



**The Dynamics of Policy Formulation and  
Implementation:**

**A Case Study of Singapore's Mandatory Weekly  
Day off Policy for Migrant Domestic Workers**

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## **Abstract**

Using the process-tracing methodology, this paper aims to outline the causal mechanisms that led to the formulation of the day off policy for migrant domestic workers in Singapore. Specifically, our analysis will focus on the three “I”s: ideas, interests and institutions. We argue that the day off policy was first brought to the agenda by the campaigning efforts of local migrant rights groups. The government’s commitment to safeguarding Singapore’s international reputation provided further impetus for the improvement of employment conditions for migrant domestic workers by means of the day off policy. Finally, Singaporeans’ dependence on migrant domestic workers provided an economic imperative for the introduction of the day off policy: it was a means to enhance Singapore’s appeal in order to attract a steady supply of migrant domestic workers, especially amidst fears of a supply crunch of these workers.

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## List of Abbreviations

AEAS	Association of Employment Agencies (Singapore)
EFMA	Employment of Foreign Manpower Act
HOME	Humanitarian Organization for Migration Economics
HRW	Human Rights Watch
ILO	International Labour Organization
MP	Member of Parliament
MOM	Ministry of Manpower
NGO	Non-governmental organisations
NMP	Nominated Member of Parliament
NTUC	National Trade Union Congress
PAP	People's Action Party
TIP	Trafficking in Persons
TWC2	Transient Workers Count Too
UNIFEM	Singapore Committee for the United Nations Development Fund for Women

## Executive Summary

This paper discusses the day off policy for migrant domestic workers in Singapore, which was first introduced on 5 March 2012 and subsequently implemented on 1 January 2013. In brief, this legislation states that all migrant domestic workers should receive a weekly day off, unless both the employer and the worker mutually agree that the worker should be compensated one day's salary in lieu of a day off. The introduction and institution of the day off policy offers a unique opportunity to study the mechanics of policymaking in Singapore, which is often ill-understood. This paper utilises a method of process tracing to map out the origins and reasons behind the introduction of the day off policy and to peek into the 'black box' of policymaking.

In examining why the day off policy was introduced, we derived three hypotheses from grounded research and academic literature on policymaking in Singapore. The first hypothesis posits that local NGOs played a vital role in the policy process by keeping the issue visible on the agenda over a prolonged period of ten years and continually sustained alternative frames of understanding for the treatment of migrant domestic workers. The most visible effort closest to the enactment of the policy was the day off campaign in 2008, launched by three local NGOs: Transient Workers Count Too (TWC2), the Humanitarian Organisation for Migration Economics (HOME), and the Singapore Committee for UNIFEM. The campaign marked the first time civil society groups banded together towards a common goal of a day off for migrant domestic workers. Nonetheless, there were some barriers preventing NGOs' effective participation in the policy process, including strong state control over policy processes and difficulty in predicting and identifying policy windows.

The second hypothesis posits that the policy revision was motivated by the government's commitment to safeguarding Singapore's international reputation. The day off policy was arguably formulated as a response to the finding that workers who lack rest days tend to be more vulnerable to abuse, as was also flagged by the 2011 US State Department Trafficking in Persons (TIP) Report. The adoption of the International Labour Organization (ILO) Domestic Workers Convention (C189) in 2011 further crystallised international norms of decent work conditions for domestic workers, and established a benchmark against which Singapore could pit itself, despite the country neither voting for nor ratifying C189. Furthermore, compared to destination countries like Hong Kong and Taiwan, Singapore trailed noticeably in providing decent work conditions.

The third hypothesis posits that the introduction of the day off policy was compelled by an economic imperative to increase Singapore's appeal as a destination country for migrant domestic workers amidst fears of a migrant domestic worker supply crunch in 2011. Underlying the desire to enhance the country's appeal was the state's recognition of Singaporeans' high level of dependence on these workers, which is driven by high female labour force participation rates and a corresponding care gap in the domestic sphere; long working hours; and a rapidly ageing population, in a country where institutionalised care is (relatively) expensive, amongst other reasons.

Our policy analysis revolves around the “3I’s” - institutions, ideas and interests. Turning to the role of institutions, we examine how policy legacies, veto players, and policy entrepreneurs influenced the policy process. The policy process was largely guided by the policy legacies of incrementalism and need for social consensus. Key actors in power positions within the Ministry of Manpower (MOM) were identified as veto players who were crucial to the passing of the day off policy. Important policy entrepreneurs include bureaucrats within the Ministry, and Halimah Yacob, the current Speaker of Parliament and a former Minister of State.

We identified two frames of thought which played a salient role in shaping the day off policy process. The first idea focuses on the outsourcing of care labour to a transient and relatively more affordable migrant labour source. The second idea expounds on the deeply embedded moral anxieties surrounding foreign women’s access to public space. Both rhetorical framings were acknowledged by various stakeholders as key grounds of contention shaping the debates around the day off policy, who then took action to inflect the tone of the debate.

In terms of interests, the direct beneficiaries of the day off policy were migrant domestic workers as well as employment agencies. While the opt-out clause may compromise the effectiveness of the day off policy, migrant domestic workers’ access to rest days is now legally enshrined. The day off policy is also largely seen as favourable to the business interests of employment agencies, as it facilitates their recruitment of migrant domestic workers. Employers’ interests were perceived as mostly opposed to the day off policy as it would bring them additional inconvenience, anxieties, and costs. On the other hand, the government suggests that the day off policy benefits employers in the long-term, as it ensures employers’ access to a sustainable and affordable source of care by boosting Singapore’s desirability as an attractive destination for migrant domestic workers.

## Introduction

Singapore plunges into motion on the backs of migrant labour. Out of over a million low-waged labour migrant workers in Singapore, approximately 227,100 are migrant domestic workers (MOM, 2015a). With 1.2 million resident households in Singapore, this works out to approximately one domestic worker for every five households. Migrant domestic workers come from approved countries of origin, such as Indonesia, Philippines, Myanmar, India and Sri Lanka (Seow, 2015), with migratory flows primarily originating from the first three countries.

As part of Singapore's "revolving door" temporary migration regime for low-waged labour migrants, state policies have ensured that migrant domestic workers are constituted as a transient workforce in two ways: through enforcing short-term work contracts ranging up to a maximum of two years, and by placing low-wage labour migrants on Work Permit visas contingent on rules that preclude permanent settlement, marriage to citizens, and giving birth to children while in Singapore (Yeoh, 2013, pp. 105-106; MOM, 2015b). Migrant domestic workers are excluded from the Employment Act, Singapore's main labour law that regulates working hours, and access to leave, amongst other work conditions. Instead, migrant domestic workers are governed by the Employment of Foreign Manpower Act (EFMA), which offers a differential and arguably more limited set of protections and entitlements. This exclusion is due to the persistent non-formalisation of domestic work; responses from the Ministers for Manpower as recorded in Singapore's Parliamentary Reports have consistently highlighted the "unique nature of domestic work" and the importance of privileging the flexibility of work arrangements between domestic workers and employers (see, for e.g., Singapore Parliamentary Report, 26 May 2008; Singapore Parliamentary Report, 18 August 2009).

Migrant domestic workers' right to a weekly day off was not enshrined under the EFMA. While the EFMA placed responsibility on employers to ensure that their migrant domestic workers received adequate rest, the definition of "adequate rest" was not made clear. It was not until March 2012 that the Ministry of Manpower (MOM) announced the introduction of a mandatory weekly day off policy for migrant domestic workers (see Annex A for the wording of the legislation, encapsulated within the EFMA). In brief, this legislation states that all migrant domestic workers should receive a weekly day off, unless both parties mutually agree that compensation of one day's salary is offered to the worker in-lieu (MOM, 2015c). This policy has been lauded by non-governmental organisations (NGOs) as a major step forward for migrant domestic workers' well-being in Singapore. Recent reports have indicated a positive upward trend in workers' access to days off: in 2015, 41 per cent of migrant domestic workers received a weekly day off, as compared to just 12 per cent in 2011 (TWC2, 2015; Basu, 2011a). Nonetheless, the move towards enshrining a domestic worker's right to a weekly day of rest is weakened by the opt-out clause of in-lieu compensation: the 2015 TWC2 report has also shown



that new domestic workers and domestic workers with low salaries are especially vulnerable to receiving inadequate rest and poor leave arrangements.<sup>1</sup>

A black box tends to characterise policymaking decisions in Singapore, particularly with regard to laws and policies surrounding low-waged migrant labour. The introduction and institution of the day off legislation offers an opportunity to study the ways in which various discourses, stakeholders and events influence policymaking in Singapore. This paper thus aims to examine the mechanisms that paved the way for the eventual institution of the day off policy, through a process tracing methodology and by framing the analysis in terms of the “3I’s” – interests, ideas, and institutions. By elucidating how policymaking processes work with regard to labour migration in Singapore, the paper hopes to provide a better understanding of the state’s interests and processes, which in turn offers ways in which interested stakeholders can improve conditions of work for low-waged migrant domestic workers in Singapore.

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<sup>1</sup> Migrant domestic workers who have newly arrived in Singapore tend not to negotiate for day off, out of fear of losing out on a job opportunity, and especially in face of pressures to clear debts incurred from their migration to Singapore. Domestic workers with lower salaries may opt for compensation in-lieu of a day off.

## Methodology

### The “3I’s” Framework

This paper considers the role of the “3I’s” – institutions, ideas, and interests -- in affecting the day off policy for migrant domestic workers in Singapore. The “3I’s” framework has been widely used in various policy studies (see, for e.g., Humpage, 2010; Pojani & Stead, 2014; Smith et al., 2014; Pomey et al., 2010). This study builds upon existing academic literature by studying the relationship between ideas, interests, and institutions, specifically in relation to migration policy.

Firstly, institutions refer to the formal and informal rules that structure political behaviour (Pomey et al., 2010). Hall & Taylor (1996) highlight three different analytical approaches in which institutions may influence policy outcomes, namely rational choice, historical, and sociological institutionalism. Rational choice institutionalism stems from the notion that particular institutions exist because they are the most efficient for the task at hand. Historical institutionalism focuses on long-term institutional legacies of policymaking (Beland, 2009). It assumes that institutions are embedded in political landscapes that are likely to persist over time and shape policy development along a certain path dependency. Sociological institutionalism adopts a cultural approach in understanding how institutions influence behaviour by providing the cognitive scripts, categories, and models that are indispensable for action within a given context (Hall & Taylor, 1996; Pojani & Stead, 2014).

Secondly, ideas refer to the dominant normative frameworks that shape how actors frame problems and how they perceive different policy options to be effective, feasible or acceptable (Hall, 1997; Smith et al., 2014; Beland, 2009). While norms provide an overarching understanding of how the world works, they vary significantly across political contexts. Consequently, different countries may derive unique and nationally-specific policy responses to common problems (Pojani & Stead, 2014). Ideas come from academic and policy analysis, including empirical evidence as well as conceptual studies. Central to ideational processes is the concept of “rhetorical frames”, which points to the “persuasive use of story and argument in policy debate” (Beland, 2009, p. 706). According to Beland (2009), reform imperatives are often framed in a manner that appeals to a value or belief central to a society’s cultural repertoire.

Thirdly, interests refer to the agendas of various societal groups participating in the policy process. Herein, an underlying assumption is that there are winners and losers in a policy decision, and policies are driven by real or perceived interests of various stakeholders. In order to protect or advance their interests, groups therefore compete to gain or maintain their space within a particular policy agenda; they may be competing to keep issues on or off the institutional agenda (Birkland, 2010). More powerful groups are generally in a better position to advance their interests (Pojani & Stead, 2014). How much power each interest group holds is dependent on various factors such as the amount of resources they possess, their ability to form coalitions, and their ability to garner support for a certain cause (Pojani & Stead, 2014).

## Process Tracing Methodology

In addition to the “3I’s” framework, this paper also utilises the process tracing methodology. Process tracing is defined as “the systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses” within a particular case (Collier, 2011, p. 823). It is a qualitative tool of analysis that endeavours to “identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable” (George & Bennett, 2005, p. 206). The strength of process tracing lies in its capacity for multivariate analyses that remains anchored in context-specific models, counterbalanced against potential rival theories (Kay & Baker, 2015; Hall, 2013). It allows investigators to “hypothesise multiple independent variables, causal mechanisms, and dependent variables to elaborate on the relationships between them and to provide an understanding as to how they might be operationalised as empirical observations when present in a particular case” (Kay & Baker, 2015, p. 3). In this regard, the process tracing method lends itself to analysing “processes that are path dependent or rooted in strategic interaction” (Hall, 2008, p. 314).

