

The Right to Rest

The effectiveness of the 'day off' legislation
for foreign domestic workers



Transient Workers Count Too (TWC2)

June 2015

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EXECUTIVE SUMMARY

Transient Workers Count Too (TWC2) has conducted a survey of 195 foreign domestic workers about their access to rest days and compensation. Surveys were completed between July 2013 and October 2014, and gathered data on domestic workers' most recent contracts.

The headline finding of the study is that low pay and the worst leave arrangements tend to coincide. Those workers with the least bargaining power are the ones who are in most need of assistance with their leave conditions. New workers and workers with lower incomes were particularly vulnerable to not getting rest days or compensation in lieu, and were more likely to be uncomfortable with their leave arrangements.

The Government's 'day off' legislation has had a mild positive effect on the leave conditions of foreign domestic workers. The legislation does seem to have

resulted in more workers being compensated in lieu of days off: while 50% of domestic workers who had signed their contract before the legislation was brought into effect (1st January 2013) received compensation for missing a day off, 60% of domestic workers who had signed their contract after 1st January 2013 were compensated for missing a day off.

Employers' housing type seemed to show a correlation with providing adequate rest leave, with employers in condominiums giving nearly one day off per month more than other employers.

TWC2 recommends that the Government:

- Increase public education to ensure compliance with existing legislation
- Provide adequate enforcement of the day off legislation
- Extend the Employment Act rest day provisions
- Provide a 24-hour rest day (with eight hours for sleep)
- Provide adequate compensation for working on a day off
- Legislate minimum compulsory leave

INTRODUCTION

On 1st January 2013, the mandatory 'day off' policy for domestic workers came into effect. From this day, new or renewed contracts had to by law to either include a weekly day off, or compensate in lieu.

The impetus for this research paper was to evaluate whether the legislation had produced a measurable improvement in the leave conditions of domestic workers in Singapore. Throughout the course of our study, we have also attempted to understand the factors driving the extent to which domestic workers are: (1) actually obtaining leave, and (2) comfortable with the leave conditions which they receive.

Our method of assessing the effectiveness of the 'day off' legislation was to survey domestic workers whose contracts had been signed both before and after 1st January 2013. Because domestic workers' contracts are generally two years in length, a unique opportunity presented itself in the two years after the legislation was passed. We were able to compare the leave provisions of domestic workers who had signed contracts before and after the legislation was enacted.

We gathered data on a range of variables to assess the causal factors driving the leave actually obtained, and domestic workers' level of comfort with leave conditions. We collected measures of four outcomes: (1) the number of days off per month, (2) whether compensation was given in lieu of a day off, (3) the amount of compensation received, and (4) whether the domestic workers were comfortable with their current leave arrangements.

We also collected data on possible explanatory variables, including: age, nationality, the amount of time spent working in Singapore, monthly income, housing type of employer, and work duties (housework, childcare, and/or eldercare).

BACKGROUND

The weekly ‘day off’ legislation was enacted as the result of lobbying efforts of non-governmental organisations (NGOs) in Singapore as well as pressure from international bodies such as the International Labour Organisation (ILO). A formal campaign to lobby for a mandatory day off for domestic workers was launched in 2008 by the United Nations Development Fund for Women Singapore (UNIFEM), the Humanitarian Organisation for Migration Economics (HOME), and TWC2. These organisations worked together on public outreach and research initiatives, including the publication of a joint report entitled "Made to Work: Attitudes Towards Granting a Regular Day-off for Migrant Domestic Workers in Singapore" (UNIFEM, HOME and TWC2, 2011).

The decision to formally institute a mandatory rest day for foreign domestic workers was introduced in Parliament in March 2012. At the time, Minister of Manpower, Tan Chuan Jin stated that:

“We really have to ask ourselves what is the right thing to do ... As our country develops economically – I think we have developed quite incredibly on that front – we should not cease to ask ourselves about the kind of society we want to build, about the kind of society we want to live in. How would we ourselves want to be treated as employees, as workers? [...] We need to help our children learn how to treat our fellow man correctly.”

The legislation itself was passed in 2012, and came into effect on 1st January 2013. The key provisions of the legislation specified that:

“...the employer shall grant the foreign employee a rest day without pay for every 7-day period...

the employer does not have to grant a rest day to the foreign employee if there is a prior written agreement mutually agreed between the employer and the foreign employee —

(a) for the foreign employee to work in lieu of the rest day; and

(b) for the foreign employee to be compensated for working in lieu of the rest day with ... a monetary compensation which shall not be less than the rate of pay for one day’s work of the foreign employee...

... in calculating the rate of pay for one day’s work under paragraph 13(b)(ii), the rate of pay for one day’s work shall be the foreign employee’s monthly rate of pay divided by 26...”¹

¹ Employment of Foreign Manpower Act (Chapter 91A). Employment of Foreign Manpower (Work Passes) Regulations 2012. Fourth Schedule; Part 1; Paragraphs 11 – 14. Accessed at <http://www.mom.gov.sg/documents/services-forms/passes/wpsspassconditions.pdf>

METHOD

The survey was conducted between July 2013 and October 2014. The survey was one page in length, with 18 questions, and provided in Tagalog, Bahasa Indonesia, Burmese, and English. Interviewers were volunteers from TWC2. Casual qualitative interviews were conducted along with the quantitative survey. Interviewers' and respondents' common language was generally only English. The survey was largely self-explanatory and straightforward to implement, so very little training was needed for interviewers.

