

Women's Human Rights in the Changing World of Work: AWARE's submission

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The Association of Women for Action and Research (AWARE) is Singapore's leading gender equality advocacy group. As part of our work we conduct in-depth research into various women's rights issues in Singapore. In 2018, we completed and published a [qualitative research piece on the challenges that low-income mothers face with balancing work and care](#). Since then, we have embarked on a research project focusing on the impact that caregiving to older persons has on the retirement adequacy of female family caregivers. Our responses to the questions below draw heavily from our experiences and findings from both research pieces, as well as other relevant research conducted in Singapore.

Questions

1. 'Gig' and 'On Demand' Economy

- How is the rise of more flexible forms of labour, including the 'gig' and 'on demand' economy impacting on women's experiences of work in your national context?
- What are the implications for job security for increased flexibility and women's caring responsibilities, and for harassment and violence?
- Which groups of women are most likely to be impacted by this type of work?
- What are some of the good practices for ensuring access to social protection for women in informal and 'on demand' work? (laws, economic and social policies, institutional measures, regulation, actions by employers)

Profiles of self-employed workers: Limitations of national data

In 2018, 14% of Singapore's resident workforce is self-employed (SEPs).¹ This overall percentage has decreased since 2017 but the number of own account workers² remain the same (9.3%).³ 83% of SEPs engaged in self-employment as their primary jobs, the rest were engaged in self-employment as their secondary job.⁴ 83% also engaged in self-employment as their preferred choice, while 17% indicated that self-employment was not their preferred choice.⁵

¹ Manpower Research and Statistics Department, *Labour Force in Singapore 2018*, (Ministry of Manpower, Singapore, 2018), 14.

² These are persons who operate their own business without employing any paid employees in the conduct of their business or trade.

³ Manpower Research and Statistics Department, *Labour Force in Singapore 2018*, (Ministry of Manpower, Singapore, 2018), 14.

⁴ Tripartite Workgroup on SEPs, *Tripartite Workgroup's Recommendations for Self-Employed Persons*, (Tripartite Workgroup on SEPs, Singapore, 2018).

<https://www.mom.gov.sg/~media/mom/documents/press-releases/2018/0222-tripartite-workgroup-report-on-self-employed-persons.pdf>

⁵ Ibid, 31.

Primary SEPs tended to be older and lower-educated, with 54% aged 50 years and over and 63% holding non-tertiary qualifications.⁶

30% of own account workers are women,⁷ most of whom are degree holders and work as associate professionals and technicians. However, there is reason to believe that the official data does not fully capture the number and experiences of women SEPs/own account workers. Findings from our research on low-income women (the median monthly household income of our respondents was between \$1,499 and \$1,999) indicate that many women are engaged in informal, ad-hoc and home-based work (e.g. sewing, making craft items) for an income.⁸ They are unlikely to be captured by official data because their work does not require a licence, they are unregistered for tax purposes due to their low income, or some do not recognise what they are doing as “work”. National data about these informal, ad-hoc workers, especially female workers, is therefore incomplete.

Classification of paid working relationships: Access to workers’ rights and benefits

In Singapore, all paid working relationships are divided into two categories - contract of service or contract for service. The distinction between the two is important because it determines the statutory protections, legislation and policies that govern the relationship.

A contract of service denotes an employer - employee relationship, which is regulated by the Employment Act and other employment related legislation such as the Central Provident Fund (CPF) Act and Workmen's Compensation Act.

Contracts of service are employment relationships which are accorded benefits (such as CPF contributions, annual leave, hospitalisation leave, outpatient sick leave, maternity leave, childcare leave, and medical benefits) and protection against unfair dismissal (termination without cause). They are also covered by the Tripartite Guidelines for Fair Employment Practices⁹ issued by the Tripartite Alliance for Fair Employment Practices (TAFEP) and Progressive Wage Models¹⁰ that are mandatory for employers in the cleaning, security and landscape sectors.