The process tracing methodology requires identifying diagnostic evidence that provides the basis for descriptive and causal inference (Mahoney, 2012; Collier, 2011). There are two principal sources of such evidence: documentary research and key informant interviews (Collier, 2011; Tansey, 2007). For this research project, documents analysed include: articles from a search in the archives of The Straits Times (Singapore’s main news broadsheet) with key terms “maid” and “Singapore” between 2000 and 2015; the MOM website; Singapore’s Parliamentary Reports; research reports from NGOs; as well as respondents’ personal archives.

Based on a combination of documentary analysis and snowball sampling, we mapped out a list of key individuals who were involved in the day off policy process. We conducted semi-structured interviews with 14 key stakeholders (see Table 1 for list of interviewees). Our interviewees were selected on a non-probability basis. Elite interviewing (or non-probability sampling) is highly relevant for process tracing studies, as it analyses political developments at the highest level of government and engages elite actors as critical sources of information about the political processes of interest (Tansey, 2007). Tansey (2007) highlighted four uses of elite interviewing. First, it can be used to corroborate and triangulate what has been established from other sources – from both documentary data, as well as other interview data. Second, it allows researchers to gather rich details about the key interviewees’ thoughts and attitudes on central issues. Third, it allows for inferences to be made about the beliefs and characteristics of a wider group, such as key political groups or civil society organisations. Lastly, elite interviewing can shed light on the hidden elements of political action that may be absent from other sources, and therefore allow researchers to reconstruct an event, or set of events.

Table 1: List of interviewees

<b>ID</b>	<b>Name</b>	<b>Designation</b>	<b>Organisation</b>
PP001	Jolovan Wham	Executive Director	Humanitarian Organisation for Migration Economics (HOME)
PP002	John Gee	Former President; Head of Research Subcommittee	Transient Workers Count Too (TWC2)
PP003	Amelia Tan	Former journalist	The Straits Times
PP004	Saleemah Ismail	Former President	Singapore Committee for UNIFEM
PP005	Lynn Tang	Former Communications Manager	Singapore Committee for UNIFEM
PP006	Noorashikin Abdul Rahman	President	TWC2
PP007	Sukmo Yuwono	Former Counsellor	Indonesian Embassy
PP008	Anonymous	Former journalist	The Straits Times
PP009	Yeo Guat Kwang	Assistant Secretary-General	National Trades Union Congress (NTUC)
PP010	K Jayaprema	President	Association of Employment Agencies (Singapore) (AEAS)
PP011	Anonymous	Former officer	Ministry of Manpower (MOM)
PP012	Ummal Ummairoh	President	Indonesia Family Network (IFN)
PP013	Anonymous	Representatives	Philippine Embassy
PP014	Siew Kum Hong	Former Nominated Member of Parliament	Singapore Parliament

Note: MOM provided some background information in the drafting of this paper.

## Limitations

Whilst the process tracing methodology can afford us greater resolution on the underexplored arena of public policymaking, particularly in the Singaporean context, it is also bounded by various epistemological limitations. First, selection bias is inherent. The process tracing method necessarily involves the deliberate selection of diagnostic evidence that provides the basis for descriptive and causal inference; this identification process depends centrally on prior knowledge and dispositions of the researchers (Collier, 2011). In other words, this selection process is a subjective endeavour that may be wrought with unintended bias (Hall, 2013). In this vein, the “discovering” of causality is also contingent on the ability for the researcher to correctly discern and identify (hidden) causal mechanisms. In Singapore, public sources that have remained largely silent and policy processes that lack transparency can impede a holistic tracing of causality.

Second, there may be recall errors and inaccuracies reflected in our stakeholder interviews. While these in-depth interviews were crucial to testing our proto-explanations, weighing competing hypotheses, and delving under the official line to access “hidden transcripts” (Peck & Theodore, 2012), the timing of the research necessarily introduces memory biases. Since four years passed between the launch of the day off campaign (2008) and the announcement of the day off policy (2012), and then another three years until the start of this project (2015), respondents often lamented the limitations of their autobiographical memories and event reconstructions.

Third, our research involves the identification of key stakeholders and a representation of their accounts. While each stakeholder group should not be treated as a monolithic entity, there are limits to which we are able to capture the myriad of voices that exist within each stakeholder group. For one, we lacked access to individuals who were present during the period prior to the policy announcement due to the high institutional turnover rate amongst policy officers working in MOM. We also lacked access to particular key government appointees such as the Minister of Manpower, who arguably has the clearest picture of the Ministry’s policy orientations. While MOM agreed to provide background information for this paper, they did not give permission for their officials to be quoted. Accordingly, the presentation of stakeholder accounts are often second- and third- person accounts – either as constructed accounts of other stakeholders’ intentions and actions, secondary sources, or our own interpretation.

## Day off policy trajectory

The day off policy process lasted over almost a decade, beginning from 2003 when The Working Committee 2 (the forerunner of Transient Workers Count Too [TWC2]; see Annex B) first launched the “Sundays Off” campaign for migrant domestic workers, until the introduction of the mandatory weekly rest day policy on 5 March 2012. The following is a description of the policy trajectory.

### *Abuse of migrant domestic workers and access to days off*

When the issue of migrant domestic workers’ lack of access to days off first entered the public agenda, it was largely tied to the angle of abuse. Arguably, the day off issue’s entry into the public agenda could be dated back to April 2003 when The Working Committee 2 launched the “Sundays Off” campaign to encourage employers to provide regular days off for their domestic workers. Our interview with the former President of TWC2 John Gee, who was then already a member of TWC2, revealed that TWC2’s focus on campaigning for a day off was based on their belief that having access to days off would be the best solution to abuse as it allowed workers an opportunity to seek help. At that point of time in 2002, the issue of migrant domestic worker abuse had come under the national spotlight after a spate of articles exposed several abuse cases; the issue had also surfaced in parliamentary debates in May and August 2002. In fact, the formation of TWC2 in March 2003 (formally registered as a society in 2004) was triggered by citizens’ outrage and concern over the apathy of Singaporean society towards the violent abuse and subsequent death of Muawanatul Chasanah, a 19-year-old Indonesian domestic worker.

In December 2005, international watchdog Human Rights Watch (HRW) published a report titled, “Maid To Order: Ending Abuses Against Migrant Domestic Workers In Singapore.” The report resulted in the foregrounding of the abuse of migrant domestic workers in Singapore in national debates, including the lack of days off. The government responded to HRW with harsh criticism. Then-Minister of Manpower Ng Eng Hen went to the extent of securing an interview on BBC Radio to rebut criticisms from the report (Mulchand, 2005a). The government faulted HRW for grossly exaggerating and misrepresenting the situation of abuse in Singapore. Besides pointing to statistics of dwindling abuse cases and accidental falls, MOM also claimed that migrant domestic workers chose to work in Singapore on their own accord due to better working conditions, citing a 2003 poll by the Singapore Press Holdings (SPH) which claimed that more than 80 per cent of migrant domestic workers were happy working in Singapore (The Straits Times, 2005). MOM further asserted that migrant domestic workers in Singapore received comprehensive legal protection under the EFMA as well as the Women’s Charter (The Straits Times, 2005; Mulchand, 2005b). In MOM’s words, “with such flawed standards of research and reporting, it would be difficult to treat [HRW’s] findings and conclusions seriously” (TODAY, 2005; Mulchand, 2005a).

### *Market response: introduction of standard employment contracts*

In June 2005, the Association of Employment Agencies (Singapore) (AEAS) raised the proposal for all migrant domestic workers to have four rest days per month. CaseTrust and AEAS, the two accreditation bodies for employment agencies deploying migrant domestic workers, were then in the midst of designing a standard employment contract. The contract was expected to be used by over 500 accredited agencies, and signed by all domestic workers and their employers.<sup>2</sup> AEAS was then considering how the day off entitlement could be incorporated into a standard employment contract. This proposal emerged amidst fears of an impending migrant domestic worker supply crunch, in part due to better working conditions in other destinations such as Taiwan and Hong Kong, and in part due to MOM's introduction of more stringent entry criteria for migrant domestic workers at the beginning of the year (Wong, 2005a). From January 2005, new domestic workers who wanted to work in Singapore had to be at least 23 years old and have eight years of formal education. From April 2005, they would also have to pass an entry test comprising of multiple-choice questions in English within three days of arrival. The rationale behind these changes was that older and more educated workers were less likely to fall victim to exploitative labour practices (Devasahayam, 2010). Against this backdrop, then-AEAS president Mr Angland Seah argued that rest days and other incentives could help entice migrant domestic workers to Singapore (Wong, 2005a).

In October 2005, AEAS and CaseTrust announced that from January 2006, new employers had to give their domestic workers at least a day off a month or compensate them in cash under the standard employment contract (Arshad, 2005). To avoid "rigidity and inconvenience", employers and migrant domestic workers were free to decide which day the rest day fell on. However, the standard employment contract was only unveiled in July 2006, and subsequently implemented on 15 September 2006. The delay was reportedly due to disagreements between CaseTrust and AEAS over several contractual terms (The Straits Times, 2006a). AEAS had then hoped that the government would enshrine the rest day proposal in law, recognising that without legislation, many employers would opt for compensation instead of giving days off (Wong, 2005b). While MOM favoured migrant domestic workers entering into contracts with employers, they did not at that point make rest days mandatory for migrant domestic workers. The rationale given was that the move would impose rigidities on Singaporean employers, and that migrant domestic workers received adequate protection under Singapore law (Wong, 2005b; Basu, 2006).

Problems with the standard employment contracts soon emerged. Just a day after the standard employment contracts took effect, agencies were told they could replace the contracts if they could produce "better" ones (The Straits Times, 2006b). Clauses within the "standard" employment contract could still be changed as long as involved parties agreed, and these amendments would still be valid

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<sup>2</sup>In 2002, MOM mandated that all employment agencies placing migrant domestic workers had to be accredited by either of the accreditation bodies, as a criterion for getting their license renewed. As part of the accreditation criteria, agencies were required to use the standard employment contracts. Naturally, the assumption was that all domestic workers and employers would then have to sign the standard employment contract.

even without approval by CaseTrust and AEAS (Arshad, 2006a). In practice, some agencies simply stipulated higher salaries inclusive of the compensation in-lieu, and made no mention of days off to employers or workers; others categorised migrant domestic workers into “day off” and “no day off” groups for employers to choose from (Arshad, 2006b). Some agents also pressured migrant domestic workers to opt for compensation in lieu of a rest day by threatening to send them back to their countries of origin otherwise. While migrant domestic workers could seek recourse if there was a breach of terms, there were practical problems in pursuing such lawsuits. For instance, many migrant domestic workers would not have the money to go through a protracted case (Arshad, 2006a). Additionally, there were no checks in place to ascertain if domestic workers were indeed given a day off (Devasahayam, 2010).

#### *Day off campaign for migrant domestic workers*

On 1 May 2008, TWC2, HOME and the Singapore Committee for UNIFEM (hereby referred to as “UNIFEM Singapore”)<sup>3</sup> launched the day off campaign (refer to Annex B for a brief overview of these NGOs). The campaign had two principal aims: first, to encourage employers to give their domestic worker a weekly day off; second, to propose legislative changes to this effect. Understanding how the three NGOs converged upon the day off as an advocacy goal and came to launch the campaign offers a glimpse into how policy processes are not necessarily linear, and in fact are often serendipitous. In this regard, the timing and decision to launch the campaign was most likely explained by the availability of funds, which UNIFEM Singapore had internally raised. With HOME and TWC2 having since established and positioned themselves as migrant worker advocacies, Saleemah Ismail, then President of UNIFEM Singapore, approached Jolovan Wham (current Executive Director of HOME) to discuss if there was any issue he thought would be particularly pressing with regard to migrant domestic workers. Jolovan Wham describes the process as follows:

How that happened – I remember. It was Saleemah from UN Women. She came and said, “let’s do a campaign for domestic workers.” I was like, what campaign? And she was like, “I don’t know, that’s why I asked you.” [laughs] [...] Yes, they had some funding. So I said, okay, let’s call TWC2 and then discuss what we want to do. I called John, and John said OK, let’s do day off. So it was how it was done.