Sampling was by convenience. Major data collection locations were (1) spaces where domestic workers congregated on their days off (usually Sundays) such as Lucky Plaza and City Plaza, (2) enrichment classes organised by the Indonesian Family Network (IFN), and the Filipino Family Network (FFN), and (3) playgrounds and parks where domestic workers were caring for children or walking dogs. Other surveys were distributed to members of the IFN and the FFN to circulate amongst domestic workers whom they knew and who might not have had a day off to access public spaces. No exact participation rate was calculated, but interviewers reported that approximately 80% of domestic workers approached agreed to participate. The major reason given for not participating was fear that somehow the information given or knowledge of domestic workers' participation would get back to their employers, who would have an unfavourable reaction. There was no payment or incentive given to participants for participating. No direct identifiers were collected, and indirect identifiers were general enough to ensure that participants' information was provided anonymously and their privacy was maintained.

195 surveys were collected in total. A considerable number of these surveys had some form of missing data, which is reflected in the differing sample sizes for various statistics reported.

OVERVIEW OF DATA

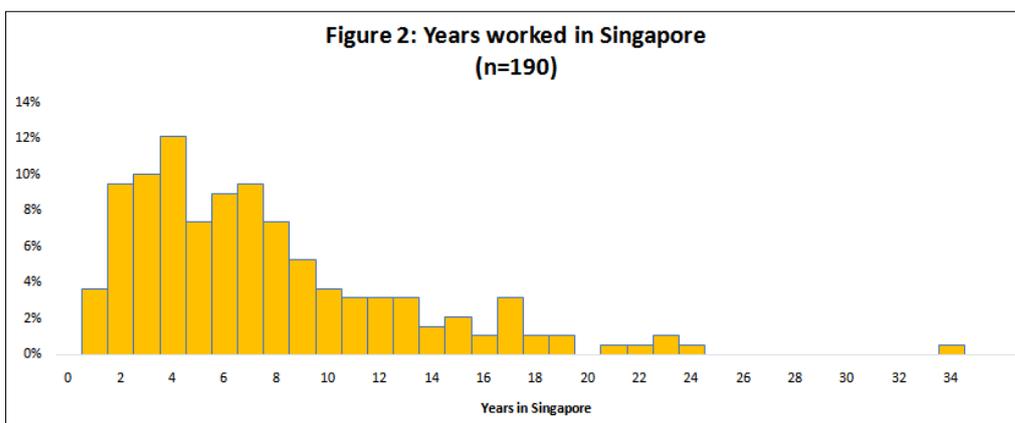
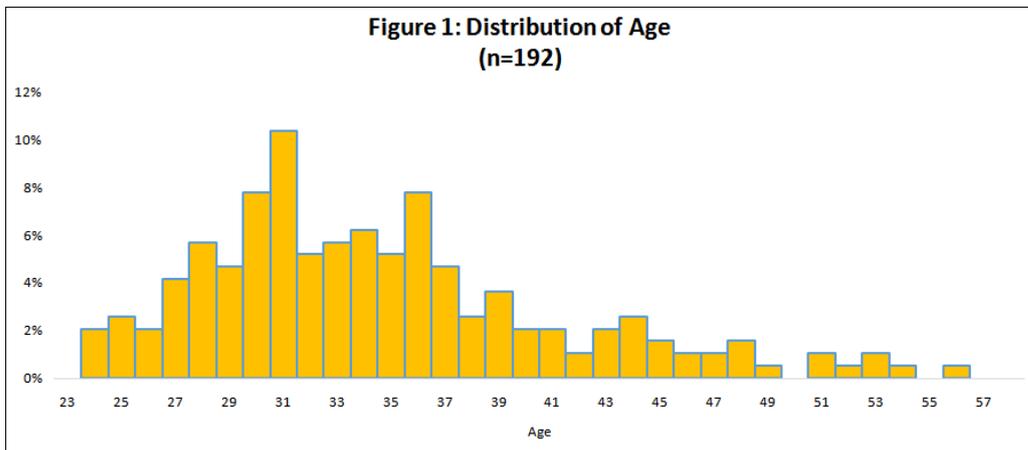
Table 1 presents an overview of the dataset we collected. 'n' is the number of participants who

answered each question. We will review the variables in this table item by item.

	n	Min.	Max.	Mean	St. Dev.
Age	192	24	56	34.59	6.67
Years in Singapore	190	1	34	7.54	5.38
Contract start after Jan 2013	174	0	1	0.53	
Filipino nationals	195	0	1	0.42	
Indonesian nationals	195	0	1	0.53	
Other nationals	195	0	1	0.05	
HDB housing	190	0	1	0.37	
Landed property	190	0	1	0.33	
Condominiums	190	0	1	0.30	
Monthly income	191	0	3	1.60	0.75
General household duties	173	0	1	0.93	
Childcare duties	173	0	1	0.57	
Eldercare duties	173	0	1	0.38	
Number of days off per month	191	0	4	2.39	1.47
Compensation for working on day off	147	0	1	0.57	
Amount compensated	142	0	75	14.52	15.97
Other arrangements	134	0	1	0.21	
Comfortable with leave	173	0	1	0.72	
Knowledge of day off	188	0	1	0.92	
Source of information: Newspaper	155	0	1	0.56	
Source of information: Agency	155	0	1	0.14	
Source of information: Ministry of Manpower (MOM)	155	0	1	0.09	
Source of information: Employer	155	0	1	0.07	
Source of information: Friends	155	0	1	0.19	
Source of information: NGO	155	0	1	0.17	
Source of information: Online	154	0	1	0.08	
A day off per week	191	0	1	0.41	