A contract for service, on the other hand, is an agreement between a client and a contractor, not covered by the Employment Act and other employment related legislation and guidelines. These contracts do not come with the employment benefits and the protections set out above. Those

⁶ Ibid.

⁷ Manpower Research and Statistics Department, *Labour Force in Singapore 2018*, (Ministry of Manpower, Singapore, 2018), T143.

⁸ AWARE, *Why are you not working?: Low Income mothers explain their challenges with work & care*, (AWARE, Singapore, 2018),

<https://d2t1lspzrjif2.cloudfront.net/wp-content/uploads/Advocacy-report-why-are-you-not-working-updated-2-April-2019.pdf>

⁹ The Tripartite Guidelines on Fair Employment Practices, formulated by the Tripartite Alliance for Fair and Progressive Employment Practices, sets out fair employment practices for adoption by employers. Find out more at <https://www.tal.sg/files/tripartite-guidelines.pdf>

¹⁰ The Progressive Wage Model mandates minimum wages in certain industries. Wage increases are pegged to skills upgrading and training. Find out more at

<https://www.mom.gov.sg/employment-practices/progressive-wage-model/what-is-pwm>

who work primarily through contracts for service are typically categorised as “independent contractors” or SEPs.

Work conditions of low income women

Our research found that as a result of low-education levels and limited support for caregiving, casual jobs¹¹ are often the only types of jobs that low-income mothers are able to easily access. However, the work conditions they experience in such jobs are poor and insecure due to the following reasons:

1. Blatant violations of employment rights and fair employment practices;
2. Denial of employment benefits because of intentional or unintentional misclassification of employment relationship;
3. Lack of legislative protection for casual workers who are not in employment (contract of service) arrangements.

Once in casual jobs, they experience the vulnerability, instability and unfair practices that are common in the unprotected casual work sector and end up either withdrawing from these jobs completely, or seeking them out only when absolutely necessary.

Below is a table describing the types of working arrangements that our respondents were in.

Figure 1: Type of working arrangements with examples

	Type of working arrangements	Example
a	Full-time employed, fixed term contract	Gina is employed on a year-long contract to do administrative work for an organisation, working five days a week. She has renewed her contract twice. She earns \$2,000/month and receives CPF and other employment benefits.
b	Part-time employed	Nurul does admin work for a food company. She works about three days a week, for four to five hours each. She is paid \$7/hour, and receives CPF. However, she does not get other employment benefits like annual leave nor childcare leave.
c	Casual, on-site, irregular and short term	Rahima does ad-hoc housekeeping work. She works whenever “her friend not enough people then call,” which is approximately three times a week (8am to 5pm), for \$60 each time. There are no CPF nor other employment benefits.

¹¹ For the purposes of this submission, casual work includes ad-hoc/informal work.

d	Casual, on-site, more regular and longer-term	Aisha has a one-year contract to file and sort medical records in an office. She works from 9am - 6pm on weekdays, and sometimes on Saturdays. She is paid a flat rate of \$42/day, with no CPF or other employment benefits.
e	Home-based work	Roshni makes clutches and bags to sell from home. She earns around \$120 a month.

Blatant violations of employment rights and fair employment practices

Nurul's case in Figure 1 is an example of a blatant violation of employment rights and fair practices. This is clearly an employment contract since Nurul is being paid CPF. Yet her employer is not giving her any leave benefits. If notified, the Ministry of Manpower (MOM) may take action against the employer for violation of the Employment Act. However, employees, like Nurul, may not do so because they are unaware of their rights or prefer not to jeopardise their job.

Singapore employees enjoy protection against termination of employment on the basis of pregnancy. There are some restrictions to this, including the requirement that the employee must have been working for at least three months. Some employers may take advantage of the limitation and terminate the employee just before the three month term, as was the case for one of our respondents, who was terminated on her 88th day after she informed her employers about her pregnancy.

Denial of employment benefits because of intentional or unintentional misclassification of employment relationship

It is generally difficult to definitively categorise the casual jobs that our respondents are able to apply for, as being a contract of service or contract for service.