Through activist networks formed within Singapore’s civil society sphere, John Gee, Saleemah Ismail, and Jolovan Wham were able to collaborate on a fairly informal basis and were able to immediately identify two key related issues: (a) that the lack of access to a weekly day off underpinned a whole host of other problems faced by migrant domestic workers; and (b) that it was the most concrete and practicable goal that the NGOs could aim for. In response to a question about whether there might have been the possibility of focusing on issues aside from the day off, Jolovan Wham recalls:

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<sup>3</sup> Now known as the Singapore Committee for UN Women. We will continue to refer to them as UNIFEM Singapore throughout the report, as that is what they were known as during the day off campaign in 2008. UNIFEM Singapore is a national committee and not a UN Agency (refer to Annex B).



We talked about salary loan deductions, but we felt that that was a bit hard to do. It's very complicated, because it also involves agencies overseas. [...] Then we also talked about things like physical abuse, but everybody knows that it's wrong. So it's not a problem. We also felt that the other kind of rights we wanted to have, can only come when we have the day off. Because without the day off they cannot even come out to complain right?

John Gee agrees, saying that a day off would alleviate workers' isolation and allow them to reach out for help, which in turn will assist them in dealing with issues of physical abuse, employer-employee miscommunication and the non-payment of salaries: "I was really convinced that the day off issue was central to the status of domestic workers in Singapore. Once you get a day off, then a lot of things become possible." Saleemah Ismail also acknowledged that this was a decision influenced by her own stance: she believed that delivering a targeted and clear message, refining the proposed framing of the advocacy message, eschewing a human rights framework and settling on a clearly-defined and visible goal was key to an effective campaign.

Following the launch of the campaign, several NGOs actors approached Siew Kum Hong privately, who was a Nominated Member of Parliament (NMP) at that time, and raised the issue of migrant domestic workers' lack of access to rest days. Siew Kum Hong then brought the day off issue onto the parliamentary agenda. During the parliamentary sitting on 26 May 2008, Siew Kum Hong asked the Acting Minister for Manpower whether the Ministry intended to introduce a mandatory rest day for foreign domestic workers. In response to his question, then-Acting Minister for Manpower Gan Kim Yong said:

The accreditation bodies, have in 2006, introduced a standard employment contract. All accredited employment agencies are required to use this standard contract. The standard contract requires employer to stipulate the number of rest days per month, and zero is not an option. Employers are also required to compensate their foreign domestic workers salary, should the foreign domestic worker work during their rest days. This is a more practical approach than legislating a fixed number of rest days per month for foreign domestic workers, given the unique nature of domestic work... allowing households the flexibility to work out an employment arrangement with their foreign domestic workers, including paying their foreign domestic workers for not taking their rest days, is a more sensible approach...most foreign domestic workers are happy working in Singapore according to a recent survey, and the reported cases of abuse have remained low. There is therefore no need at this point for MOM to legislate a mandatory rest day (Singapore Parliamentary Report, 26 May 2008).

The day off agenda resurfaced periodically in the Singapore Parliament thereafter. In the November 2008 parliament sitting, when amendments were made to the Employment Act, Siew Kum Hong once again took the opportunity to call for a day off for migrant domestic workers. In August 2009, Member of Parliament (MP) Christopher de Souza asked if the Minister for Manpower would consider

legislating mandatory rest days for migrant domestic workers. Again in March 2010, then MP Yeo Guat Kwang raised the proposal of mandating a weekly rest day for migrant domestic workers. On all three occasions, the proposal was rejected on similar grounds: that the standard employment contract introduced since 2006 already required employers to stipulate the number of rest days, where zero was “not an option”; and that it was not practical to legislate mandatory rest days due to the “unique nature of domestic work”.

Over six months during 2011, The Straits Times published a series of articles examining the employment conditions of migrant domestic workers in Singapore. In these articles, written mostly by then-Senior Correspondent Radha Basu, Singapore was routinely compared to other destinations for migrant domestic workers such as Hong Kong and Taiwan, where migrant domestic workers not only commanded higher salaries, but also enjoyed the right to a weekly rest day. These articles often articulated concerns of Singapore becoming a less attractive destination, and, consequently, fears of a migrant domestic worker supply crunch. For instance, The Straits Times released a special report in March 2011 titled “Behind the Crunch”, which posited that low perks, stringent eligibility criteria, and the surge in demand from other destination countries were amongst the key reasons undermining Singapore’s appeal to migrant domestic workers. The Straits Times then conducted a poll of 120 prospective migrant domestic workers at an employment agency in Indonesia, and found that only 15 cited Singapore as their preferred destination (Basu, 2011b). The supply crunch angle was thought to be a compelling news point as well as a highly relevant issue to explore at that point of time, though the angle had surfaced in earlier years as well (Basu, 2010; Toh, 2008). The series of articles then culminated into a final commentary written by Radha Basu on 23 June 2011, calling for the legislation of mandatory rest days for migrant domestic workers in Singapore. In the commentary, Radha Basu made the point that “to work ceaselessly without any rest day – whether the maid consents to it or not – has no place in any civilised society.”

### *International developments*

From 2010, there were several developments in the international scene which fed into fears of a migrant domestic worker supply crunch in Singapore. Towards the end of June 2010, the Philippines issued changes to the Migrant Workers and Overseas Filipinos Act: Filipinos seeking employment abroad had to fulfil certain requirements – such as signing a contract guaranteeing four days off a month – before they were allowed to leave the country (Kok & Teh, 2010). In August 2011, a media report claimed that the Indonesian government would only allow its citizens to work as domestic workers in just four countries, excluding Singapore, following a “comprehensive evaluation” of several destination countries’ policies on protecting migrant workers and their rights; Indonesian officials later clarified that the list was not final (Ng, 2011; Soeriaatmadja & Nazeer, 2011). In January 2012, Indonesia announced that it was looking to stop sending its nationals to work as migrant domestic workers by 2017 as part of its Domestic Worker Roadmap 2017. If Indonesia was to continue sending migrant domestic workers, they would have to be treated like other workers, with rights to fixed working hours and days off, amongst other rights (The Straits Times, 2012).

In June 2010, the United States Department of State Trafficking in Persons (TIP) downgraded Singapore from “Tier 2” to “Tier 2 Watch List”.<sup>4</sup> In response, the Singapore government issued a detailed point-by-point rebuttal which criticised the report as “superficial and perfunctory at best” (National Archives of Singapore, 2010). The Singapore Ministry of Foreign Affairs described the report as more of a “political ritual than an objective study” (Toh, 2010). Shortly after, the Singapore government established the Inter-Agency Taskforce on Trafficking-in-Persons. While Singapore was promoted back to “Tier 2” in the June 2011 US TIP report, the latter singled out the issue of migrant domestic workers’ lack of access to rest days:

[T]he lack of a mandatory day off provided under Singaporean law to domestic workers restricts their opportunities to seek help when faced with abuses, including forced labor conditions; this created a challenge for Singaporean police in identifying forced labor victims among domestic workers, and for the government and NGOs in their outreach efforts [...] Domestic workers in Singapore [...] are excluded from the Employment Act, which specifies minimum terms and conditions of employment for rest days, hours of work, and other rights. This lack of legislation combined with the isolated workplace heightens the vulnerability of migrant domestic workers to trafficking.

On 16 June 2011, the International Labour Organization (ILO) Convention on Decent Work for Domestic Workers was adopted (C189). Amongst other things, the Convention included a clause indicating that migrant domestic workers are entitled to a full day of rest every week. However, Singapore abstained from the vote on the adoption of the Convention on the basis that it was uncertain if it could implement all of the provisions (Spykerman, 2011; The Straits Times, 2011).<sup>5</sup>

### *Policy review and adoption*

Commenting on the new ILO Convention at a community sports festival at the Singapore Polytechnic on 19 June 2011, then Minister of State for Community Development, Youth and Sports Halimah Yacob urged Singapore to “consider legislation that makes employers give their domestic helpers a rest day every week” (Basu, 2011c). Responding explicitly to Halimah Yacob’s call, MOM announced on 22 June 2011 that it would review the call for migrant domestic workers to be given a weekly rest day or compensation in-lieu. The Ministry then said it would consult employers, agencies and NGOs whether

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<sup>4</sup> Tier 2 Watch List consists of “countries whose governments do not fully comply with the Trafficking Victims Protection Act’s (TVPA) minimum standards, but are making significant efforts to bring themselves into compliance with those standards, AND: a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or, c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.” The Tier 2 List consists of “countries whose governments do not fully comply with the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards” (U.S. Department of State, 2010).

<sup>5</sup> The adoption of C189 happened with 396 votes for the adoption, 16 votes against, and 63 abstentions (ILO 2011).

to make it compulsory for migrant domestic workers to be given a weekly rest day (Low, 2011; Mohandas & Cheow, 2011). In August 2011, MOM revealed that 52.6 per cent of migrant domestic workers in Singapore had at least one rest day a month (MOM, 2011). According to MOM, the study was conducted by the Ministry at the end of 2010, and it involved face-to-face interviews with over 900 migrant domestic workers across various ages, nationalities and work duration in Singapore. Later in October 2011, the proposal to mandate a weekly day off was announced in Parliament (Wong, 2011). A shift in position was also noted when then-Minister for Manpower Tharman Shanmugaratnam spoke on the issue:

The idea of raising the minimum standards by mandating a weekly rest day for foreign domestic workers attracts diverse views and require careful consideration. Foreign domestic workers, like other workers, need enough time to rest and relax. Recent interviews with over 900 foreign domestic workers indicated that a large majority felt they had adequate rest each day. However, only a minority had a weekly rest day. On the other hand, some employers cite family circumstances that make it genuinely difficult to cope without a foreign domestic worker. A large number of employers have also expressed concern about foreign domestic workers' activities on their day off. We are in the process of consulting all stakeholders, including employers, domestic workers, employment agencies and non-governmental organisations on this issue (Singapore Parliamentary Report, 20 October 2011).

Bureaucrats within the Ministry then proceeded to conduct several consultations regarding the day off policy. To examine different views with regard to the day off policy, MOM conducted a series of design thinking interventions and workshops. In brief, design thinking is a process that draws upon logic and systematic reasoning, with the goal of solving complex problems and creating desired outcomes for the stakeholders involved. According to a former MOM officer, this was perhaps the first time design thinking had been applied to a policy change in Singapore. In those workshops, MOM brought together people who espoused "extreme views". These people were identified based on a database that MOM had collected over the years, consisting of, for example, individuals who had written to the Ministry in support of or against a day off policy. The underlying assumption of the design thinking exercise was that the middle ground would be covered once peripheral views had been considered. Different groups, including employers, NGO representatives, agents, domestic workers, and the adult children of employers, sat together to discuss the day off issue. At the conclusion of this whole process, MOM produced a set of recommendations towards making the day off policy mandatory.

On 5 March 2012, then Minister of State for Manpower Tan Chuan-Jin announced the legislation of the weekly day off policy for migrant domestic workers in Parliament. The government introduced some flexibility in allowing employers and migrant domestic workers to agree on compensation in lieu of a rest day (Singapore Parliamentary Report, 5 March 2012). Additionally, to give employers some time to adjust, the legislation would only apply to migrant domestic workers with work permits issued or renewed from 1 January 2013 (Tan, 2012a; Ng, 2012).



## **Policymaking space in Singapore**

### *The Singapore government*

The Singapore state has been variously characterised as authoritarian, communitarian, and illiberal (Chua, 1995; Ho, 2003; Rodan, 2000) over the years. Singapore has effectively been a one-party state since the People's Action Party (PAP) came to power in 1965, after which it has sustained a large part of its political legitimacy through maintaining economic growth and social stability (Chua, 2012; Ho 2003). Emphasising social stability often entailed advocating collectivist and communitarian interests over individual rights and consensus over dissent. The dominance of PAP in Singapore's history has fostered the hegemony of a politico-bureaucratic elite (Rodan, 2009) in the policymaking process. Drawing on a few policy case studies in Singapore, Ho (2003) argues that the government tends to “set its own pace in designing solutions and proposals” and “seek the citizens' feedback only after the issue has been placed on the decision agenda.” Singapore is occasionally described as an “administrative state” where politics is “transformed into a set of technocratic processes and ideologies intended to narrow the scope and nature of contestation”; the bureaucracy becomes the arena of contestation instead (Rodan & Jayasuriya, 2007; Chan, 1975). Policy issues are often framed as technical issues in need of expertise and “best practices” that bureaucrats then furnish. Chua (2012) characterises such an orientation as technocratic – focused on problem-solving and strongly committed to upholding the rule of law – that replaces a “struggle over normative goals” (Rodan, 2009). The state claims that policy choices are purportedly made in the absence of ideology and purely in the name of pragmatism, though it must be recognised that pragmatism is also in itself an ideology (Tan, 2012).