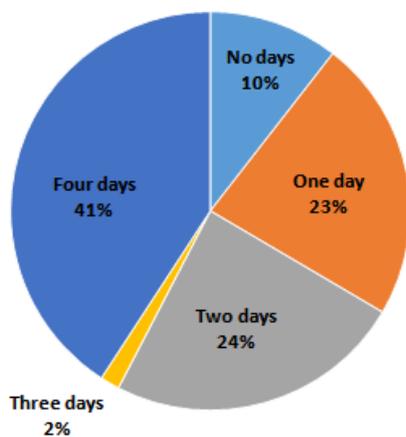
Figure 1 shows the distribution of age in our sample. The average domestic worker in our sample was 35 years old, with ages of respondents varying from 24 to 56 years old.

On average, the workers interviewed had spent 8 years in Singapore. The longest time a worker had spent in Singapore was 34 years, but our sample also included workers who had recently arrived (that is, spent less than a year in Singapore) (Figure 2).



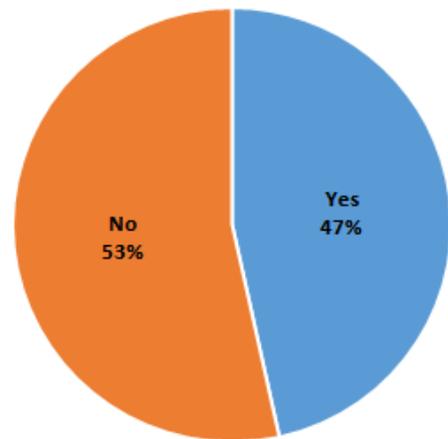
10% of the domestic workers indicated that they had no days off; 23% indicated that they had one day off per month; 24% indicated they had two days off per month; 2% said they had three days off per month, and 41% had four days off per month (Figure 3). While it is encouraging to note that 89% of our sample had at least one day off per month, 59% of our sample still did not have four whole days off per month.²

**Figure 3: Number of days off per month
(n=191)**



² These numbers are comparable to, but paint a slightly worse picture of, the situation than the statistics collected by HOME ("Home sweet home?", March 2015). Their study of 670 workers found that 1% had no day off, 12% had one day off a month, 28% had two or three days off per month, and 59% had a weekly day off.

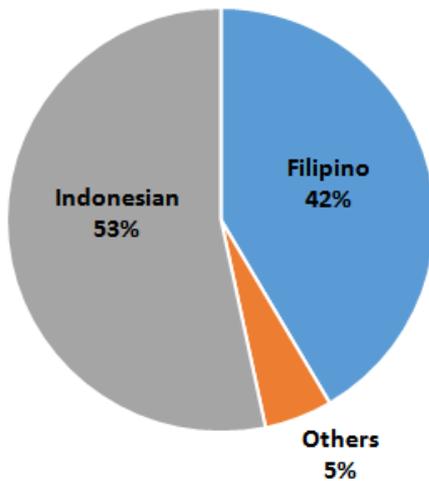
**Figure 4: Did your latest contract start
after 1st January 2013?
(n=174)**



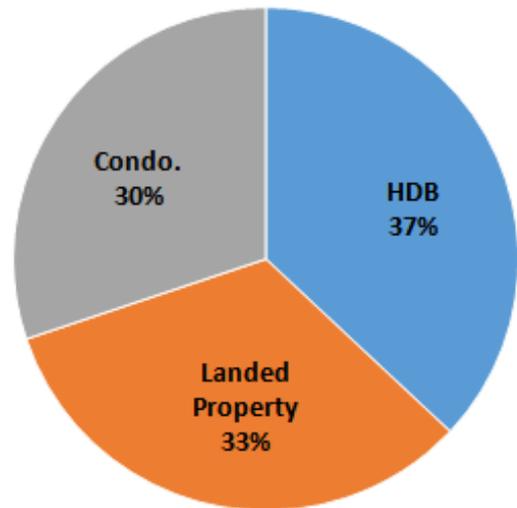
53% of our sample had contracts that started or were last renewed before 1st January 2013, and 47% of our sample had contracts that started or were renewed after 1st January 2013 (Figure 4).

Our sample consisted of 42% Filipino workers, 53% Indonesian workers, and 5% workers of other nationalities (Figure 5). Most of the workers from other nationalities were from Myanmar.

**Figure 5: Nationality
(n=195)**



**Figure 6: Type of Housing
(n=190)**



We collected data on the type of housing domestic workers' employers lived in: 37% of our workers lived in Housing Development Board (HDB) housing, 33% lived in landed properties and 30% in condominiums (Figure 6).

In terms of income, 3% of our sample earned less than SGD \$400 per month; 47% earned between SGD \$400-\$499 per month; 38% earned between SGD \$500-\$600 per month, and 12% earned over SGD \$600 per month (Figure 7).