For the purposes of distinguishing between a contract of employment from a contract for services, MOM recommends that three sets of factors be considered, which are laid out below:

<p>Control</p> <p>Who determines the production process, timing and method of production?</p> <p>Ownership of factors of production</p> <p>Who provides the tools and equipment? Who provides the working place and materials?</p> <p>Economic considerations</p>
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Is the business carried out on the person's own account or is it for the employer?

In relation to the cases set out in Figure 1:

- Rahima in case (c) was treated as being on a contract for service, for which there would be no benefits and protection;
- Aisha in Case (d) was treated as being on a contract for service, for there would be no benefits or protection.

The legal test distinguishing a contract of service from a contract for service is particularly difficult to apply in these two cases and even MOM is generally unable to readily give definitive answers. The difficulty arises because, on the one hand, employers are not obligated to offer certain hours of work and employees are not obligated, if called upon, to report to work, which are features of contracts for service. On the other hand, employers are the ones providing tools and equipment, which is a feature of contracts of service.

In the case of our respondents, most such working arrangements were classified as contract for service. This classification is not only a convenient option for employers (because then they are NOT obligated to pay benefits) but is also defensible because of the current legal ambiguity in the classification of such working arrangements.

Lack of legislative protection for casual workers who are not in employment arrangements

Employers find casual workers attractive because they fulfill an operational need without the costly obligations (CPF contributions, benefits etc.) of those on a contract of service. Unlike Singapore, in countries where casual workers are legally protected, short-term casual workers find this type of employment attractive because their wages tend to be higher than permanent employees performing the same jobs and long-term casual workers tend to enjoy many of the same employment benefits as permanent employees.

Recommendations for improving work conditions of female workers

1. Enact legislation to prohibit discrimination, including on the basis of family responsibilities
2. Wide and continuous public education on workers' rights
3. Develop a new framework on the rights and benefits of casual workers who are not covered under the Employment Act

Details of our recommendations can be found [here](#).

2. Demographic change

- (a) How is demographic change in your national context impacting on women's experience of work?
 - What are the implications of an ageing population?

Singapore's ageing population

Singapore's population is ageing rapidly. By 2050, older persons above the age of 65 would make up almost half of the population.¹² Ageing is also gendered as women tend to outlive men but live with fewer financial resources due to the gender inequality in caregiving responsibilities. As the ratio of working-age persons to elderly persons in Singapore shrinks, women are likely to end up with an even heavier care burden. Already, an analysis of the Labour Force Survey from 2016 to 2018 shows a 93% marked increase—from 39,300 to 75,800—in the number of women who cited caregiving to relatives/families (and not children) as the main reason for being out of the labour force.¹³ These women make up more than 80% of the people who are outside the labour force because of caregiving to relatives/families.

As a result of leaving formal employment, women have fewer opportunities to accumulate financial resources. In 2017, the average net CPF balance for females aged 60 years and over was \$69,732, which was about 24% lower than that of males.¹⁴ In the same year, about four in 10 active CPF members who turned 55 in 2017 did not hit the Basic Retirement Sum (BRS) of \$83,000 in their Retirement Accounts.¹⁵ Among women, only 53% were able to reach the BRS as compared to 66% of men.¹⁶

Being the primary caregiver, either to children or their ageing parents, limit the work opportunities of women. Our in-depth interviews with 22 family caregivers of older persons found that 14 of them had to make modifications to their work arrangement because of caregiving and as a result, experienced an average of 63% loss in personal income.

We found that the nature of caregiving as experienced by family caregivers to older persons was incompatible with prevailing work conditions in Singapore:

¹² Siau Ming En, *Elderly to make up almost half of S'pore population by 2050: United Nations*, (TODAY, Singapore, 2017).

<https://www.todayonline.com/singapore/elderly-make-almost-half-spore-population-2050-united-nations>

¹³ Manpower Research and Statistics Department, *Labour Force in Singapore 2018*, (Ministry of Manpower, Singapore, 2018), 44.