In a bid to integrate “conflicting interests” into the parliamentary process, the administration under Prime Minister Goh Chok Tong introduced the Non-Constituency Members of Parliament (NCMP) scheme in 1984, as well as the NMP scheme in 1990. While the first scheme arose to secure the presence of an “intelligent opposition” in Parliament offering an alternative voice, the second was an “institutional innovation” which sought to allow “able and qualified concerned citizens to contribute” to debate without entering the electoral process (Ho, 2003). Ideally, the NMPs would be able to represent the interests of various groups in society – migrant workers, for instance – who are not part of the constituencies of the rest of the Members of Parliament (MPs). Rodan (2009) points out the NMP scheme manifests the “elitist and technocratic argument that the Parliament need[s] apolitical experts who could help elevate debate beyond combative engagement towards constructive public policy contributions.” Jayasuriya and Rodan (2007) argue that these new forms of political participation, while making the “one-party state more politically robust”, marginalise competitive politics and independent civil society.

### *Civil society in Singapore*

Chua (1995) argues that the mandate enjoyed by the PAP rests on a form of “national survivalism” which enshrines communitarian ideology. Singapore’s sense of crisis – based on a “national survivalism” which suggests that it is in perpetual peril due to its small size, lack of resources, and situation in a hostile region – crucially shapes the space in which its civil society operates. As mentioned earlier, social and economic rights are elevated as critical to Singapore’s collective and mutually-reinforcing interests of political stability and economic development, while civil and political rights are dismissed as alienating and divisive (Ho, 2016). Yee (2009) suggests that, as a result, “rights claims and contentions that emerge from society become circumscribed within the frame of the nation” (p. 579). The contentions surrounding migrant rights in Singapore map themselves uneasily onto popular analyses of migrant rights advocacy in more “liberal” Western political regimes.

It has been frequently suggested that Singapore’s civil society is compelled to censor itself and its actions due to “out-of-bounds” markers, which are applied by the state to dictate and circumscribe appropriate political expression (Lyons, 2005). Civil society participants are thus expected to position themselves as conciliatory partners instead of combatants facing off the government; any civic participation is anticipated to be constructive, rather than disruptive, in nature (Cheah, 2009). Cheah (2009), illustrating this statement with the much-quoted ‘banyan tree’ metaphor – in which then Minister for Information and the Arts, George Yeo, suggested in 1991 that the generously overarching shade of the government’s “banyan tree” must be pruned to nurture nascent civic institutions – goes on to point out that this “seems to differ significantly from that envisaged in Western liberal political thought, where civil society is seen as counter-balancing rather than supportive of government” (p. 223). Correspondingly, the “political opportunity structure” (McAdam, 1999) in Singapore has generally been politely described, at best, as “closed”: or, as Bal (2015) more baldly puts it, a “near-absolute lack of opportunity for NGOs to pursue their agendas” (p. 220). Bal (2015) extrapolates on his statement by making the following observations of Singapore’s policymaking space: the closed institutional arrangements of the PAP-state; the coherence of its one-party rule; its lack of non-party elites with whom NGOs may ally; and its capability as well as its willingness to suppress political dissent. All of these elements create conditions in which NGOs must carefully and strategically manoeuvre in order to make any gains.

Other theorists have in turn productively interrogated the political opportunity theory. Piper & Uhlin (2003) note that political opportunities are constructed, produced, and actively interpreted by civil society participants; they do not open and close only in response to changing institutional structures. Kemp and Kfir (2016) harness the idea of collective action frames as a lens to expand on their idea of a “politics of resonance” within Singapore: they explore how Singaporean activists strategically deploy cultural mediation strategies of discursive mirroring, bootstrapping, and global-local translation in order to create a sense of “public resonance” (p. 87) around migrants’ rights. Chua (2012) expounds on the idea of “pragmatic resistance”, a “strategic dance” in which “activists adjust their tactics according to changes in formal law and cultural norms, and push the limits of those norms while simultaneously adhering to them” (p. 714). As long as activists are careful not to threaten the fundamental levers to power in Singapore, the ruling party takes its place as a willing partner in this

symbolic dance, creating space for activism to exist. In sum, analyses that once emphasised the limitations of civil society actors in Singapore are moving towards understanding instances of productive and successful advocacy, particularly within the sphere of migrant labour activism. We seek to adopt a similar approach to analysing the day off policy by leveraging on this more nuanced framework of a strategic advocacy underpinned by the unspoken rules of a “dance” with the state instead of usual analyses which emphasise state power over an inert civil society.



## Hypotheses

A central question that this paper aims to answer is: why was the day off policy for migrant domestic workers introduced in March 2012? In examining this question, this paper derived three hypotheses from both grounded research as well as academic literature on policymaking in Singapore, namely: NGO advocacy; international pressures; and economic imperatives. The first hypothesis posits that the policy was a result of sustained campaigning efforts by local NGOs. The second hypothesis posits that policy revision was triggered by the government's commitment to safeguarding Singapore's international reputation. The third hypothesis posits that the day off policy was legislated as a means to increase Singapore's appeal as a destination for migrant domestic workers, amidst fears of a supply crunch of these workers. In the following section, each hypothesis will be examined in greater detail.

### NGO advocacy

As noted earlier, recent scholarship on civil society in Singapore has begun to examine and document instances of productive and successful advocacy, particularly within the sphere of migrant labour activism (Chua, 2012; Zhang, 2013; Kemp & Kfir, 2016). Expanding on this body of literature, the NGO advocacy hypothesis suggests that campaigning efforts by local NGOs prompted the introduction of the day off policy. Several respondents highlight that NGOs played a vital role in the policy process by keeping the question of a mandatory day off visible on the agenda over a prolonged period of ten years. As President of the Indonesian Family Network Ummi Ummairah puts it, "The campaign of the day off has taken ten years. [...] Ten years, honey!" As migrant work activism was fairly new to the public agenda in 2003-2004 when both HOME and TWC2 entered the civil society arena, the first years of campaigning were directed at making concerns about foreign domestic workers more visible, and to create new frames of alignment regarding the vulnerabilities of domestic workers which were both tenable and convincing to the public. Siew Kum Hong describes the process in terms of being able to compete with dominant frameworks of understanding set by the ruling party, as well as by mainstream media:

Firstly, you need to have education; people need to know about the issue, and understand the issue before they can make up their own minds. If you leave it to the government and mainstream media, a lot of things will be framed in a certain way [...] I think providing those alternative viewpoints and just those perspectives is really valuable.

Key activists such as Jolovan Wham, John Gee, and Noorashikin Abdul Rahman (long-term member and current President of TWC2) recognised that long-term agenda-setting activities, such as governmental dialogues and public education initiatives, were an integral part of their activism. Saleemah Ismail highlights the importance of continually returning to key themes to keep the day off agenda alive:

I think it's an accumulation of years of us highlighting the issues behind the day off, such as addressing concerns about loss of security bond [...] One behaviour we wanted to influence was one where employers give a day off. For long term change, we need public education to change the mindset and behaviour of employers. [...] The discourse is out there for people to discuss it, to talk about it. If we let that drop, I think everybody will conveniently forget about it. So it was quite important that we continue to raise awareness. All of us play a small part in the big picture. It's kind of like part of the jigsaw.

For other activists, continually boosting migrant labour issues to the top of the agenda required a careful and creative re-thinking in order to invigorate key messages for intended audiences over time. Keeping issues salient, newsworthy and interesting required concerted effort as various policy arenas become inured to agenda-setting efforts. According to John Gee:

The challenge over the years really was [to] find new ways of raising the issue and find ways of pressing it forward [...] reiterating the same argument and the same calls [...] ceases to be newsworthy and people have heard them before. So doing something more creative is quite hard [...] within two years of the beginning of our efforts, we had gone through all the arguments against giving workers days off.

One of the most visible NGO efforts to this end was the concerted day off campaign in 2008. It was the first time that several civil society groups banded together towards a common goal of pushing for a day off for migrant domestic workers. Many of respondents added that the alliance brought greater legitimacy and visibility to the day off issue: for instance, Noorashikin Abdul Rahman pointed out that HOME and TWC2 were unpopular with Singaporeans due to their perceived bias towards migrant workers, and that bringing UNIFEM Singapore on board the campaign was seen to add a measure of neutrality. In designing the campaign, Saleemah Ismail brought years of her regional campaigning experience to bear by refining the proposed framing of the message, choosing to diverge from the tone of advocacy and agenda-setting which had already been established by HOME and TWC2. For her, it was a matter of concretising a broader human and labour rights framework into a specific, bounded, and immediately recognisable goal. Her detailed account illustrates her priorities:

From talking to John and Jolovan, I find that them pushing for human rights, workers' rights, and migrants' rights is too big. And rightly so. But on my part I felt that the public needed to see an illustration of migrants' rights being applied to their day-to-day life. So we created a three-organisation collaboration with one key message on one issue — day off for female foreign workers. People don't — it's very hard for people to understand, you know. [...] What is migrants' rights, what does it entail, you know? [...] So for [this], it's purely of day off. [...] The campaign posters were questioned by MOM. Subsequently they were removed from public display. And the reason we did not go to the public for this is because I feel that it would distract the attention away from the message of the day off. All this happened just a few days

before our press conference. So I thought, I want the press conference to be about the day off. You know, if we talk about this, the press will talk about censorship instead. We must pick our battles. I want the media, I want the public to focus on giving foreign domestic workers a day off each week. [...] If the messages are politicised, it will also distract those whom we want to influence from focusing on day off. We need to focus on key message to influence behavioural and mindset change of our target audience. You need to focus and drum on key message. Forget all this other noise, focus, focus, focus, and then people like remember.

While framing this issue, NGO activists used a number of strategies that they thought would be effective in emphasising the message of the day off. As mentioned above, they avoided a rights-based discourse and adopted a strategy of a “politics of resonance”, defined as a “pragmatic adaptation according to the topic of struggle, the relevant addressees, and the venues through which they can be most effectively advanced” (Kemp and Kfir, 2016, p. 111). In this regard, NGO activists segmented their audiences and appealed to empathy instead of adopting a rights-based approach. For example, many NGOs put in a great deal of effort in reaching out to students and youths, because they felt that these audiences would be most open and receptive to their messages, and would be able to transmit these messages on their behalf when they went home to their families as part of casual dinner-table conversations. John Gee says:

I think with the younger audience, if you went to speak at a school or university, I think the approach of arguing that, how would you like to be in this position - trying to get people to empathise with the workers, was probably more effective than with any other age level. I think they were open-- more open-minded about that. And I think also - I think they also take a message back to their families actually. Because parents want to appear enlightened and good in the eyes of their children.

According to respondents’ accounts, the government responded strongly to the day off campaign by seeking to thwart it, particularly in areas where they felt that certain state-defined boundaries had been crossed. One issue clearly remembered by all four activists – Jolovan Wham, John Gee, Saleemah Ismail, and Lynn Tang (former communications manager at UNIFEM Singapore) – was the display of campaign posters along the underground stations of the Mass Rapid Transit (MRT) train system. Jolovan Wham remembers that it was the usage of the word “slavery” that MOM officers were particularly concerned about and perceived as especially provocative, an issue so “divisive” that “it will split Singaporean public”. He says:

At the time UN Women had arranged [for] SBS [Singapore Bus Services] transit to put these posters along the NE [Northeast] line. And they have already done so. These were like black and white posters. “Domestic work is not slavery, give your maid a day off.” Something like that. So they were very unhappy with the phrasing – “don’t use the word slavery, why do you use the word slavery? It’s very extreme. Can you all change the poster?” So we were like, we’ll try but we can’t change it immediately. But we’ll try.

While a second round of posters was indeed revised and subsequently re-produced with the term “slavery” removed, they were not put up. Land Transport Authority (LTA), as well as MOOVE Media, informed Saleemah that:

They just called us to say, oh there is a miscommunication, someone has actually—prior to you guys someone has already booked the space. So we have to, you know, remove all of your ads. I was like, so suddenly someone took the exact ten spots that we had, you know? They say, yes yes, of course [...] it seems a bit far-fetched that someone suddenly took the exact ten spots, in the same month that we have booked. So we said okay.

