eight months of salary deductions.

Citra ran away from her employer’s home after three months. Her employer was livid; she demanded Citra return to the employment agency and pay back the ‘loan’ as there were still five months of outstanding salary deductions (which the employer had paid for upfront). According to Citra’s employer, she had been cleared by the MOM of any wrongdoing and therefore asserted Citra had no right to seek shelter elsewhere. Cases like Citra’s are commonly encountered at HOME, as are such responses from employers, who equate ‘real abuse’ with physical beatings. In contrast, highly exploitative practices that result in overwork, the confiscation of passports and mobile devices, compelling domestic workers to engage in non-domestic work (e.g. giving massages) do not result in employer penalties and are widely construed as ‘not comprising abuse’. This binary categorization of ‘deserving’ versus ‘undeserving’ victims – tied to what is or is not deemed a valid claim, emboldens employers’ sense of impunity and entrenches, over time, a widespread acceptance of practices that, under international law, would be unacceptable in most workplaces. It is indicative of a high level of societal tolerance for such practices when even law enforcement shares such views. HOME continues to regularly encounter situations in which staff and volunteers attend to helpline calls by going to employers’ homes to assist distressed domestic workers who have reached out for help, only to face terse and lengthy standoffs when the employer insists the domestic worker is not allowed to leave their premises. When calls are made to the police in such instances, in the absence of evidence of physical abuse, police officers have been known to leave the MDW in the employer’s home despite her wanting to leave; or refuse to allow the MDW to go to the HOME shelter. The following incident demonstrates the difficulty of attending to helpline calls when domestic workers reach out for help but are not deemed ‘abused enough’.

Case Study 6: Hayma

FORCED LABOUR INDICATORS:

- Excessive overtime (including no rest days)
- Retention of identity documents
- Isolation
- Intimidation and threats

In addition, there was illegal deployment, a breach of the EFMA; also, recruitment fees charged were in excess of the legal limit under the EAA.

Hayma rang our helpline in 2018 asking for assistance. She complained of overwork and poor living conditions (she was initially given a mattress, but this was taken away after a few months). In the last year and a half she had been with her employers, she was not allowed any rest days. Her employers withheld Hayma's passport and WP from the day she arrived at their home. Hayma was not allowed to own a mobile phone and had not been able to contact her family for nine months: she asked for permission but her employers denied it. She was also paid varying amounts that did not tally with the salary she was promised; her salary deduction was for eight months.

According to Hayma, she asked her employers for a transfer after two months of working there but was refused. After a few months, the family started to illegally deploy Hayma to work in their family business (a food establishment): Hayma had to wake up at 3am to assist with the food preparation. When Hayma asked to return to her home country, they said she had to pay them S\$1,500. Hayma then went to the police, but the police said they could not do anything because Hayma was not physically abused. The police then rang her employers, who came to fetch her. Hayma's employers were furious and on the way home from the police station, scolded her and threatened to harm her family. When they returned home, her employers confiscated her wallet and money and locked her in the house. A few days later, Hayma's employers said they had reported Hayma to the police: the employment agent then arrived at the house and instructed Hayma to sign a document stating that she had to pay for broken items in the house, as well as her air ticket home (which is against regulations). Her salary was unlawfully deducted for these items and Hayma was repatriated back to her home country though she was still owed about S\$100 in unpaid wages.

These encounters are not exceptions, employers regularly prohibit domestic workers from leaving their homes, even when they have clearly expressed a desire to do so, and even after they have called for help from non-governmental organizations like HOME. Additionally, police officers are frequently reluctant to intervene unless obvious physical abuse is involved. The S\$5,000 security bond conditions (see Chapter 3) placed on employers are a key factor and an oft-cited reason. Employers frequently say, 'But I am responsible for her'; 'What if something happens to her, who will be responsible?' As a result, employers are given excessive powers to control domestic workers' movements. Even when employers are perpetrators of abuse and exploitation, this power imbalance can be utilized to thwart MDWs' efforts to access help and seek justice.

Situations of wrongful confinement are rarely recognized. In addition, domestic workers who have tried to escape from such situations have been criminalized, either for ‘attempting suicide’ (a crime in Singapore)¹⁵⁹ or for ‘causing harm or distress’ (see Case Study 7).

Case Study 7: Rosa

FORCED LABOUR INDICATORS

- Isolation
- Excessive overtime (including no rest days)
- Intimidation and threats
- Restriction of movement
- Retention of identity documents

Rosa worked around 19 hours each day at her employer’s house (her working hours were 4 a.m. to 11 p.m.). She was not allowed to rest (or even sit down) during the day, except when having her meals, and even then she would be constantly rushed as she was eating. She had no rest days and was subject to seven months of salary deductions to repay her recruitment fees. Her mobile phone was confiscated by her employer. Rosa said she was constantly scolded by her employer and other family members, who would find fault with everything she did. Her passport was withheld by her employer.