Figure 7: How much is your monthly income?
(n=191)

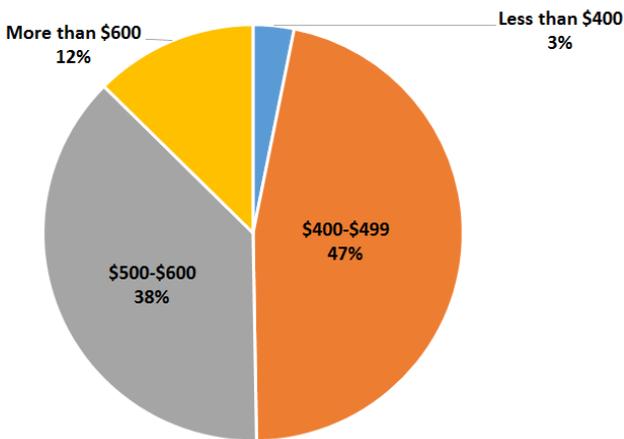
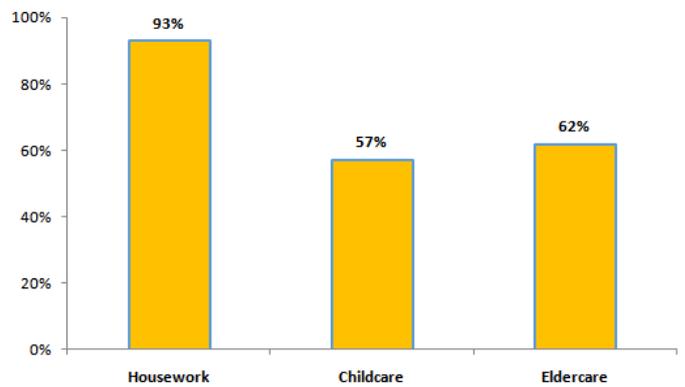


Figure 8: Work Duties
(n=173)



Domestic workers were surveyed on their work duties: 93% of domestic workers listed housework as one of their duties, 57% listed childcare as one of their duties, and 62% listed eldercare as one of their duties (Figure 8).

We asked domestic workers who did not receive a weekly day off if they were compensated in lieu: 44% of domestic workers said they were compensated, and 56% did not receive compensation (Figure 9).

Figure 9: Do you get compensated if you do not get four days off per month?
(n=79)

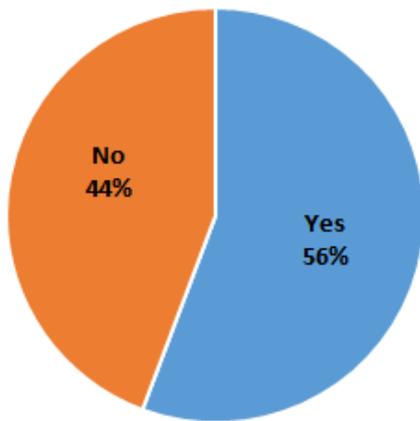
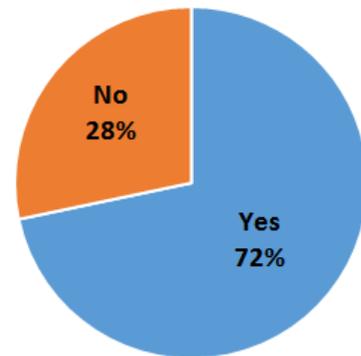


Figure 10: Are you comfortable with your current leave arrangements?
(n=173)



Domestic workers were asked if they were comfortable with their current leave arrangements: 72% of domestic workers were comfortable with their current leave arrangements, while 28% were uncomfortable with their current arrangements (Figure 10).

Workers were asked if they knew about the mandatory weekly 'day off' policy: 91% of domestic workers said they knew about the mandatory weekly 'day off' policy, while 9% were not aware (Figure 11).

Figure 11: Did you know about the new weekly day off policy? (n=188)

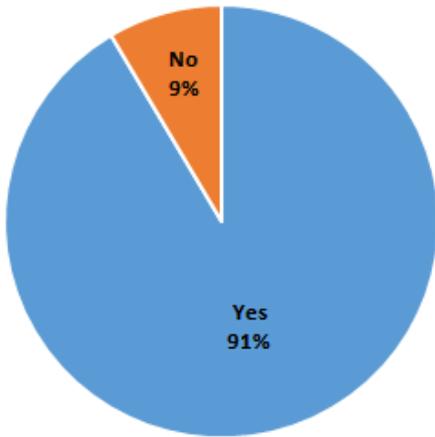
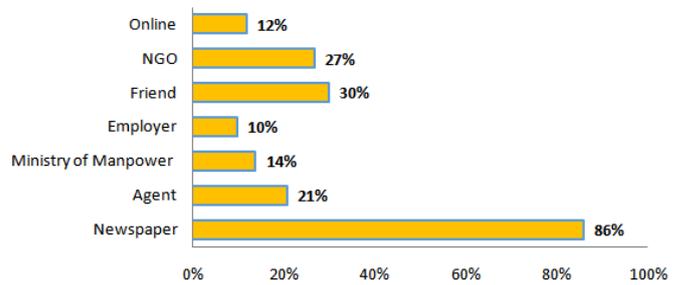


Figure 12: How did you find out about the day off policy? (n=155)



The domestic workers' knowledge of the 'day off' policy came from various sources: 86% from newspapers, 30% from friends and family, 27% from NGOs, 21% from their employment agents, 14% from the Ministry of Manpower, 12% from the Internet, and 10% from their employers (Figure 12).

ANALYSIS

To further understand the meaning of the data we collected, we present a deeper analysis, involving cross tabulation of various variables.

Figure 13 presents the average number of days off per month for domestic workers, based on their number of years in Singapore. What is remarkable is the almost linear relationship between number of years in Singapore, and number of days off. Workers in their first two years got on average of one day off per month. This rose in their 7th and 8th year to, on average, three days off per month.