NGO representatives identified several barriers to participating fully and effectively in the policymaking process. Firstly, a consensus across all stakeholders, including activists, is that policy change is led from within a closed government system. Many respondents feel that it is the elite within the government who have the ultimate say in deciding whether a particular policy will take shape or not. As Noorashikin Abdul Rahman reflects:

If any NGOs said it’s because of all the noise that we have made, I think that’s not really the case. I don’t give ourselves too much credit, because our government doesn’t really listen to NGOs. We can embarrass them for sure, but yeah. Not to say that there’s no roles for NGOs to play. There is, because we keep the agenda alive, create the awareness and pressure for it. But to admit that the government is finally listening to NGOs, that’s just too far. It has to be someone from within who wants that change.

Secondly, another barrier identified by NGOs is associated with the institutional characteristics of their main target audience for legislative change, which is MOM. As several interview respondents have observed, there is a lack of continuity within MOM due to the government practice of regularly rotating policy officers within Ministries. This meant that meaningful collaborative relationships between policy officers and civil society representatives could not be built and sustained, and that activists had to continually nurture or lobby new government officers. This also meant that the confluence of bureaucrats and policymakers at any one time might either have very variegated or homogenous stances towards migrant worker issues, and that it was difficult to predict and identify when political opportunities might open up (or might be potentially cultivated).

Thirdly, there is the common perception that the government mistrusts NGOs. For instance, NGO respondents recalled an incident where the three organisations involved in the day off campaign were asked to meet MOM officers, not as an alliance, but separately. Both Jolovan Wham and Saleemah Ismail recounted being greatly outnumbered by the number of MOM officers within the room and described an absence of introductions from a large number of new and anonymous faces. These were seen as attempts to fluster or intimidate. Jolovan Wham thinks that the reason why there was a hasty call-up of a number of additional parties was because “[MOM] saw this as something that could turn

into a national crisis” and thus had to bring in a crisis management team. Both Jolovan Wham and Saleemah Ismail remember that a representative from the Registry of Societies was present; Saleemah Ismail recalls that this individual had a copy of UNIFEM Singapore’s constitution in front of him to check if any of the organisation’s constitution laws were contravened.

The lack of trust apparently stems from a key difference in positioning: according to our interview respondents, MOM pitch themselves as neutral arbitrators attempting to balance the interests of various stakeholders, whilst NGOs are often perceived as actors with biased agendas weighted toward migrant domestic workers. Not only are NGOs seen to be overly idealistic, they are also thought to be unlikely to consider the wider picture, or to offer a balanced solution that takes into consideration the interests of all stakeholders, including (and perhaps above all) employers. NGOs are perceived to prioritise abstract and unrealistic human rights issues over more pragmatic considerations of how their policy recommendations may increase costs for employers and for the state in general.

In sum, NGOs play a crucial role in agenda-setting and in offering competing frames of understanding for the treatment of migrant domestic workers in Singapore. They identify barriers to entry in participating in the policymaking process and seek to overcome them through a number of tactics and strategic positioning: for example, in understanding that the government sees them as biased parties with weighted agendas, activists involved in the day off campaign sought to ensure that their research report on the day off issue was produced and visibly led by academics (arguably seen as more neutral actors) and emphasised their representative sampling and stringent methodology (UNIFEM Singapore, HOME & TWC2, 2011).<sup>6</sup> They also seek to foster informal relationships with bureaucrats and the political elite even as they are excluded from more formal arenas. Whether or not their activism precipitated the decision to institute the day off is more difficult to trace, but it is certain that they had a role to play in the incremental and long-term process of making migrant domestic workers’ right to a day off increasingly plausible and socially acceptable.

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<sup>6</sup> In 2011, UNIFEM Singapore, HOME and TWC2 produced a report as an addendum to the day off campaign. Titled “Made to Work: Attitudes Towards Granting Regular Days off to Migrant Domestic Workers in Singapore”, the report found that the most popular reasons for not giving workers a day off was because employers wanted to shield workers from “bad company” and because “our maid doesn’t want a day off”.

## International pressures

Singapore's commitment to safeguarding its international reputation has been singled out in the past. Teo and Piper (2009) affirm that the Singapore state "is highly concerned about its international image and sensitive to charges that it is acting in ways unbecoming of a First World country", noting that activists have "leveraged precisely on this in order to appeal to the conscience of both the Singapore government and Singapore citizens." Piper (2005) also notes that since the Flor Contemplacion case in 1995, the Singapore government has become aware of the "diplomatic embarrassment maid abuse can cause".<sup>7</sup> Thus, the international pressures hypothesis suggests that the policy revision was compelled by the government's cognisance of the importance of upholding Singapore's international image, and the ramifications of lagging behind global standards and conditions offered by comparable migrant domestic worker destination countries. Compared to local advocacy efforts discussed in the preceding section, Jolovan Wham from HOME found external pressures more crucial to the legislation of the day off policy:

I think there was a lot of external pressures. Local pressure is there, but Singapore hardly responds to local pressure. They can choose to ignore you. And this is not an issue that Singaporeans are getting riled up about. They can just ignore you. So I think the external pressures were very important to this.

Singapore government's responsiveness to external pressures has surfaced in the trajectory of the day off policy; as mentioned earlier, accusations from HRW and a poor showing in the US TIP Report have drawn immediate retorts from the state. Siew Kum Hong notes that the government is "ultimately [...] embarrassed" and "will take steps to take themselves off the [TIP] list." In this regard, the eventual legislation of the day off policy could be construed as a part of the state's efforts to address "maid abuse" and labour trafficking, given the international attention to these issues, and the Singapore government's prior response to these issues. Additionally, the Inter-Agency Taskforce's identification of the day off policy as one of their milestones in 2013 provides grounds for construing such a link (MOM, 2013a).

Basu (2011c) further notes that the day off policy was targeted at and informed by the well-supported finding that abused workers tended not to have rest days, as was similarly flagged by the 2011 US TIP Report. This was illustrated in the day off policy announcement, where then Acting Minister for Manpower, Tan Chuan-Jin (Singapore Parliament Reports, 5 March 2012) stated:

MOM's records and feedback from non-governmental organisations (NGOs) that provide assistance to foreign domestic workers in distress indicate that the majority of foreign

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<sup>7</sup>In 1995, Filipino domestic worker, Flor R. Contemplacion, was executed for killing another Filipina domestic worker, and the three-year-old Singaporean son of her employer. Her execution resulted in severely strained relations between Singapore and the Philippines, after Singapore rejected an appeal from then Philippines President, Fidel Ramos.

domestic workers with management problems do not have rest days. Between 2007 and 2010, a significant majority of foreign domestic workers who suffered work-related injuries or committed suicide did not receive rest days. Places that shelter foreign domestic workers reported that those who run away from their employers generally do not have rest days.

The examples of the HRW publication and the US TIP Reports illustrate the Singapore government's responsiveness to external pressure when the country's reputation came into question. Noorashikin Abdul Rahman adds a caveat that the government's response to international criticisms is dependent on:

who is making the noise. I know for example like when Human Rights Watch released the report on the state of domestic workers in Singapore, they took it quite seriously and [former Minister for Manpower] Ng Eng Hen actually went on BBC to be interviewed. [...] I mean he wouldn't have gone onto BBC if they were not concerned about what's being reported. It depends on [the] organisation. So like HRW yes, Amnesty International, yes. The UN, yes. I think to a certain extent. I think if you can get issues that are covered by international media, like NYT [New York Times] ... think it could bear some kind of weight. It was good that HRW came and did a report. Of all the Asian countries, they did the Middle East, some countries in the Middle East. And they chose us, and they did Malaysia as well. So... not Taiwan, not Hong Kong, but us.

Many interview respondents definitively singled out the International Labour Organisation (ILO) Domestic Workers Convention (C189) in 2011 as a precipitating event. The Convention describes a "historic set of international standards aimed at improving the working conditions of tens of millions of domestic workers worldwide" through providing the "same basic labour rights as those available to other workers, amongst which include weekly rest of at least 24 consecutive hours" (ILO, 2011). However, Singapore was one of the 63 member-states that abstained from voting on the adoption of the Convention. MOM said it would "sign the treaty only when it was sure it could implement it here, and that it would continue to review the rights and responsibilities of employers and workers" (Spykerman, 2011). As Yeo Guat Kwang, Assistant Secretary-General of the Singapore National Trade Union Congress (NTUC) and former PAP MP, elaborates:

In Singapore, when we want to set anything in the law, we are not like some when they set the law – they have the law, but that's it. If you just go and check some countries surrounding us, they ratified almost all labour conventions. But if you look at what it has actually been able to protect their workers, I think there's nothing. And for us, fortunately or unfortunately, we go for 100 per cent execution. [...] Why? Because we are a small country. We know if [...] we lose any marks or not score, not able to score any marks, many of the others will pinpoint us. [...] So this is another practical consideration.

Noorashikin Abdul Rahman further suggests that Singapore is not ready to sign the Convention because Singapore's protections for migrant domestic workers are "very, very far behind" the Convention employment standards. Despite abstaining on the vote for the adoption of C189, the latter had a palpable effect on the policy discourse in Singapore. The successful adoption of the Convention not only formalised standards of decent work, it also crystallised international norms of decent work conditions for domestic workers. The Convention established a benchmark against which Singapore could pit itself:

A weekly day off is one of several standards agreed by a majority of the 183 member nations.<sup>8</sup> This is reasonable and just in an occupation of indeterminate work duties, long hours and minimal pay. Seen in this light, not granting maids the right to rest days and extra protections enjoyed by other categories of workers under international convention or domestic labour law would place Singapore in an awkward position (The Straits Times, 2011).

In establishing having rest days as a globally-recognised right and protection, the Convention provided a basis against which Singapore was perceived as trailing behind global standards. Moreover, many arguments for a rest day especially in the wake of the Convention hinged on aligning Singapore's policies to what was apropos a "civilised" (Basu, 2011a) and a "developed" society (Ho, 2011; Singapore Parliament Reports, 18 November 2008). Halimah Yacob, upon hearing the policy announcement in March of 2012, lauded it as a "progressive move" (Tan, 2012a). In the same vein, John Gee, Radha Basu, and Saleemah Ismail accounted for the day off policy as Singapore's move towards becoming a "First World nation."

The field of policy possibilities was also shaped by the work conditions, protections, and entitlements offered by comparable destination countries. Compared to Hong Kong and Taiwan, Newly Industrialising Economies in East Asia with significant numbers of migrant domestic workers in their workforce, Singapore fell noticeably short in providing decent work conditions. In considering the feasibility of the day off policy in Singapore, MOM "benchmarked" Singapore against other countries and studied how the policy had been rolled out (MOM, 2012a). It is therefore possible that the day off policy was legislated in Singapore in an attempt to "catch up" with these other destination countries vying for migrant domestic workers from similar source countries.

To sum up the international pressures hypothesis, it suggests that external pressures compelled the policy revision. Further, policymakers looked to comparable migrant domestic worker destination countries to gauge the necessity and feasibility of a policy review. However, a recognition of Singapore's international standing is seldom enough to spur pragmatic policymakers into action. It cannot be taken for granted that the government would be willing to act to align itself with international standards in every instance, as it did in the case of the day off policy. Alluding to the

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<sup>8</sup> As of April 2016, 22 countries have ratified ILO C189. Within Asia, only the Philippines has ratified the Convention (ILO, n.d.-b).



government's failure to repeal Section 377A that criminalises sex between men, Chua (2012) argues that:

The Singaporean state remains reluctant to change at the pace of international human rights discourse or under the ostensible pressure of transnational advocacy. The state and ruling party do covet international legitimacy, but they do not pursue it at what they perceive may be the expense of social stability and economic progress. To the PAP, economic progress represents its report card at the electorate polls, on which it relies for legal legitimacy from the domestic populace, and economic growth hinges on social stability. Both the PAP and the state see greater democracy and civil-political rights as trade-offs for these goods. Hence, they boldly defend actions that international rights activists accuse of rights violations.

While the state "covet[s] international legitimacy," it prizes "social stability and economic progress" even more. Coveting international legitimacy was thus unlikely to be sufficient in prompting policy change. In the case of the day off policy as well, "a supply crunch" of migrant workers appears to have provided the additional impetus for policy change. Not only did Singapore's international standing matter symbolically, there were also clear material consequences to lagging behind comparable destination countries for Singaporean employers. This will be elaborated on in the next section.