When Rosa asked her employer for a transfer, her employer refused and said she had paid a lot of money to hire Rosa and if she dared to leave she would be reported to the police. After Rosa asked for a transfer, her employer kept the house key on her person and did not let Rosa out of the house: not even to take out the trash. Meanwhile, the grilles to the front door were always locked. Feeling increasingly stressed about being confined in the house and not allowed to transfer, Rosa tried to escape from the bedroom window and fell from a height of several storeys. She ended up badly injured, with both legs fractured. The police then investigated Rosa for ‘attempted suicide’ – a crime in Singapore – even though Rosa insisted she was trying to escape, not kill herself. Rosa was eventually issued a ‘stern warning’ from the police for ‘causing alarm or distress’ to her employer by her action of jumping out the window. Rosa has been told by the doctor it will take her at least a year to recover from her injuries.

Employment Agents: Perpetrators & Enablers

While our casework statistics relate primarily to complaints against employers, HOME also receives numerous complaints related to employment agents, in which they are either the perpetrators of abuse (see Case Study 8), or are complicit in enabling forced labour by acting in collusion with employers. A common complaint shared by MDWs about agents is that they don’t help when problems arise (‘don’t complain so much’, ‘you are here to work, just be patient’). Some would even reprimand MDWs who report abuse and ask for a transfer. Agents may invoke the recruitment fee debt, threaten to make them pay even more money if they don’t complete their contract, threaten to repatriate them (if they wish to stay), or threaten to keep them in Singapore (if they wish to return home). Complaints have also been received about agents who engage in deceptive recruitment practices, including contract substitution (whereby terms and conditions

promised in countries of origin differ from terms established when the MDW arrives in Singapore and/or starts working for the family). Copies of employment contracts are also often given only to employers by agents, rather than to both the employer and the MDW. Most MDWs say that despite the high recruitment fees, agents do not provide a detailed, itemized breakdown of the fees charged. MDWs also regularly complain about agencies confiscating their mobile phones and personal belongings (including identity papers, personal documents, as well as cash), verbally abusing them, and illegally deploying them when they are housed with agents.

Case Study 8: Cho	
FORCED LABOUR INDICATORS	
<ul style="list-style-type: none"> • Debt bondage • Physical violence • Isolation • Intimidation and threats 	<p>In one extreme case, Cho, an MDW saw her six-month loan inflated to 17 months as she had three different employers within five months. When she was eventually sent back to the employment agency, the agent physically assaulted her and deprived her of food as punishment. The agent would also restrict her mobile phone usage (only one hour a day) and one day smashed her mobile phone in retaliation. The agent taunted her with degrading insults ('you are so useless, you should go work as a prostitute') and would impose humiliating punishments for minor infringements (once, Cho drank a packet of instant coffee and was punished by having to clean 'menstruation stains' off the agent's pants). The agent told Cho she would achieve nothing by filing a complaint as the agent 'knew all the people at MOM and the police'. When Cho came to HOME for help, the agent started to harass Cho's family in Myanmar and demanded they repay her loan.</p>

While the Singapore government repeatedly claims that regulating agencies in countries of origin (COO) is outside their jurisdiction, there remains a high level of coordination between recruiters and agents in COO and countries of destination (COD). In 2017, HOME dealt with several cases of Indonesian domestic workers whose key personal documents (e.g. birth and marriage certificates, as well as skills certificates) were withheld by agents in Indonesia as collateral for the repayment of recruitment fees. When the domestic workers left their employers due to deteriorating working conditions, these agents told the women their documents would not be returned if their recruitment fee debts were not repaid. Additionally, there were at least two cases of Indonesian domestic workers being 'accosted' by agents in Indonesia when they returned. The local Singapore agent booked their flight and alerted the Indonesian agent of their arrival times. One domestic worker was confined in the agency's office in Indonesia and was pressured to work in Hong Kong in order to pay off her recruitment fee debt. The following case studies illustrate the coercive power of recruitment fee debt, along with agency malpractice and complicity in engendering forced labour and possibly trafficking.

Case Study 9: Nurul

FORCED LABOUR INDICATORS

- Excessive overtime (including no rest days)
- Abusive working conditions
- Isolation
- Intimidation and threats
- Retention of identity documents

In addition, recruitment fees charged were in excess of the legal limit under the EAA.

According to Nurul, she worked anywhere from 16.5 to 19 hours a day. She woke up at 4am each morning and had a long list of chores to complete. She did not have any rest days for the three months that she worked. Nurul lost 9kg in three months from food deprivation – she was only fed leftovers or food that was about to expire. Her employer confiscated her personal mobile phone and would constantly shout at her, call her names, and threaten to beat her. The recruitment agency charged Nurul fees equivalent to almost six months of her salary (around S\$3,760); the money was to be deducted from her salary for eight months.