Figure 13 suggests that the number of days off is substantially dependent on the individual bargaining power of the domestic worker when negotiating their contract. Workers who are in their first few years have very little bargaining power, and thus are less likely to get substantial leave. This is probably compounded by the debt that workers must shoulder during the first 6 to 9 months, as a result of needing to repay placement fees. A worker's bargaining power improves only gradually, as a worker becomes more experienced, and is better able to renegotiate the terms of her contract, or move to an employer with more favourable working conditions.

Figure 13:
Days off per month vs Years in Singapore

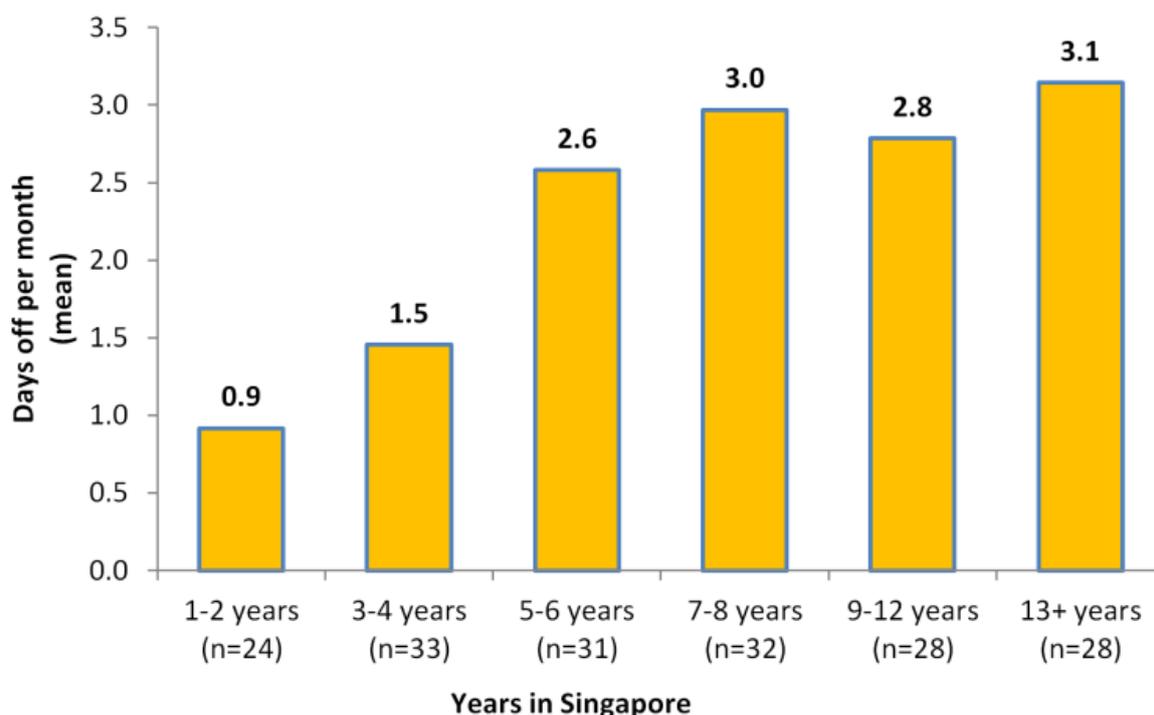


Figure 14 presents the relationship between the number of days off per month and domestic workers' monthly salary. Again, an almost linear relationship can be seen between salary and number of days off. Workers on \$499 or less received, on average, less than two days off per month. For workers on \$600 or more per month, this rose to 3.5 days off per month, on average.

Figure 14 underlines the same point made in Figure 13: workers with more bargaining power (as represented by higher wages) are better able to negotiate decent leave conditions. Thus, it is the workers with the least bargaining power who are most vulnerable to inadequate leave conditions.

Figure 14:
Days off per month vs Monthly salary

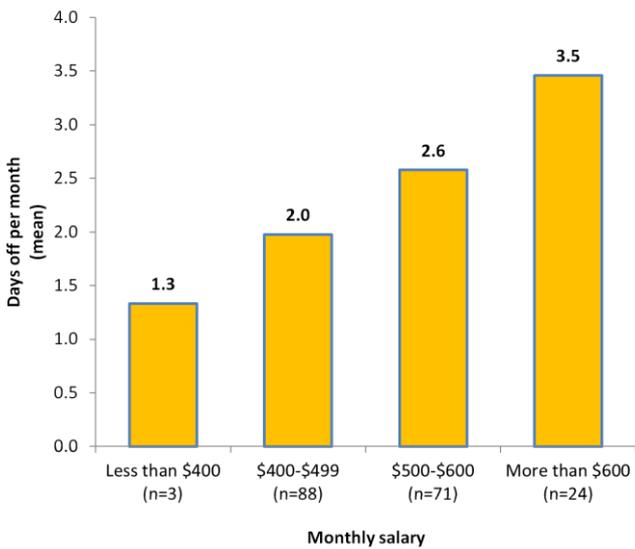


Figure 15:
Days off per month vs Employer's housing type

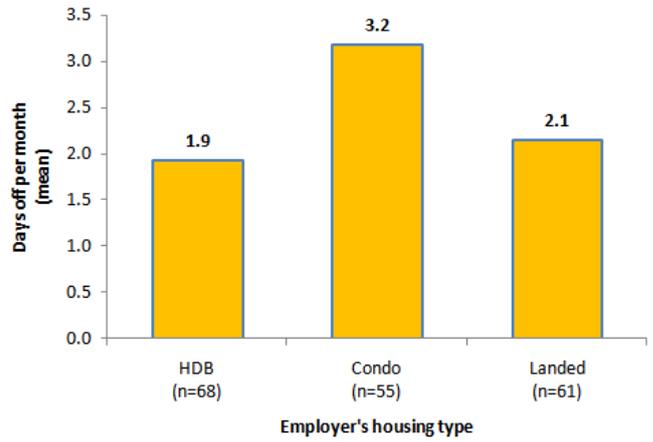


Figure 15 shows the relationship between employer housing type and number of days off per month. Condominium housing seemed to be strongly associated with more days off – approximately an extra full day off per month. It is unclear what is driving this effect.