## Economic imperatives

Several scholars have documented the close integration of Singapore's migration policy with the country's national development calculus (Kaur, 2010; Coe & Kelly, 2000; Yee, 2009). Devasahayam (2010) argues that the rationale underlying Singapore's labour migration policies towards temporary migrant workers, including migrant domestic workers, has been that of "maximising economic benefits while simultaneously minimising social and economic costs" (p. 46). While there appears to be a gradual shift towards the protection of migrant workers, policies remain predominantly focused on reinforcing recruitment and placement procedures. With regards to the day off policy, several of our interview respondents also shared similar views. Jolovan Wham observed that the Singapore government is often driven by economic imperatives. Former journalist Amelia Tan argued that "improving the employment conditions of maids is secondary. The over-riding factor is to make life better for Singaporeans."

In this regard, the economic imperative hypothesis posits that the day off policy was introduced to render Singapore a more attractive destination for migrant domestic workers, especially amidst fears that both the quantity and "quality" of migrant domestic workers coming to Singapore were declining. Our interview with Amelia Tan revealed that MOM was then under a lot of pressure from both employment agencies and employers of migrant domestic workers. On one hand, agencies were complaining about their difficulty in recruiting migrant domestic workers, in large part due to better working conditions at other destination countries. On the other hand, employers were complaining that it was increasingly harder to employ migrant domestic workers. According to news reports dated October 2011, the waiting time for new domestic workers had then stretched from about two weeks in 2010 to as long as two to three months (Kok & Teh, 2010; Lin, 2011a). Against this backdrop, there were concerns that Singapore "may have to scrape the bottom of the barrel" to attract migrant domestic workers if working conditions did not improve (Tan, 2012b). Arguably, the day off policy was introduced as a means to enhance Singapore's appeal as a destination country for migrant domestic workers. Officially, this was presented as one of the reasons behind the introduction of the policy, when it was first announced in the Singapore Parliament on 5 March 2012:

We are currently one of the very few foreign domestic worker destination countries worldwide lacking in provisions for weekly rest days. This has led to us becoming less attractive to foreign domestic workers compared to other destinations in the region that provide weekly rest days, such as Hong Kong and Taiwan. Malaysia, too, has recently included this provision in a MOU signed with Indonesia. [...] Increasing Singapore's attractiveness as a foreign domestic worker destination will improve the supply of foreign domestic workers for employers. (Minister of State for Manpower Tan Chuan-Jin, 5 March 2012).

This point was reiterated in the press release that accompanied the announcement of the policy, which states that “this regulation is also expected to enhance Singapore’s attractiveness as a destination for quality and experienced FDWs [foreign domestic workers]” (MOM, 2012a).

Underlying the desire to enhance Singapore’s attractiveness as a destination for migrant domestic workers, and hence the legislation of the day off policy, was the state’s recognition of migrant domestic workers’ important contributions to many Singaporean households; and, correspondingly, Singaporeans’ continual dependence on migrant domestic workers. This was telling from Yeo Guat Kwang’s perspective:

We want to make sure that this will continue to be a quality workforce in Singapore... We have been pursuing and advocating for the well-being of this group of workers, to make sure that this group of workers is taken care of, because we know how important it is for us... The[ir] contribution to the family is more than just the job done. At least you keep the family intact. You at least allow the elderly to continue to be able to stay at home. These are key contributions that we need to recognise, and we see that this is the need that will come more. That’s why we need to do more... We do all these for the sake of we believe that we need them. We want them to come... [we] want Singapore to be the choice destination. Of course when we say choice destination... what I mean is that we will not be one country where the migrant workers or the foreign domestic workers say, “I don't want to come.”

Likewise, Amelia Tan recognised that domestic workers provide the backbone to many Singaporean households. In her words, “if they don’t come to Singapore, a lot of famil[ies] will come to a standstill.”

There are at least three interrelated reasons driving this “maid dependency syndrome” in Singapore. First, Singaporeans’ dependence on migrant domestic workers is driven by the high and increasing female labour force participation rates. As more women enter the labour force, Singaporean households – particularly dual-income families – are increasingly dependent on migrant domestic workers to fill a vital labour gap in the domestic sphere, whether this be childcare, eldercare or housework. Between 1980 and 2015, the labour force participation of married women in the formal sector grew from 29.3 per cent to 63.2 per cent (Kaur, 2010; MSF, 2015). As Devasahayam (2010) argues, migrant domestic workers are viewed by the state as “temporal necessities” that fuel the country’s economy: by substituting Singaporean women’s role in the domestic sphere, the latter can be actively engaged in the labour force.

Second, the dependence on migrant domestic workers in the domestic sphere is further driven by the long working-hour culture amongst Singaporeans. As Saleemah Ismail laments:

Singaporeans work the longest hours... and then they are supposed to answer emails on their Blackberry all the time... For them, the only time they have a break is Sunday. So if they give

their domestic worker a day off, they feel then they are not getting a day off as they have to take care of the family.

As highlighted by Saleemah Ismail, Singaporeans are known to have some of the longest working hours in the world's most developed countries (AsiaOne, 2013). According to the Morgan McKinley Working Hours Survey 2014, 82 per cent of Singapore's professionals who responded said they were working in excess of the hours stipulated in their contracts, and an overwhelming 85 per cent of respondents felt that excessive working hours had an impact upon their work-life balance. Despite this, some 72 per cent of respondents still continue to work outside regular hours, from home or on mobile devices (Lai, 2014). This is also tied to Singapore's middle-class aspirations for material security and upward mobility. As Yeo Guat Kwang observed, many Singaporeans employ domestic workers so that they can have more free time to work, amongst other activities. In this regard, many Singaporeans view migrant domestic workers as essential in attaining and maintaining a middle-class lifestyle both ideologically as well as materially, by "freeing" Singaporeans from responsibilities in the domestic sphere (Yeoh & Huang, 2009).

Third, many families continue to rely on migrant domestic workers for their caregiving needs, especially against the backdrop of a rapidly ageing population, where the country is faced with the prospect of one-fifth of the population aged 65 or older by 2030 (Huang, Yeoh & Toyota, 2012; Yeoh & Huang, 2009). Of all resident households with at least one migrant domestic worker in 2011, three-quarters had young and/or elderly family members (Heng, 2012a). This dependence on migrant domestic workers is partly attributed to a cultural preference for live-in care: the family, and women in particular, should shoulder the care burden; institutional care should remain as the last resort (Yeoh & Huang, 2009). However, there lies a tension within this familial discourse. Positioning the family as the primary caregiving site is becoming less tenable due to a care deficit in the family realm, as Singaporeans spend longer time at work, and as more women enter the workforce (Huang, Yeoh & Toyota, 2012). In light of this situation, the common de facto market-based yet family-centred option is to bring in home-based, low-paid migrant domestic workers. The National Population and Talent Division (NPTD) projected that the demand for migrant domestic workers will rise to about 300,000 by 2030, in light of an expected increase in the number of resident households with young and/or elderly members, as well as an increase in the number of households where both spouses are working (NPTD, 2012).

Several interview respondents also highlighted that some middle-income families in Singapore may not be able to afford alternative care options or institutionalised care. Having a live-in migrant domestic worker is thus both cost-effective and compelling: most workers are paid about SGD \$450 a month, regardless of the number of people in the household requiring care; even with the monthly SGD \$265 "maid levy" paid to the government and the worker's other living expenditures, these expenses pale in comparison to the average monthly fee for full-day childcare, which is more than SGD \$800, and can cost as much as SGD \$2000 for a single child (Heng, 2012b; Chan, 2015). As such, there is little incentive for employers to reduce their dependence on migrant domestic workers, who

are able to not only care for children and elderly members in the household, but also offer round-the-clock help with cleaning, cooking, and other household responsibilities.

As such, the structural dependence of employers on migrant domestic workers provided a compelling reason for the government to continue attracting a stream of migrant domestic workers to Singapore. Especially amidst fears of a supply crunch, legislating the day off policy became an important tool in the policymakers' arsenal to improve the working conditions of migrant domestic workers and entice qualified workers to Singapore. Ensuring a steady supply of migrant domestic workers to Singapore is a perennial concern, and fears of a supply crunch were not new. Similar concerns had emerged in 2005 when MOM tightened its manpower policy for migrant domestic workers. Yet the threat of a migrant domestic worker supply crunch in 2011 was unique in several ways. Unlike previous fears of a drop in supply in 2005, which was attributed to more stringent entry requirements instituted by the Singapore government, the 2011 threat of supply crunch was largely due to exogenous factors. Not only was Singapore facing competition from other destinations such as Taiwan and Hong Kong, which were offering better employment terms for migrant domestic workers, source countries were also becoming increasingly protective of their migrant domestic workers, and were imposing stronger demands for better employment conditions, using the supply of workers as leverage. The day off policy could thus be compelled by the need for Singapore to regain some influence over the recruitment process. Yet in the absence of data on the demand and supply of migrant domestic workers, we are unable to ascertain whether the threat of a supply crunch in 2011 was indeed a reality pressing enough to explain the timing of the policy.<sup>9</sup> Further, a former journalist from The Straits Times explains that the supply crunch in 2011 was a "news peg" that may not necessarily correlate with a tangible and real drop in the quantity and quality of migrant domestic workers. Regardless, the banner of a "supply crunch" presumably impinged on the interests of several key stakeholders, as we shall discuss later.

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<sup>9</sup> MOM only provides the data on the number (supply) of migrant domestic workers in Singapore between 2011 and 2015 (MOM, 2015a). Extrapolating from the available data, the annual number of migrant domestic workers in Singapore has been increasing consistently. There is no data measuring the demand for migrant domestic workers - whether there has been an increase (or decrease) in demand over the years.

## Discussion: Policy analysis

### Institutions

In examining the role of institutions in the day off policy process, we emphasise the historical institutionalist approach. The historical institutionalist approach expounds on the notion of path dependency and policy legacy, with the latter being referred to as the “tradition of past policies that structure and limit the universe of options open to new actors and challengers of the status quo.” (Outshoorn et al., 2016, p. 11). Specifically, we examine how the day off policy process was influenced by the policy legacies of incrementalism and seeking social consensus as an overarching goal. In this section, we also consider the role of veto players and policy entrepreneurs who were involved in the policy process. According to Tsebelis (2002), a veto player is a political actor whose agreement is required for a policy decision. Policy entrepreneurs are individuals who introduce and promote ideas in different fora and invest efforts to increase the chances for an idea to be placed on the decision agenda (Kingdon, 1995).

### *Incrementalism*

The day off policy process plausibly reflects Singapore’s policy legacy of incrementalism. The incremental model of policymaking is marked by marginal adjustments in policy choices over time (Jones & Baumgartner, 2005). Another key feature of the incremental model of decision-making is an aversion to radical changes; only familiar policy options are considered (Jans, 2007). In academic literature, Singapore’s policymaking process has often been characterised by incrementalism (Luk, 2014; Phua & Singh, 2015; Gill, 2013). For instance, in examining the government’s policy orientations in Singapore’s Budget 2009, Gill (2013) characterised Singapore’s policymaking process as that of “path dependence, continuity and incremental change” (p. 2). While there may have been exceptions to this model of decision-making,<sup>10</sup> several respondents have suggested that the day off policy was long in the making. Amelia Tan observes that:

MOM, like any government agency, don’t do things overnight. Takes a long time – they have to do focus groups, try to get feedback, surveys, and it was discussed very hotly in Parliament.