After Nurul ran away to HOME, the local agent told Nurul that, as she only worked for three months, she still owed them several months' worth of recruitment fees. The Indonesian agent had confiscated Nurul's personal documents (including documents required in Indonesia for registering her child for school) and threatened not to return them unless Nurul completed her loan repayments. In the end, Nurul decided to return to her employer. This was facilitated by the local agent. The agreement was that she would work for them until her loan was paid off then either seek a transfer or return home.

Case Study 10: Jane

FORCED LABOUR INDICATORS

- Excessive overtime
- Intimidation and threats
- Isolation
- Retention of identity documents
- Abusive working conditions

Jane first came to HOME with complaints of overwork and verbal abuse. She worked until around 2am each day, and would be constantly scolded and called names like 'stupid' and 'useless'. Meal times were late (lunch at 5pm, dinner at midnight) and Jane developed gastric problems as a result. While she was promised rest days, she was only allowed to leave the house for short periods of time and would be given the full load of chores to complete. Her mobile phone and passport were confiscated by her employers; she could only call her family using a public phone once a week. After Jane went to MOM, she was sent back to her employment agency. The agency did not want to repatriate Jane as there were outstanding recruitment fees unpaid: they said she had to pay them S\$1200 if she wanted to return home. As Jane was unable

to pay this amount, the agency sent her back to the same employers she had previously escaped from. She was subject to similar working conditions and eventually found a way to return to HOME for assistance.

The policy of sending domestic workers back to employment agencies against their will or risk being blacklisted by the authorities is especially problematic in the current context, in which employment agencies often act in the interests of their more empowered clients: the employers of MDWs. The web of debt and liability adds to employers' sense of 'ownership' over domestic workers, as employers pay a sizeable sum upfront to employment agencies, expecting that this debt will be repaid through the labour of the domestic worker for a stipulated period. Disruptions to this arrangement are often met with indignation and demands for the domestic worker to 'pay back', either through monetary compensation or by working for longer periods until the loan period is over.

The international law definition of debt bondage implies a debt in which the loan repayment period is unspecified and manipulated, and in which one's labour is unable to liquidate the debt.¹⁶⁰ While the general debt situation for MDWs may not strictly adhere to such interpretations of debt bondage, the debt is often excessive and can have a coercive effect on workers, especially if the unfulfilled debts lead to threats, harassment and the confiscation of important collateral. The additional restrictions and controls imposed on domestic workers during their loan repayment periods, and some employment agents' reluctance to assist until loans are repaid, can contribute to forced labour situations arising and the creation of further obstacles to access justice for those trapped in forced labour.

Underage & Child Labour

In Singapore, the minimum legal age to be an MDW is 23¹⁶¹—at HOME's domestic worker helpdesk, we see at least one suspected underage domestic worker a month. Every year, HOME shelters at least a few suspected child domestic workers: that is, those below 18 years of age. These child domestic workers tend to be from Myanmar and they are especially susceptible to forced labour (see case study below).

Case Study 11: Nia

FORCED LABOUR INDICATORS

- Excessive overtime (including no rest days)
- Intimidation and threats (including threats of violence)
- Isolation
- Restriction of movement
- Withholding of wages

Nia was 17 years old when she came to HOME. She woke at 6 am each weekday and worked until 2 or 3 am. Nia had to hand wash clothes for eight family members and clean a three-storey home. She and a fellow domestic worker washed the employer's three cars each week. Their breaks were restricted and when they ate their meals, their employer would constantly hurry them. Nia did not have a single rest day during the year she worked for the family. She was not

allowed to have mobile phone and was only allowed to call her family back in her home country once a year, and then only for 5 to 10 minutes.

There were two closed circuit TVs in the house which her employer used to check on Nia and her fellow domestic worker to ensure they were working; they would be scolded if the employer was dissatisfied. Nia's employer's mother would also threaten to slap Nia when she got angry. When Nia asked to change employer, both her employer and agent refused. The agent threatened to repatriate her.

In addition, Nia was not paid her full salary or allowance for many months. When she came to HOME, she was owed close to S\$1,500.

An MOM officer investigated Nia's case. Through mediation, she was paid the wages she was owed and returned home. It is unclear if her employers were penalized or barred from hiring new domestic workers. Meanwhile, the State has not given sufficient assurances that underage victims will not be prosecuted for lying about their age (even if they are potentially victims of trafficking). Under the UN's Palermo Protocol, the presence of deception and coercion is not necessary to characterize a case as trafficking when it involves a child (anyone under 18 years old).¹⁶² Underage domestic workers are particularly vulnerable to threats of denunciation to authorities; these threats put them at risk not only of being blacklisted or repatriated, but also of being charged with violations of the law. Indeed, this is a jarring gap in the law as non-criminalization of victims for offences committed as a direct result of being exploited forms the cornerstone of victim protection.