Figure 16 shows the relationship between the number of days off per month and whether a worker’s contract was signed before or after the ‘day off’ legislation was brought into law. The relationship was weak, with workers who signed their contract after January 2013 getting, on average, 0.1 extra days off per month.

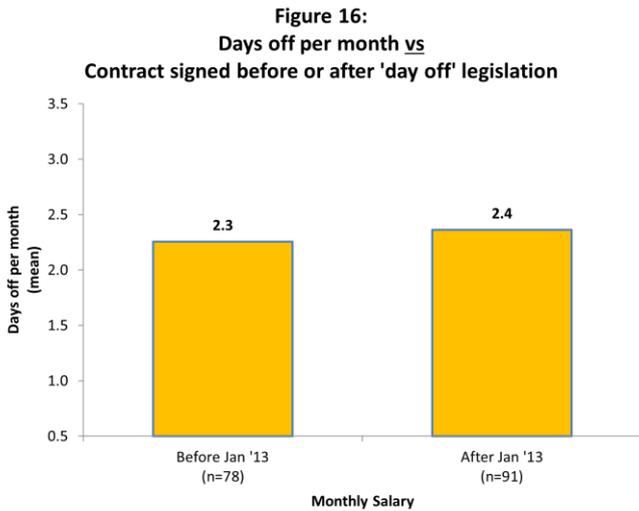


Figure 17 shows the relationship between monthly salary and whether a worker was comfortable with her current leave arrangements. The percentage presented in Figure 17 is the number of workers who answered ‘yes’ to the question. As with Figures 13 and 14, we see a linear relationship between salary and comfort with leave arrangements.

What is clear is that low pay and the worst leave arrangements tend to coincide. Those workers with the least bargaining power are the ones that are in most need of assistance with their leave conditions.

Figure 17:
Comfortable with leave arrangements
vs
Monthly salary

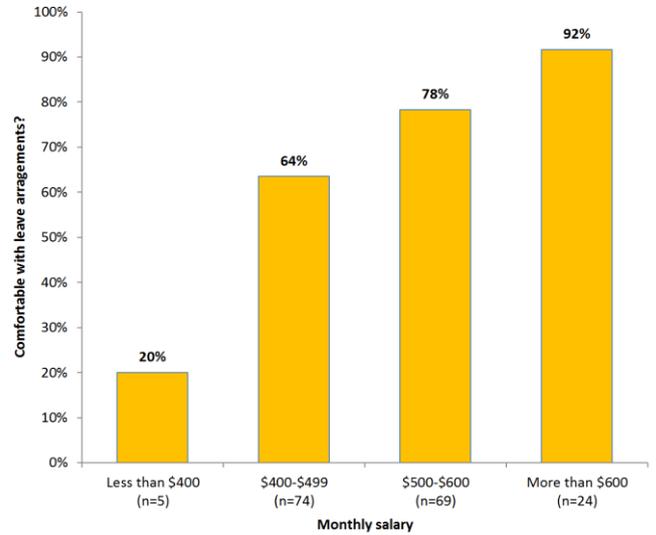


Figure 18 shows the relationship between comfort with leave arrangements and both the number of days off and whether workers received compensation for missed days off. On the right of the graph, we see workers who had four days off per month (we do not distinguish between those who are compensated or not for missing days off). 91% of these workers were happy with their current leave arrangements.

In general, workers who were not compensated were less comfortable with their leave arrangements than those who were compensated for missing days off. By far, the most unhappy workers were those who got 0-1 days off per month, and were not compensated: only 41% of these workers were comfortable with their leave conditions. More days off and/or compensation seemed to dramatically improve workers’ happiness with their leave arrangements.

Figure 18: Are you comfortable with your leave arrangements? (% 'Yes')
vs
Days off per month (without and with compensation)