Several respondents noted that the day off policy was a gradual, long-drawn process, built upon existing initiatives and practices – specifically the use of standard contracts, which were introduced by private actors within the migration industry in 2006. These standard contracts built in a clause

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<sup>10</sup> In 2012, MOM introduced a policy barring migrant domestic workers from cleaning the exterior of windows. This policy was introduced within a short period of time following a spate of domestic worker falls from high-rise buildings. A press release about this issue was released in June 2012 after the spike in worker falls was noticed from January 2012 onwards; it states: “with immediate effect, employers of FDWs [foreign domestic workers] shall not allow their FDWs to clean the exterior of windows unless strict safety conditions are in place” (MOM 2012b).

where employers and workers were expected to agree on a number of days off per month. Yeo Guat Kwang claims that these standard contracts were part of a governmental master plan that set the precedent for the day off policy, where workers and employers were bound contractually rather than legislatively, allowing the involved stakeholders to “ease into” a legislative obligation:

In the model employment contract, we put in the off day [...] then we try to promote and say it should be at least once a week. If not at least once a month, but it's more on... using promotional and voluntary approach. [...] Because it's mandatory, if we started this and tie the employment agencies to do it beginning in 2007, by 2009 – one employment or work pass renewal cycle is two years – it will be done. [...] If this is in, in two years' time, all will have it. And by then, we can enforce, because what? Contractual. So we are using another law, which is contractual. With this, we try to solve the problem. We are pragmatic and practical persons. We always say we are PAP, so we work in a way to say that we must be really – we really look at purpose, and we work with purpose and passion. But we tell ourselves that we need to be practical and pragmatic. There's no such thing, 'this is ideal, we must have it'. Then how? We must find ways to try to work it out. If we can't have A, then we must get B first. So how it was done in 2006. [...] I think it's important for you to understand that since day one, we have been addressing issues [...] Actually it has been a process. I hope you can understand that Singapore, it's not so much who called it and then whether there was a pressure or what, but after we started doing all this, then we feel that now, the ground is already used to off-day.

In accordance with the institutional legacy of incrementalism, Yeo Guat Kwang argues that the ground was carefully “prepared” through private action before the eventual legislation of the day off policy; as he decisively concludes, “the real effect is almost the same.” Nonetheless, one cannot discount a degree of retrospective speculation and narrative construction, congruent with dominant perceptions of the Singapore government as cautious, prudent, and socially conservative. As Peck & Theodore (2012) write: “[C]onversations with demonstrably powerful policy actors may often yield exaggerated accounts of foresight, rationality, or creative entrepreneurship - what might be called ‘agent inflation’ (p. 26).” Coupled with Singapore’s institutional bent towards authoritarianism, the government’s policy incrementalism is a convincing angle through which stakeholders interpret the legislation of the day off policy.

### *Social consensus*

The institutional structure of Singapore’s government is characterised by its positioning as an administrative state: politics is “transformed into a set of technocratic processes and ideologies intended to narrow the scope and nature of contestation” (Rodan & Jayasuriya, 2007). In response to a 12.9 per cent swing against the government after the 1984 election, then-Prime Minister Goh Chok Tong declared that Singapore needed a “tradition of government which emphasises consensus instead of division, that includes rather than excludes, and that tries to maximise the participation of the

population in the national effort instead of minimising it.” This sort of consensus politics, Rodan and Jayasuriya (2007) note, is helpful for “elite rule” and effective policymaking.

In order to ascertain consensus about the day off policy, the state also held a series of consultations, which government respondents stated that they felt signalled enough social consensus for the policy to pass. A former MOM officer who was closely involved in the day off policy discussions explained the details of the stakeholder consultation process that precluded the policy decision:

So we had to do a series of consultations [...] I think we wanted and managed to avoid a situation where it was an NGO-led movement, but rather a social consensus. More important that it is a social consensus than what could be perceived as the interest of a niche group.

MOM’s series of consultations drew on the “design thinking” process that adopts a “human and user-centred approach” to policymaking, entails “providing voice to end-users and engaging them in shaping decisions”, “considering multiple causes of and diversified perspectives to the problems at hand” and “experimenting with initial ideas” (UNDP, 2014). According to the former MOM officer, the design thinking process for the day off policy allowed MOM to “find a policy position that encapsulated something that everyone could accept” across a vast range of views, and that a balance of interests was perceived to have been reached by the eventual passing of the policy in its final iteration: that while a day off for workers was made, in principle, mandatory, employers could still buy-out the day off through compensation in lieu if they felt that they truly needed the worker every day of the week.

That said, whether or not social consensus had been reached or not might be a matter of perception: as Smith (2010) writes, contentions surrounding policy operate in arenas with their “own logic, language, gatekeepers, and rules of engagement” (p. 2020). Stakeholder consultation is not a neutral process of ascertaining social consensus; rather, it draws on particular institutional logics and cultural rules. For instance, while attempts were made throughout the policy consultation process to include a range of interested stakeholders, and to facilitate the expression of views from conventionally marginalised voices (such as those of migrant domestic workers’), it is plausible that during the consultation process, some perspectives may be given greater weight than others when reaching a government-determined “social consensus”. Feedback from employers, including letters published in *The Straits Times*, was often taken as another barometer of public sentiment and were taken into consideration when determining “social consensus”. However, the arena of the media has its own rules of engagement, which are inflected by cultural logics, discursive forms, and notions of the purpose of a media outlet. Letters are not selected, edited, and published in a vacuum, and the publication of a particular letter does not necessarily indicate that this is a popular view. Siew Kum Hong further points out that Singapore does not conduct any public polls to gauge public attitudes



toward policies. As Siew Kum Hong suggests, there is still much “guessing” and reliance on “anecdotal feedback”, and “definitely room for getting it very badly wrong.”<sup>11</sup>

### *Veto players*

In an implicit acknowledgement of the dominance of the Singapore state, several respondents felt that key actors in powerful positions within the government, or more specifically, within MOM, were crucial to the passing of the day off policy. Two particular Ministers of Manpower during the policy review and announcement period – Tan Chuan-Jin and Tharman Shanmugaratnam – were generally perceived as relatively progressive, left-leaning, and liberal. Siew Kum Hong, commenting on the role of then-Acting Minister for Manpower Tan Chuan-Jin, notes that the day off policy “feels to me like something he would have pushed for.” This view is further strengthened in our interview with a former MOM officer:

At that time, there was a change of Minister, and I think Tan Chuan-Jin came in. And I think he was very sympathetic to this view. I think there have been many good reasons for this to be a politically unfavourable move, a politically unattractive move, because who are the employers of domestic workers? They are middle- and upper-class Singaporean women. So it's really not a palatable move. But he had a very strong sense of what he thought was right and wrong, and he thought he could sell this.

As such, the policy gatekeepers in play during the time of the policy review and implementation were perceived by respondents as favourable to the idea of a mandatory day off policy for migrant domestic workers.

### *Policy entrepreneurs*

Siew Kum Hong suggests that the role of the bureaucrats within the Ministry be taken seriously: there is “a lot of influence exercised by civil servants in terms of the papers they choose to write, on what issues.” Many NGO respondents often warmly listed the names of bureaucrats and policy officers within MOM whom they felt were particularly communicative or sympathetic; some felt that these individuals had a pivotal role to play in pushing the policy through. Policy reviews often seem to be initiated by bureaucrats who are attuned to changing sentiments on the ground, interpreted through channels such as online feedback channels and letters to the press. Noorashikin Abdul Rahman recounts the efforts of a high-ranking civil servant who went beyond the call of duty to engage NGOs and eventually to champion the policy, attributing the success of the policy largely to this individual and her team:

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<sup>11</sup> MOM consulted employers, migrant domestic workers, employment agencies and NGOs on the day off policy. The Ministry also tapped on REACH (reaching everyone for active citizenry@ home), which is a feedback channel open to all members of the public.

She engaged you and she listened... We had dialogues with her over a few things. I mean day off definitely was one of them. [...] And then one of her younger officers also engaged us because [...] we made a submission on the recommendations for the changes for the Employment Agencies Act. And then she came and visited us at the office with her team—introduced her team. So that was really nice. Yeah, so I am sure some of it may have sunk in *la*. [...] Yeah, very proactive! I watched, and [the civil servant] had really good officers that were working under her. Like these young graduates who were very idealistic about changing the world, which was good. We needed to tap on [that] energy.

That said, an important footnote is that the scope of bureaucrats' influence is often unpredictable due to an opaque and hierarchical political process.

Many activists also lauded the importance of having Halimah Jacob, the current Speaker of Parliament and a former Minister of State, speak at the passing of the ILO Convention for Domestic Workers on behalf of the workers' bloc, and continually advocating for the right of domestic workers to have a day off. In her "personal capacity", Halimah Jacob was elected into the ILO Governing Body as a Workers' Group Deputy Member from 1999 to 2011, and subsequently as Workers' Spokesperson for the International Labour Conference (ILC) Committee on Decent Work on Domestic Workers when it was first formed in 2010.<sup>12</sup> She also held various positions through the decade in NTUC, from Assistant Secretary-General in 1999, to Director of the Women's Development Secretariat in 2010. She has also been a MP since 2001. Following the General Election of 2011, Halimah Jacob was appointed as Minister of State of the Ministry of Community Development, Youth and Sports and then as Minister of State of the Ministry of Social and Family Development in 2012. In her speech as Worker Vice-Chairperson in the ILC Committee on Decent Work in 2010, she shares that her mother was a domestic worker, which buttresses her personal investment in the outcomes for domestic workers. In recognition of her importance in the policymaking process, the Association of Women for Action & Research (AWARE) crowned her AWARE Heroine of 2011 for "protecting the rights of domestic workers" (AWARE, 2011).

Within Parliamentary debates, Siew Kum Hong cites Halimah Jacob as an example of a MP in the PAP that "shares a bent for social justice" who will "try and express what [she] can within the parameters of the party." While "well-recognised and respected by the international community" and "having represented Singapore at various key international platforms during her tenure with the Labour Movement," she is also an office-bearing MP within the PAP (NTUC, 2013). It appears that Halimah

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<sup>12</sup> "The Governing Body is the executive body of the International Labour Organization (the Office is the secretariat of the Organization). [...] It is composed of 56 titular members (28 Governments, 14 Employers and 14 Workers) and 66 deputy members (28 Governments, 19 Employers and 19 Workers). Ten of the titular government seats are permanently held by States of chief industrial importance (Brazil, China, France, Germany, India, Italy, Japan, the Russian Federation, the United Kingdom and the United States). The other Government members are elected by the Conference every three years (the last elections were held in June 2014). The Employer and Worker members are elected in their individual capacity." (ILO, n.d.-a)

Yacob's unique position made a difference in the receptiveness of the state. Kemp and Kfir (2016) caution that local NGOs must “strike a delicate balance between mobilizing international bodies and maintaining their domestic relationships” with policy-makers while Chua (2012) argues that activists in Singapore deliberately avoid being seen as “claimants on an international stage”, a choice informed by the government’s past accusations of dissident groups in Singapore having foreign connections. In contrast to local NGOs and activists, Halimah Yacob has an entrenched role in the policymaking process, enjoys a good standing with the government and on the international stage, and appears to be exempt from pressures civil society would face in Singapore. This positions her uniquely and advantageously to advance the cause of migrant domestic workers without the risk of being alienated from the policymaking process.

For change to take place, it appears that there had to be the confluence of a high-ranking civil servant whose team believed in the day off policy and a progressive Minister of Manpower in power. In Noorashikin Abdul Rahman’s words, “there was a minister and a civil servant who cared.” Halimah Yacob’s expressed convictions and unique positioning could have galvanised this process as well. It appears that the stars within the elite political sphere had to align.

## Ideas

Taking Beland's (2009) "rhetorical frames" as a starting point to understand how ideas are created, shaped, and then (re)presented in society, we now turn to the use of discourse as a site of power. Dryzek (1999) defines discourse as a "shared set of assumptions and capabilities embedded in language that enables its adherents to assemble bits of sensory information that come their way into coherent wholes" (p. 25). Discourse is the foundation of what Benford and Snow (2000) call 'framing'. Framing processes take place when there is "meaning work" – a "struggle over the production of mobilising and countermobilising ideas and meanings" (p. 613). Drawing from Goffman (1974), Benford and Snow (2000) write that the "generation of interpretive frames" (p. 614) are dynamic and interactive: challenging, influencing, responding to, and reshaping existing and future frames of understanding. These frames of thinking, advanced by different players and institutions with competing interests in mind, are key to understanding the policymaking process.

## *Issues of care*

The formal government stance has consistently been that constantly available migrant domestic workers on a 24/7 basis are necessary to cope with some families' care needs; for example, in a response to a question posed by Halimah Yacob about a mandatory day off for domestic workers, then-Minister of Manpower Gan Kim Yong responded: "Households that have, for example, disabled family members who require constant attention may find it difficult to release the FDW [foreign domestic worker] for a prescribed period every month" (Singapore Parliamentary Report, 26 May 2008). As such, this debate focuses on whether care options in Singapore could sustainably continue to be outsourced to a transient and fairly cheap foreign labour source, or if there would be a move to pull back on foreign labour and strengthen institutional forms of care instead.