In May 2018, the Singapore government charged two employment agencies for allegedly recruiting domestic workers as young as 13 years old to work in Singapore;¹⁶³ the owner of one of the employment agencies was eventually fined S\$5,000 in July 2018.¹⁶⁴ The two underage domestic workers' work applications were cancelled and they were sent back.¹⁶⁵ The MOM has stated that MDWs who do not admit to being underage when they first arrive in Singapore but have yet to be placed in the employer's house, and are later discovered, face a permanent ban on working in Singapore.¹⁶⁶

In another underage domestic worker case, in which the MDW was sexually assaulted, criminal proceedings have halted as the domestic worker, who is currently back in her home country, is unable to travel back to Singapore to testify as a witness. Permission has not been granted for her to testify via video link. As the domestic worker was underage at the time of her working in Singapore, this had involved some falsifying of identity papers and there are concerns that if she returns to testify she may be detained for investigations into that offence. This has serious implications for the protection of underage victims of abuse, including underage victims of forced labour and trafficking, and their access to justice.

A Note About 'The Employer'

While perpetrators are often referred to as 'the employer', in reality, the person/s responsible for exploiting or causing hurt or alarm could be numerous – agent, employer, even co-worker (when there is more than one domestic worker hired for the household) or someone other than the employer specified on the work pass. In the case of domestic workers, HOME has received complaints of abuse, bullying, and harassment by children, elderly persons, or even relatives that

visit the home, or are heavily involved in managing the household despite not living there (e.g. the son/daughter of an elderly employer). The notion of a 'single perpetrator' therefore needs to be re-examined, particularly in the case of domestic workers, who live and work in households with multiple members. It is also important to consider how various persons are complicit in enabling the sustained exploitation of a domestic worker through the ways they engage in deceptive and fraudulent practices, differentially exert control over her (e.g. employer threatens, agent invokes large debt), are indifferent to her plight (agents who refuse to assist when there are calls for help, or tell a domestic worker to 'just tolerate it'), hinder her from seeking assistance or impede access to justice. This includes not just employers and employment agents, but other intermediaries, as well as law enforcement officers, labour attachés and policymakers, in both countries of origin and countries of destination. MDWs are entwined in a complex web of relations—some intimate and familiar, others far removed—and are highly dependent on a wide range of persons for a vast array of needs: from recruitment to travel and all the attendant bureaucratic requirements (passports, visas, certificates, training), job placements, lodging, basic needs (food, medical treatment) as well as their legal status, to name but a few. Dealing with the multiple problems that arise as a result requires attention to interlocking, interdependent features of labour migration and its varied actors.

Forced labour must be recognized as a process in which an accumulation of abuses, under a particular structural context, can lead to a worker, who voluntarily entered an employment relationship, ending up in a forced labour situation. Violations and malpractices should not be segregated but assessed cumulatively, with an explicit emphasis on the coercive mechanisms that keep persons in FL situations and create additional hardships for them if/when they exit.

CHAPTER 5

CONCLUSION & RECOMMENDATIONS

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Rosa arrived in Singapore earlier this year with the goal of improving the financial situation of her family. It was her first time out of the country, her first sojourn as an MDW. In the end, Rosa's desperate attempt to escape from an unbearable work situation (see Case Study 7) resulted in two fractured limbs and a warning letter from the Singapore Police Force regarding her alleged offence of causing 'alarm or distress'¹⁶⁷ by jumping out of the window of her employer's home.

Rosa repeatedly speaks of her 'bad luck' in having such a wretched employment experience: fatalism and resignation frame her assessment of her plight and the stark variabilities in employment outcomes experienced by her vis-à-vis her much 'luckier' compatriots. Anxious to return home as quickly as possible and be reunited with her family, Rosa is disinterested in pursuing any course of remedy that could result in further complications and potentially delay her return.

It is common for migrant workers to speak of their 'good/bad' fortune in recounting employment experiences. It is also a measure of how deeply flawed our migration model and regulatory frameworks are that the ability to enjoy fundamental rights at work is subject to the vagaries of employers and recruiters. Decent work and its entitlements need to be less of a gamble: core labour rights should be clearly specified, benchmarked to international standards, and enshrined in national laws.