¹⁴ Vivienne Wee et al., "Singapore," in *Financial Security of Older Women: Perspectives from Southeast Asia*, ed. Susana Concorde Harding, Mary Ann Baquero Geronimo and Supriti Bezbaruah (Tsao Foundation, Singapore, 2018), 192.

¹⁵ Chuang Peck Ming, *Number of 55-year-olds with Basic Retirement Sum to go up*, (The Business Times, Singapore, 2017).

<https://www.businesstimes.com.sg/government-economy/singapore-budget-2017/number-of-55-year-olds-with-basic-retirement-sum-to-go-up>

¹⁶ Josephine Teo, Minister for Manpower, *Written Answer by Mrs Josephine Teo Minister for Manpower to Parliamentary Question on CPF members with and without Basic Retirement Sum in their Retirement Accounts on reaching 55 in the last three years*, (Ministry of Manpower, Singapore, 2019).

Nature of caregiving	Work condition
1. Unpredictable and temperamental care recipients for those suffering from dementia 2. Recurring health conditions requiring emergency action 3. Need for frequent supervision of care recipients	1. Rigid working hours 2. Lack of flexible work arrangement 3. Lack of paid leave for caregiving to other family members (other than children)

Recommendations to support working caregivers

To resolve these incompatibilities, we propose the following work-related solutions:

1. Introduce statutory right to request flexible work arrangements.
2. Introduce eldercare leave, and family care leave for sandwiched caregivers.
3. Introduce anti-discrimination legislation to deal with age-related and other forms of workplace discrimination.

(b) What economic and social policies are needed to ensure that the growth in the care sector creates decent work opportunities for women? What are some emerging promising practices? (*laws, economic and social policies, institutional measures, regulation, actions by employers*).

Work conditions of the formal long-term care sector

In Singapore, increased demand for long-term care (LTC) has largely been met by migrant healthcare professionals as well as migrant domestic workers from neighbouring Asian countries such as Myanmar and the Philippines. Around 70 per cent of direct care workers in Singapore's LTC sector are foreigners – compared with 32 per cent in Australia, less than 10 per cent in Japan and 5 per cent or less in Hong Kong and South Korea.¹⁷ More than 250,000 migrant workers, mostly women, are employed in domestic work in Singapore.¹⁸

The soft skills required of care workers e.g. empathy, good bedside manners, compassion, are often qualities considered innate to women. These gendered notions of what constitutes care work explains why in Singapore, female migrants, rather than men, are disproportionately hired to fill these jobs, as observed by Huang, Yeoh and Toyota (2012) have observed.¹⁹

Work conditions of migrant female care workers

However, despite the influx of migrant healthcare professionals and domestic workers, employment rights for these groups remain limited. Migrant domestic workers, for example, are explicitly excluded from the Employment Act, and there are neither guidelines on the signing of contracts nor regulations on maximum working hours and minimum rest hours. A 2018 study conducted by the Humanitarian Organisation for Migrant Economics (HOME), a migrant workers' help group in Singapore, found that some workers are also owed wages, and denied adequate living conditions or food. The study highlights how the well-being of domestic workers currently depends on the benevolence of employers but that these workers deserve rights and protection under the law.²⁰

Work conditions of local female care workers

The remaining demand for long-term care manpower in Singapore is met by local women but there are also several barriers to attracting and retaining them in the sector. AWARE recently collaborated with JP Morgan and Daughters of Tomorrow (DoT), a local non-profit organisation that supports low-income women in job training and placement, on a two-year programme aimed at providing workforce readiness training and employment for low-income women (Singapore

¹⁷ Yuen Sin, *Many eldercare workers underpaid, contributing to high turnover: Lien Foundation report*, (The Straits Times, Singapore, 2018).

<https://www.straitstimes.com/politics/many-eldercare-workers-underpaid-contributing-to-high-turnover-lien-foundation-report>

¹⁸ Sheena Kanwar, *Domestic workers deserve same rights as other workers: Migrant workers' group*, (TODAY, Singapore, 2019).