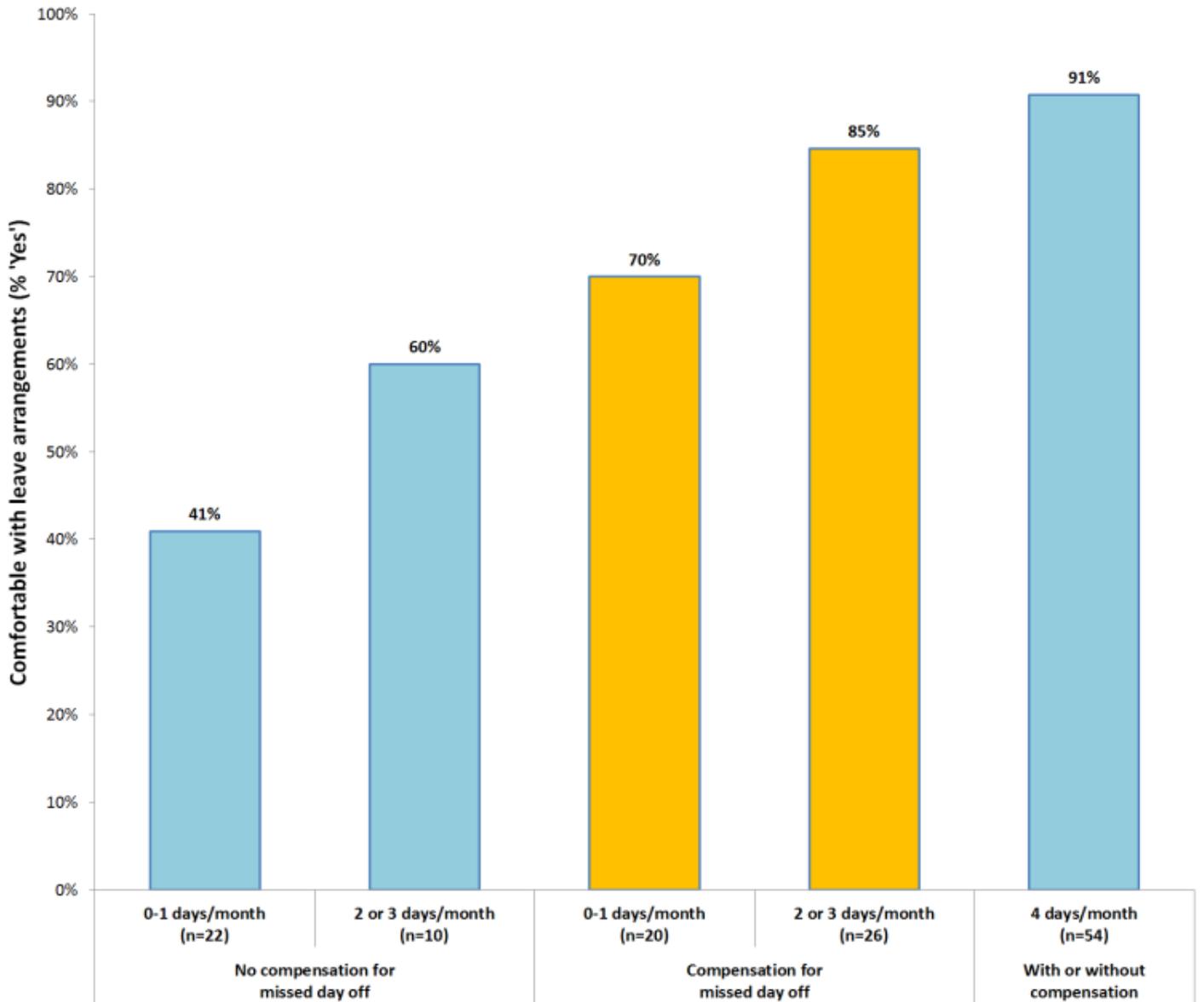
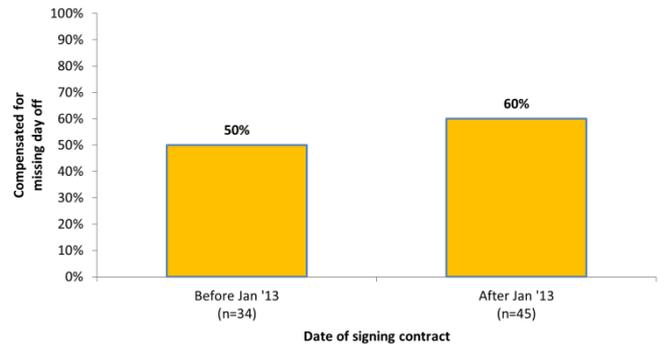


Figure 19 shows the relationship between being compensated for missing a day off and the date that the workers signed their contracts. Note that this graph only includes workers who received less than four days off per month. We can see that workers who signed their contract after January 2013 (the date that the day off legislation came into effect) were more likely to be compensated for missing a day off.

**Figure 19: Compensated for missing day off
vs
Date of signing contract
(before or after 'day off' legislation)**



RECOMMENDATIONS

The results suggest that there is still a long way to go with ensuring that all domestic workers have the right to rest. The workers who are particularly vulnerable to inadequate rest conditions are those at the lower end of the market: new workers and workers with low salaries.

PUBLIC EDUCATION TO ENSURE COMPLIANCE WITH EXISTING LEGISLATION

TWC2 believes that one of the most effective methods for ensuring compliance with existing legislation is public education, of domestic workers, employment agents, and, most importantly, employers. The Government could play a very progressive role in changing societal norms, and by changing these norms reduce the political and economic costs of enforcing a potentially unpopular law.

ADEQUATE ENFORCEMENT OF THE DAY OFF LEGISLATION

The fact that 40% of domestic workers who did not get a weekly day off and whose contracts started after 1st January 2013 failed to receive compensation shows that there is still a gap between the law and practice.

One option is for the more widespread use of random checks of employment conditions of foreign domestic workers, along with extensive publicity of cases where violations of the law are found. MOM has been particularly good at following up on and publicising maid abuse cases in the media, but we are not aware of a similar strategy being implemented for the 'day off' legislation.

EXTENDING EMPLOYMENT ACT REST DAY PROVISIONS

Currently, leave provisions for foreign domestic workers are specified in the Employment of Foreign Manpower (Work Passes) Regulations 2012.³

These provisions are different from those for almost all other manual and lower-waged workers in Singapore. Foreign domestic workers are explicitly excluded from the Employment Act. The Employment Act states that "every employee shall be allowed in each week a rest day without pay of one whole day".⁴ There are two crucial differences between the rest day provisions for foreign domestic workers and for all other workers.