As our case studies have shown, when labour standards are continually violated and the general conditions for decent work regularly undermined, this creates an enabling environment for more severe forms of exploitation to flourish. Policies that aggravate inequalities in bargaining power between employers/recruiters and MDWs exacerbate the situation, making it much easier for the former to threaten and coerce the latter into accepting and staying in unfavourable working conditions. Survivors of forced labour, meanwhile, need to be viewed as workers whose fundamental rights have been violated, and should be 'treated as claimants of rights and be able to access criminal justice as well as labour justice'.¹⁶⁸

Establishing victimhood, necessary in criminal justice systems for the making of claims and accessing of remedial justice, can lead to the perception, especially in the arena of forced labour, of 'passive and helpless victims'.¹⁶⁹ This perception can perpetuate expectations that MDWs behave accordingly, and continue to be supported as pitiable subjects. However, it is vital that persons in forced labour situations be viewed as 'workers [who] are an active party in the labour market'.¹⁷⁰ Importantly, systemic conditions that hinder workers from claiming their rights – or punish them for asserting these rights – need to be dealt with.¹⁷¹

Attempts to eradicate forced labour are at once 'a political, practical and moral struggle' in shaping our society, a means of challenging and articulating 'the kinds of coercive pressures we consider legitimate [or not] in labour relations', and of demanding the social and labour protections governments have a duty to provide.¹⁷² It is time to demonstrate the commitment to eradicate forced labour as signified by Singapore's signing of the Forced Labour Convention in 1965. The

exploitative yet normalized practices that characterize employer-domestic worker relationships in Singapore must be critically scrutinized and benchmarked against employment standards *all workers* deserve. Domestic work is work.

Recommendations

HOME has made many recommendations in other reports and submissions in relation to MDWs including our joint shadow report to the UN's Committee for the Elimination of Discrimination Against Women (CEDAW) and our reports, *Trafficking into Domestic Servitude*, and *Work, Life & Well-being of Foreign Domestic Workers in Singapore*.¹⁷³ We reiterate the importance of improving legislative protection and ensuring stricter and consistent enforcement to combat unethical recruitment practices and multiple forms and degrees of labour exploitation. Measures should also be taken to empower MDWs and ameliorate the grave power imbalances that currently characterize the employer/recruiter-MDW relationship.

1. **Extend the Employment Act to MDWs so that basic labour rights for MDWs, such as working hours, sick leave, limits on overtime and notice periods, among others, are regulated.** The exclusion of MDWs from the Employment Act leaves them highly vulnerable to abuse. Current provisions under the Employment of Foreign Manpower Act are not equal to those under the EA and are too vaguely worded to offer reliable protection.
2. **Amend the Prevention of Human Trafficking Act 2014 and ensure its full compliance with the UN's Protocol to Prevent, Suppress and Punish Trafficking in Persons.** While Singapore has enacted the Prevention of Human Trafficking Act, 'forced labour' and 'exploitation' are not clearly defined. This lack of clarity in the legislation hinders the identification of forced labour and its risk factors, and also effectively impedes coordinated attempts to deal with them. Forced labour and exploitation need to be clearly defined in the Act so that survivors of forced labour are identified and their cases investigated in accordance with international standards.
3. **Establish the right for MDWs to switch employers freely, with clearly defined notice periods that employers and employees are to abide by.** Currently, domestic workers are reliant on their employers' consent in order to switch employers. Meanwhile, employers are able to unilaterally dismiss and repatriate a domestic worker without giving any prior notice. MDWs' deportability and the constraints on labour mobility are fundamental factors influencing MDWs' decisions to stay in highly exploitative situations and to not report abuses and violations. They fear the very probable, retaliatory consequence of being dismissed and repatriated. The freedom of migrant workers to terminate their employment and change employers without their current employer or recruiter's permission is a key general principle under the ILO's Fair Recruitment Initiative.¹⁷⁴
4. **Reform and abolish security bond conditions.** The S\$5,000 security bond conditions imposed by the Singapore government place an undue financial burden on employers of MDWs to ensure they 'control and supervise' their foreign employee. This responsibility heightens employers' anxieties about the movements and activities of their domestic worker and incentivizes draconian control measures including the denial of rest days as well as the confiscation and withholding of MDWs' mobile phones, passports and other key documents. The security bond should be reformed to act as a protective measure for MDWs.

Forfeiture should be linked directly to specific employment violations committed by employers, not utilized as a means to allow employers to control MDW's movements and engage in moral policing. In the longer-term, the security bond should be abolished, with alternative regulatory mechanisms adopted to ensure fair and effective repatriation of migrant workers.