<https://www.todayonline.com/voices/domestic-workers-deserve-same-rights-other-workers-migrant-workers-group>

¹⁹ Huang, Shirlena, Yeoh, Brenda S. A., and Mika Toyota, *Caring for the elderly: the embodied labour of migrant care workers in Singapore*. (Blackwell Publishing Ltd & Global Networks Partnership, 2012).

²⁰ Sheena Kanwar, *Domestic workers deserve same rights as other workers: Migrant workers' group*, (TODAY, Singapore, 2019).

<https://www.todayonline.com/voices/domestic-workers-deserve-same-rights-other-workers-migrant-workers-group>

citizens and Permanent Residents, and long-term visit pass (LTVP) holders²¹) in the long-term care sector. Despite the relative success of the programme, in which 35 women were placed as direct care workers, the initiative revealed challenges local women face in joining and remaining in the formal LTC workforce. These include:

1. Long hiring process

Filling eldercare roles typically involves a long hiring process, which includes applications, interviews, health check-ups and placement. All in all, it can take up to eight weeks. Job seekers applying for multiple roles will generally accept the offers that come through first, which means eldercare jobs will likely be at a disadvantage compared with jobs in other sectors with a faster hiring process.

2. Low pay

Eldercare jobs do not pay well compared to other jobs that low-income women are eligible for, such as childcare assistants, or jobs in food and beverage, retail or cleaning. A local worker in hospitality turning over rooms in a hotel is paid \$1,600 to 1,800 a month, whereas an eldercare worker assisting with showering, feeding and toileting duties is paid \$900 to \$1,400 a month. Although wages for direct care workers have increased over the past few years, they are still not attractive enough to draw the volume of applicants the sector requires.

3. Extensive hours

Working in LTC often means providing 24/7 residential care. However, women with family responsibilities are often unable to commit to the necessary evening and weekend shifts. Our research has shown that many low-income women are also unable to make adequate childcare arrangements in order to commit to shift work. Having said that, some eldercare employers in the programme were able to address this challenge by accommodating their workers with flexi-hours, which is promising.

4. Misconceptions about attire

A prevalent belief among healthcare employers was that headscarves are linked to the spread of infections. Accordingly, some employers were hesitant to hire LTC workers who wear a tudung or hijab. However, we found that hospitals in many Muslim countries do not have similar concerns and freely employ women who wear headscarves.

AWARE conducted a systematic review of the numerous studies investigating links between clothing and infection transmission, and did not find any compelling evidence to

²¹ Foreigners married to Singaporeans have no clear right to enter and remain in Singapore. Unless they qualify for a non-family pass (favouring higher incomes), they need a spouse to sponsor a short-term visit pass; long-term visit pass, or long-term visit pass plus. They come with different validity periods and eligibility to work. The long-term visit pass is valid for three months to five years and renewable. LTVP holders may work in Singapore. Find out more about the different passes at <http://aware.org.sg/wp-content/uploads/Home-truly-respect-the-rights-of-foreign-wives.pdf>

show that healthcare workers' uniforms or workwear (including headscarves) contribute to healthcare-associated infections, or pose any additional risks to patients or staff. With this review, we managed to convince a number of employers to employ workers who wear headscarves and look forward to more employers adopting similar flexibility in their hiring.

5. Misconception about LTVP

Another misconception that employers had was the belief that LTVP holders – typically foreign spouses of Singapore citizens – contribute to an employer's foreign worker quota. As our programme included LTVP holders, we were able to clarify this with the Ministry of Manpower. We then helped disseminate this information to employers to disabuse them of the notion that hiring LTVP workers is tantamount to hiring foreign workers.

Recommendations to improve work conditions in formal care sector

1. Increase wages for care workers.
2. Encourage employers in the industry to adopt core and stable scheduling.
3. Normalise headscarves in the healthcare industry.
4. Educate employers to recognise LTVP holders as not contributing to the foreign worker quota.
5. Include migrant domestic workers under the Employment Act.