Firstly, in the Employment Act, a rest day is defined as a 24-hour, midnight-to-midnight rest period.⁵ Secondly, the Employment Act states that should work be undertaken on a day off (at the request of the

³Employment of Foreign Manpower Act (Chapter 91A). Employment of Foreign Manpower (Work Passes) Regulations 2012. Fourth Schedule; Part 1; Paragraphs 11 – 14. Accessed at <http://www.mom.gov.sg/documents/services-forms/passes/wpspassconditions.pdf>

This states that a foreign domestic worker must receive a rest day every 7-day period unless there is a written mutual agreement that (a) the domestic worker is working in lieu of the rest day; and (b) the domestic worker is compensated either with (i) a replacement rest day that month; or (ii) not less than the pay for one day's work.

⁴ Employment Act, Rest Day, section 36 (1)

[http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=a8c02534-2179-4569-a66b-1243506d2893;page=0;query=DocId%3A%22571f13ea-3a91-47ef-a07b-](http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=a8c02534-2179-4569-a66b-1243506d2893;page=0;query=DocId%3A%22571f13ea-3a91-47ef-a07b-f45d12fc2101%22%20Status%3Apublished%20Depth%3A0;rec=0#pr36-he-)

[f45d12fc2101%22%20Status%3Apublished%20Depth%3A0;rec=0#pr36-he-](http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=a8c02534-2179-4569-a66b-1243506d2893;page=0;query=DocId%3A%22571f13ea-3a91-47ef-a07b-f45d12fc2101%22%20Status%3Apublished%20Depth%3A0;rec=0#pr36-he-)

⁵ Ministry of Manpower website. Accessed at

<http://www.mom.gov.sg/employment-practices/hours-of-work-overtime-and-rest-days>

employer) the worker should be paid two days' salary in lieu.⁶

We think that rest is a basic right, and that there should not be a two-tier system for rest days in Singapore: it should be the right of foreign domestic workers to access the basic rest provisions covering all other workers.

24-HOUR REST DAY (AND 8 HOURS' SLEEP)

Our qualitative interviews with a large number of foreign domestic workers reveal that the vast majority who get a day off do not get a full 24 hours of rest. This is in contrast to the basic standards set out in the Employment Act. Many domestic workers have to work part of their days off, leaving only after they have performed chores such as cleaning the house and preparing breakfast, and returning before a 'curfew' so that they can cook dinner. This is not acceptable.

Hong Kong – another jurisdiction which relies heavily on foreign domestic workers – provides a model which Singapore could aspire to: foreign domestic workers are given a full 24-hour period for their rest day.⁷

TWC2 believes that to ensure that a domestic worker receives a full day off legislation should provide that workers are entitled to a full 24 hours of rest, which must be preceded or followed by an eight hour period for sleep.

⁶ Ministry of Manpower website. Accessed at <http://www.mom.gov.sg/employment-practices/hours-of-work-overtime-and-rest-days>

⁷ A Concise Guide to the Employment Ordinance, Labour Department (Hong Kong) website. Accessed at <http://www.labour.gov.hk/eng/public/wcp/ConciseGuide/04.pdf>

ADEQUATE COMPENSATION FOR WORKING ON A DAY OFF

Our quantitative analysis found that the compensation received by domestic workers in lieu of a day off did not meet the standards of the Employment Act. Most foreign domestic workers who did receive compensation received on average just \$17.50 per day, which is less than 1/26th of the average income of the workers in our sample. Workers covered by the Employment Act would be paid double their daily wage (if their employers requested them to work). It does not seem fair to have a two-tier system for payment on days off.

If employers request domestic workers work on their day off, then they should receive double their daily wage, or close to \$40/day. We understand that low- to middle-income families who have urgent care needs may find such compensation difficult to afford. We suggest that the Government look into subsidies for families in this situation.

MINIMUM COMPULSORY LEAVE

Our qualitative interviews revealed that many domestic workers, particularly those in weaker bargaining positions felt unable to negotiate for adequate leave conditions. They felt pressured to accept contracts they were uncomfortable with. The ability for employers to 'buy out' domestic workers' day of leave means that many workers who would like leave end up settling for little or none.

TWC2 believes that domestic workers should only be able to trade away a maximum of two rest days per month. Potentially, public holidays could be made compulsory rest days too, as is the case in Hong Kong.⁸

⁸ Hong Kong Department of Labour website. Accessed at <http://www.labour.gov.hk/eng/public/wcp/PointToNotesForEmployersOnEmployment%28FDH%29.pdf>

CONCLUSION

The lack of adequate rest leave for domestic workers, is something which is bad for the worker, the employer, and for Singapore.

For the worker, being confined to a household and working without rest can put them under serious psychological pressure and at risk of physical exhaustion. Workers who do not get any days off are socially isolated and are cut off from friends. Because of this, they are particularly vulnerable to exploitation and do not have the social resources necessary to seek help should they face abuse.

For the employer, it risks deeply alienating an intimate member of their household and compromising on her ability to offer a high level of care for loved ones.

Working without leave is not only bad for the workers and employers involved, but a lack of adequate protection for domestic workers has the potential to do serious damage to Singapore's international reputation. Such damage to Singapore's reputation could harm not only its standing in international bodies such as the ILO, but also risks limiting the supply of foreign domestic workers from source countries. Workers – particularly experienced workers – may choose destination countries which can offer them better working conditions, thus limiting the availability and quality of a labour force which Singapore sorely needs.

ACKNOWLEDGEMENTS

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