5. **Shift towards a zero recruitment fees model.** Debt-dependent migration is entrenched in low-paid labour migration regimes. The indebtedness of migrant workers in Singapore is a significant factor in their acceptance of deteriorating working conditions. The current status quo of MDWs paying large sums for their overseas placements in the form of many months of salary deductions by employers, who act as de facto 'guarantors', is a widespread market practice, and will be challenging to dislodge. Yet it is necessary if the coercive power of debt and its inextricable link to forced labour are to be mitigated.
6. While the longer-term goal is to shift towards the ILO Fair Recruitment Initiative's model of zero recruitment fees borne by migrant workers¹⁷⁵—that is, an employer-pays model¹⁷⁶—some interim measures are required to shift the debate and onus of responsibility. First and foremost is improving transparency. For example, agencies in both countries of origin and countries of destination should have to provide detailed, itemized breakdowns of fees charged and evidence to back up these claims; the burden of proof should be on agencies, not MDWs. Debates about what migration costs should be, who should pay, and how much, cannot progress in an environment in which the migration industry thrives on murky transactions that are ill-regulated, and involve multiple brokers and intermediaries who are able to profit excessively from others' vulnerabilities and lack of access to opportunities.
7. **Strengthen cross-border cooperation with MDWs' home countries to regulate recruitment and establish mandatory working conditions in compliance with international labour standards.** Labour migration is a transnational process, and jurisdictional challenges leave enforcement gaps that recruiters and other intermediaries are able to easily exploit. Recruiters in COOs often blame agents in CODs for unethical practices and vice versa. There have also been instances where governments in COOs establish standards to protect MDWs—such as minimum wages and bans on the charging of recruitment fees—but such standards are not enforced in Singapore by the relevant authorities. Regional and bilateral agreements are frequently forged when it comes to the protection of trade interests. Similarly, political will needs to be directed towards ensuring that bilateral agreements are also focused on aligning labour standards between COOs and CODs with the aim of protecting migrant workers. Agreed standards should be benchmarked against international standards. Beyond signing agreements, regulatory systems need to be established to ensure effective cross-border monitoring and management of breaches.
8. **Abolish the online reference channel which allows employers to leave unsubstantiated and unverified feedback about a worker.** The ability for employers to leave unsubstantiated negative feedback about domestic workers on the Work Permit Online System allows employers and employment agents to effectively threaten and coerce workers into not making claims against them or into agreeing to unfavourable terms of employment. It can also be utilized as a means to punish domestic workers if they assert their rights. It is time to establish a fairer system in which MDWs themselves provide referees and details of

former employers to prospective ones – the same way employees in other industries provide referees.

9. **Commit fully to mitigating the risk of forced labour situations arising.** Practices that are recognized as strong indicators of forced labour must be strongly dealt with as a critical component of risk management. Some recommended measures include:
 - Ensure freedom of movement and communication for MDWs:
 - Strictly enforce laws which prohibit employers or agencies from retaining MDWs’ passports and other identity documents; penalties should be more severe for repeat offenders;
 - Set guidelines and, eventually, enact laws against the restriction and confiscation of MDWs’ personal communication devices;
 - Make it compulsory for employers to pay the salaries of workers through bank transfers and provide workers with a copy of their pay slips;
 - Enhance and enforce strict penalties for employers who provide abusive working and living conditions, including inadequate food, poor housing and hazardous working conditions. Set clear standards on these aspects as current EFMA regulations lack specificity.
10. **Provide capacity-building programmes to law enforcement officers and other relevant front-line responders.** There is a distinct lack of recognition of and discussion around forced labour and its indicators. Capacity-building programmes are necessary to ensure that stakeholders who encounter migrant workers on a regular basis – and who are often the first responders in a crisis situation – are able to recognize the indicators of forced labour and how a FL situation may develop. Victim identification processes need to be strengthened with the deep involvement of CSOs working in this area, both locally and internationally.
11. **Ratify the 2014 Protocol on Forced Labour and work towards applying the recommendations set out in the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).** The 2014 Protocol is a legally-binding instrument that requires governments to adopt concrete measures of prevention, protection and remedy to suppress forced labour;¹⁷⁷ Recommendation No.203 provides practical guidance on how States can strengthen legislation on forced labour and supplements both the 2014 Protocol and Forced Labour Convention No.29. The Singapore government signed C029 in 1965 but has yet to ratify the 2014 protocol. We urge the government to ratify the 2014 Protocol and take concrete steps to apply the recommendations, including but not limited to:
 - Ensuring effective victim protection and access to appropriate and effective remedies for survivors of forced labour;
 - Preventing and responding to risks of forced labour;
 - Protecting migrant workers from abusive and fraudulent recruitment and placement practices;
 - Addressing the root causes that heighten the risks of forced labour;

- Regularly releasing detailed and disaggregated data on aspects related to forced labour; and
- Respecting and promoting fundamental principles and rights at work and combating discriminatory practices that heighten vulnerability to forced labour.

APPENDIX A: ILO'S HARD TO SEE, HARDER TO COUNT

The ILO's *Hard to See, Harder to Count* (2012) is a comprehensive report that provides guidance and specific tools—including indicators—to assist in the collection of data on forced labour. Lack of empirical data is seen as an impediment to improving understanding of FL and the report provides guidelines, operational definitions, sampling techniques, suggestions on data analysis, as well as ethical considerations for research on FL as a means to enable better data collection regarding FL.¹⁷⁸

The legal and conceptual framework echoes the ILO's other work on FL, with an emphasis on coercion that highlights the following subcategories: threats and violence, restriction on freedom of movement, debt bondage/debt manipulation, withholding of wages, retention of identity papers, and abuse of vulnerability.¹⁷⁹ In determining indicators of forced labour of adults, the guidelines include strong, medium and weak indicators for three key dimensions: *unfree recruitment, work and life under duress, and impossibility of leaving employer*. A person is considered a victim of forced labour if they fulfil any one of these dimensions. Each dimension is further broken up into two components: *involuntariness* and *menace of penalty*, with specific, identifying indicators under each component (see Table 3). A dimension is positive when a person triggers at least one indicator of involuntariness and one strong indicator of menace of penalty, and at least one of those indicators is strong.

Table 3: Dimensions and Indicators of Forced Labour

DIMENSIONS & INDICATORS OF FORCED LABOUR			
Dimension of forced labour			Indicator
UNFREE RECRUITMENT	Involuntariness	<i>Strong indicators</i>	Recruitment linked to debt (advance or loan)
		<i>Medium indicators</i>	Deception about nature of work Deceptive recruitment (working conditions, content or legality of contract, legal status, location, wage/earnings, employer)
	Penalty	<i>Strong indicators</i>	Denunciation to authorities
			Confiscation of identity papers or travel documents
			Sexual violence
			Physical violence
			Other forms of punishment
			Removal of rights or privileges

			Withholding of assets (cash or other)
			Threats against family members
WORK AND LIFE UNDER DURESS	Involuntariness	<i>Strong indicators</i>	Forced overtime (beyond legal limits)
			Forced to work on call (day and night)
			Limited freedom of movement and communication
			Degrading living conditions
		<i>Medium indicators</i>	Forced engagement in illicit activities
			Inducted or inflated indebtedness
			Multiple dependency on employer (housing)
	Penalty	<i>Strong indicators</i>	Denunciation to authorities
			Confiscation of identity papers or travel documents
			Confiscation of mobile phones
			Further deterioration in working conditions
			Isolation
			Locked in workplace or living quarters
			Sexual violence
			Physical violence
			Other forms of punishment (deprivation of food, water, sleep, etc.)
			Violence against worker in front of other workers
			Constant surveillance
			Withholding of wages
			Withholding of assets (cash or other)

			Threats against family members
		<i>Medium indicators</i>	Dismissal
			Exclusion from future employment
			Extra work for breaching labour discipline
			Financial penalties
			Informing family/community about worker's current situation (blackmail)
IMPOSSIBILITY OF LEAVING EMPLOYER	Involuntariness	<i>Strong indicators</i>	Reduced freedom to terminate labour contract after training or other benefit paid by employer
			No freedom to resign in accordance with legal requirements
			Forced to stay longer than agreed while waiting for wages due
			Forced to work for indeterminate period in order to repay outstanding debt or wage advance
	Penalty	<i>Strong indicators</i>	Denunciation to authorities
			Confiscation of identity papers or travel documents
			Imposition of worse working conditions
			Sexual violence
			Physical violence
			Other forms of punishment (deprivation of food, water, sleep, etc.)
			Under constant surveillance
			Violence imposed on other workers in front of other workers
			Withholding of wages
			Withholding of assets (cash or other)

	Threats against family members (violence or loss of land or jobs)
<i>Medium indicators</i>	Dismissal
	Exclusion from future employment
	Extra work for breaching labour discipline
	Financial penalties
	Informing family, community or public about worker's current situation (blackmail)

APPENDIX B: ILO'S DELPHI INDICATORS FOR HUMAN TRAFFICKING

The ILO's 'Operational Indicators of Trafficking in Human Beings: Results from a Delphi Survey Implemented by the ILO and the European Commission' (hereafter 'Delphi indicators'), was developed with the objective of having standardized definitions and indicators to harmonize data collection on trafficking across EU member states.¹⁸⁰ The Delphi indicators are discussed here with an emphasis on how it identifies victims of trafficking for forced labour. To qualify as a victim of trafficking for forced labour, a person has to fulfil the three dimensions of deception, exploitation and coercion. To be assessed as positive in either dimension, there must be at least:

- Two strong indicators, or
- One strong indicator and one medium or weak indicator, or
- Three medium indicators, or
- Two medium indicators and one weak indicator.

Table 4: ILO's Trafficking for Forced Labour Indicators

DECEPTIVE RECRUITMENT	EXPLOITATION	COERCION AT DESTINATION
<i>Strong indicators</i>	<i>Strong indicators</i>	<i>Strong indicators</i>
<ul style="list-style-type: none"> • Deceived about nature of the job, location or employer 	<ul style="list-style-type: none"> • Excessive working days or hours 	<ul style="list-style-type: none"> • Confiscation of documents • Debt bondage • Isolation, confinement or surveillance • Violence on victims
<i>Medium indicators</i>	<i>Medium indicators</i>	<i>Medium indicators</i>
<ul style="list-style-type: none"> • Deceived about conditions of work • Deceived about wages/earnings • Deceived about content or legality of work contract • Deceived about housing and living conditions • Deceived about legal documentation/ 	<ul style="list-style-type: none"> • Bad living conditions • Hazardous work • Low or no salary • Wage manipulation • No respect of labour laws or contract signed • Very bad working conditions • No social protection 	<ul style="list-style-type: none"> • Withholding of wages • Threat of denunciation to authorities • Threat of violence against victim • Forced into illicit/criminal activities • Forced tasks or clients • Forced to act against peers

DECEPTIVE RECRUITMENT	EXPLOITATION	COERCION AT DESTINATION
<ul style="list-style-type: none"> obtaining legal migration status Deceived about travel and recruitment conditions 		<ul style="list-style-type: none"> Forced to lie to authorities, family, etc. Threat to impose even worse working conditions Under strong influence Violence on family (threats or otherwise)
<i>Weak indicators</i>	<i>Weak indicators</i>	<i>Weak indicators</i>
<ul style="list-style-type: none"> Deceived about access to education opportunities 	<ul style="list-style-type: none"> No access to education 	<ul style="list-style-type: none"> Threat to inform family, community or public

A person who is assessed positive in the dimensions of exploitation and coercion at destination is deemed to be in a situation of forced labour; additional information about whether or not there was deceptive recruitment establishes if this person is a victim of trafficking for forced labour.

Descriptions of each indicator are also provided by the ILO,¹⁸¹ for example:

- **Low or no salary:** refers to situations where persons are denied their salary; when they receive 'in-kind' payments; when they receive less than what was originally agreed upon, or less than the minimum wage.¹⁸²
- **No respect of labour laws or contract signed:** refers to situations where persons work without a contract; where contractual terms are not respected; where the contract provided was unlawful; where the person was illegally recruited. Also includes situations where there was deception (about the job, the working conditions), and where an individual is paid less than others or in a different manner to others (cash only, when others are paid by bank transfer).¹⁸³
- **Isolation, confinement or surveillance:** refers to coercive means to control workers. Isolation includes partial or restricted freedom of communication (e.g. restricted access to telephones); confinement includes holding someone against their will, and limited freedom of movement. Also included are situations where a person is under constant or partial surveillance.¹⁸⁴

ENDNOTES

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- ² International Labour Organization, *ILO Global Estimates on Migrant Workers: Results and Methodology – Special Focus on Migrant Domestic Workers* (Geneva: ILO, 2015), <http://www.ilo.org/public/libdoc/ilo/2015/489539.pdf> (accessed 20 October 2018), p.xi.
- ³ Ben Westcott and Katie Hunt, 'Most Singapore Foreign Domestic Workers Exploited, Survey Says', *CNN*, 4 December 2017.
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- ⁵ Anti-Slavery International, 'What is Modern Slavery', <https://www.antislavery.org/slavery-today/modern-slavery/> (accessed July 23, 2018).
- ⁶ ILO, *Combating Forced Labour: A Handbook for Employers and Business, 1: Introduction & Overview* (Geneva: ILO, 2015), http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm (accessed April 12, 2018), 4.
- ⁷ ILO, *Global Estimates of Modern Slavery..*
- ⁸ *Ibid.*, p.10.
- ⁹ ILO, *Profits and Poverty: the Economics of Forced Labour* (Geneva: ILO, 2014), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf (accessed April 12, 2018), 8.
- ¹⁰ ILO, *Combating Forced Labour: A Handbook for Employers and Business, 2: Employers' Frequently Asked Questions*, (Geneva: ILO, 2015), http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm (accessed April 12, 2018), 5.
- ¹¹ ILO, 96th session, 2007, Report III (Part 1B), General Survey Concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), <http://www.ilo.org/public/english/standards/relm/ilc/ilc96/pdf/rep-iii-1b.pdf> (accessed April 12, 2018), xi.
- ¹² While this report focuses on women MDWs, men are allowed to work as domestic workers in Singapore, subject to approval from MOM. This is allowed if employers 'have good reasons for doing so', and employers must submit a letter to MOM 'explaining their needs'. There were 33 male MDWs in 2013. See Amelia Tan, 'First Male Helper from Myanmar Starts Work', *Straits Times*, 12 May 2013.
- ¹³ ILO, *Global Estimates of Modern Slavery*, 31.
- ¹⁴ ILO, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 93rd sess., Report I(B) (Geneva: ILO, 2005), 5.
- ¹⁵ *Ibid.*, p.8
- ¹⁶ *Ibid.*, p.9
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¹⁸⁰ ILO, 'Operational Indicators of Trafficking in Human Beings,' http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf (accessed January 16, 2018).

¹⁸¹ ILO, 'Explanations for Indicators of Trafficking for Labour Exploitation', 21 April 2009, http://www.ilo.org/global/docs/WCMS_105035/lang--en/index.htm (accessed 5 May 2018).

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

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