Civil society activists took up this issue in a variety of ways, acknowledging that the heart of the domestic work labour issue is that of care. In interviews and in a number of public fora, they deploy a framing process which suggests that: care falls disproportionately on the shoulders of women, a dependence on foreign labour is both untenable in the longer run and unfair to the migrant worker, and it is the government's responsibility to provide accessible institutional care options to Singaporeans. Various, activists argue that the gendered dynamics of a domestic division of labour which often penalises the women within the household have to be re-examined. In particular, female domestic workers to whom Singaporean households are too accustomed to outsourcing care labour round-the-clock are highly susceptible to caregiver stress. Especially in the context of few institutional alternatives to domestic workers as caregivers, migrant domestic workers are often at risk of burning out (see, for e.g., Østbye et al., 2013). These statements are corroborated by research findings that while migrant domestic workers assuage the crisis of care within the family realm, the "ambivalent positioning of the foreign caregiver within privatized, asymmetrical social relations has sometimes resulted instead in conflict and friction. In a minority of cases, these relationships have spiralled into

abusive situations” (Yeoh & Huang 2009, p. 78). As such, activists advocate for a day off for domestic workers as a much-needed respite from the often-draining job of being a caregiver, and to sustain the long-term and crucial insertion of migrant domestic workers as alleviating the care burden within the home space. Activists counter government and employer assertions that a day off is untenable for families with desperate care needs by putting the onus on the state to offer alternative, institutionalised, and affordable forms of care.

In a set of competing framing processes, other stakeholders had differing responses to how care should be socially allocated, and expressed concerns about being too open-handed with migrant domestic workers’ access to rest days. Yeo Guat Kwang noted that, in keeping with normative notions of filial piety, eldercare homes were consistently unpopular within Singaporean society and that flexible domestic labour continues to be a necessity. Recent eldercare-related developments led by the Ministry of Health have continued to emphasise a long-term shift from hospital- to community-based care by centralising migrant domestic workers as a linchpin of the latter (Ng, 2016). Institutionally, the government is not prepared for state-supported care infrastructure to replace home-based care: only 2 per cent of the elderly population occupies nursing home beds in Singapore, while 49 per cent of households with an elderly person who requires assistance employ migrant domestic workers (Ansah et al., 2012). In the day off policy announcement, MOM assured anxious employers that the opt-out clause meant that 24/7, round-the-clock care from domestic workers was still possible, as long as she was properly compensated (MOM 2012a). As such, the government’s hesitation to implement a mandatory day off for migrant domestic workers without an opt-out clause can be read as a result of their desire to continue outsourcing the care burden to what Dr. Amy Khor, current Senior Minister of State for Health, calls a “corps” of migrant domestic workers (Ministry of Health, 2016). K Jayaprema, the President of the Association of Employment Agencies Singapore (AEAS), argues that it would be difficult to staff care institutions as the job is unwanted by many Singaporeans; in fact, building more forms of institutional care would result in the import of more foreign labour to work at these centres. She also reiterates the contradiction between the state’s policy of liberal familialism (Sun, 2014), where the family is expected to undertake care, and the reality of day-to-day provision of care, where families are heavily dependent on outsourcing the care work to foreign domestic workers: “You know this fanciful thing they talk about, ageing in place. It’s like, you want to age at home. So what is the best alternative? Get a domestic worker in the home so that they all age in place!”

### *Moral anxieties*

Through letters to the editor in the Forum page of the Straits Times – an arena which the government monitors to interpret the sentiments of the electorate (Smith, 2010) – employers express commonly-circulated fears and tensions surrounding what they imagine domestic workers will do on their day off: squandering money, forming romantic and sexual relationships with migrant and local men, or moonlighting illegally as part-time cleaners, hairdressers, and manicurists. Noorashikin Abdul Rahman paints a picture of these fears:

You know MOM officers speaking of moral panic of 100,000 women on the streets, running around in shopping centres. “180,000 women [having a day off] is going to be a disaster.” That kind of mentality. From the social perspective, they think it’s good to have women who are supervised by families; keep them docile, then we don’t have to deal with the possible social consequences, like prostitution, marital break-ups, all of these kinds of things.

Several interview respondents acknowledged that a reluctance to give a day off stemmed not only because employers wanted round-the-clock help, but because there are particular deeply-embedded anxieties which surround foreign women’s access to public space. Yeoh and Huang (1998) write about these anxieties, which remain salient even today: “Employers thus fear that once out of their purview, maids will be ‘infected’ (morally corrupted) through a whole succession of ways including engaging in sexual liaisons with men, being led into ‘undesirable’, ‘unhealthy’ or ‘bad habits’ by the wrong crowd, becoming more ‘streetwise’ and thus more liable to frequently ‘inappropriate’ places, undertaking illegal moonlighting activities to earn extra income, and comparing notes with other compatriots with invidious results” (p. 590). While activists argued that workers have the right to do as they wish in their privacy and autonomy as adult women on their days off, employers often disagreed.

This particular framing of the cultural anxieties generated by the proposal of the day off policy was pre-emptively counter-framed by MOM through the re-positioning of the worker as a productive unit of labour: by emphasising and encouraging skills-training classes to be held for migrant domestic workers on Sundays (on which most domestic workers’ day off falls). These classes would provide a legitimate “private” space to which workers can retreat on their days off while simultaneously foregrounding them as domestic *workers* keen to improve themselves to serve their employers better instead of as migrant *women* causing “marital break-ups”. Saleemah Ismail also recognises the ways in which the government eschewed an emphasis on migrant domestic workers’ entitlement to rest and leisure by using employers’ interests to frame the debate. She notes that the government sought to pre-emptively curtail employers’ anxieties by suggesting that “[workers] can become more productive for [employers]” on their days off: “[MOM] are not coming from the rights perspective; they [are] coming from [the perspective that] '[employers] will benefit'.”

## Interests

In this section, we turn to the interests of various stakeholder groups with regards to the day off policy, including: employers, the Singapore government, employment agencies and migrant domestic workers. Examining the interests of the various stakeholders involved provides a sense of how they have influenced the trajectory of the day off policy by bringing it “on” or “off” public and elite agendas, depending on the various interests at stake. It is necessary to point out that the aforementioned stakeholders should not be treated as monolithic and homogenous entities; varying and conflicting interests exist within each group as well.

### *Employers*

On the surface, the day off policy was not perceived to be in the interests of individual employers. A longstanding concern amongst many employers was that giving migrant domestic workers weekly rest days would put them at risk of falling into “bad company”, and therefore jeopardise their \$5,000 security bond when workers become pregnant or run away (Lin, 2008; Basu, 2011c).<sup>13</sup> This was a recurring argument presented by many employers, despite MOM’s relaxation of some rules since 2010. For instance, employers are no longer held liable if a migrant domestic worker becomes pregnant (which is a breach of the Work Permit conditions), if they have informed her about Work Permit conditions beforehand, and reported any violations to the relevant authorities (Platt, 2015; MOM, 2015d).

Other employers argued that they genuinely needed the worker at all times, especially to meet caregiving needs. It would thus not be in their interests to give migrant domestic workers days off, as it would result in inconvenience; furthermore, should they require the domestic workers to work on their days off, it would also result in additional costs. Paradoxically, this was the very same reason why the day off policy was seen by the government as beneficial to employers in the long term. Specifically, the day off policy was a means to ensure that Singapore remains an attractive destination for migrant domestic workers, so that employers would continue to have a tenable, sustainable and affordable source of care. There appears to be a certain incoherence and contradiction among the interests of different employers, perhaps due to their lack of understanding of the inevitable trade-offs involved in policies (Ho, 2000). Despite many Singaporeans’ dependence on migrant domestic workers, some remain contented with the way migrant domestic workers are treated, and see little or no need for any improvements to their working conditions. Again, there were varying views amongst employers, and it would be erroneous to treat them as a single homogenous group; some were, in fact, supportive of the day off policy (Wong, 2005c; Tan & Mohamed, 2005; Ee & Poon, 2011; Lin, 2011b).

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<sup>13</sup> “A security bond is a binding pledge to pay the government (up to \$5000) if you break the law or the conditions governing the employment of a helper. You need a bond for every helper you employ, unless she is Malaysian. Bonds usually take the form of an insurance. The insurers guarantee to pay the government should you break the rules; then the insurers pursue you for the money. You cannot ask your helper to pay for the bond” (MOM, 2015d).

## Government

The government sought to prioritise the needs of Singaporeans when weighing employers' needs against migrant workers' welfare. This is congruent with a formal policy position that emphasises a "Singaporean core", which focuses on dispelling concerns about high immigration numbers by emphasising Singaporean concerns first (CNA, 2015). In the same vein, Noorashikin Abdul Rahman argues,

Their [the government] priorities are employers. Their priorities are to support the entire system of where carework is going. Singaporeans' needs first. That's their priority. [...] If you look at the budget planning and everything, it's basically towards enabling families to hire domestic workers more cheaply.

Hence, in order to sustain the inflow of migrant domestic workers to meet the needs of Singaporeans, the government argued that it is ultimately in the interests of Singapore to introduce the day off policy. While the government was aware that there would be trade-offs for employers, Yeo Guat Kwang was of the view that the trade-offs would not really penalise Singaporeans if properly managed: "if we can afford [the trade-offs], we can go through the process."

With that said, the government was aware that the day off policy would come at a political cost. In recent years, there has been growing sensitivities around the influx of foreigners in general (Yeoh & Lam, 2016). The government had to tread lightly in order to avoid appearing overly sympathetic to the needs of foreigners. As Yeo Guat Kwang states,

Politically, we can't openly say that we are actually putting so much effort for this... all the employers are also workers. Local workers. Singaporean employees. So we need to balance all interests of the stakeholders.

Some respondents also mention that the government conducted a series of exercises to test their messaging with regard to the announcement of the day off policy, to ensure that the issue and the legislation would be framed in a manner that would gain general acceptance amongst Singaporeans, and therefore minimise political cost. Siew Kum Hong noted:

It [social media] probably showed that there was actually substantial public support for introducing the day off policy. Probably not majority support but enough to make - to be meaningful. I think that's also important for the government to see right? I think to be fair to the government, you don't necessarily want a - you can understand if the government doesn't want to introduce a policy that, say, maybe 10 per cent of Singaporeans were interested in, if it would actually really *really* piss off the other 80 per cent. But if the calculus is more like you



know 30-50 or whatever then that is actually a lot closer, then you would feel a lot more comfortable making changes in policy.

Indeed, it appeared that the government was sufficiently confident that the policy could be introduced without any major backlash. This was telling in MOM's recognition that only a minority was creating an outcry in protest against the day off policy, and the Ministry's cognisance of the trade-offs involved in pacifying a minority group at the cost and expense of the majority.

### *Employment agencies*

The day off policy is largely favourable to the business interests of employment agencies in two ways. Firstly, it facilitates their recruitment of migrant domestic workers by making Singapore a more attractive destination. The trend over time seems to indicate that employment agencies would call for days off more fervently when faced with an industry-wide threat of migrant domestic worker supply shortages: this was the case in 2005, which resulted in the call to introduce the standard employment contracts (stipulating the day off clause) According to former journalist Amelia Tan, when the supply crunch resurfaced as an issue in 2011, agencies again brought their complaints to MOM. In this context, some agencies argued that giving weekly days off might be inevitable if Singapore wanted to attract more migrant domestic workers (Ee & Poon, 2011). In other words, the day off policy was generally regarded positively by agencies as a means to attract more workers to the country, and hence to sustain their business. K. Jayaprema further confirms this, hailing the day off policy as a "selling point" for employment agencies to attract more migrant domestic workers to Singapore.

Secondly, the day off policy is perceived as an indirect means to improve migrant domestic worker retention rates. By assuring workers of better working conditions, "higher-quality" workers are attracted to head to Singapore instead of competing destination countries. Better workers result in higher retention rates, which means that agencies' investments and profits are more secure in that they are able to avoid costs incurred if a "poor-quality" worker's employment is terminated before her placement fee loans are fully repaid. It is important to first understand that the debt-financed structure of the domestic worker migration industry builds in investment risks for intermediaries such as Singapore employment agencies. Herein, migrant domestic workers do not finance their migration journeys upfront; intermediaries are often only paid when the migrant is successfully placed with the next link on the brokerage chain (Lees, 2006). Subsequent intermediaries bear increasing risks of incurring non-performing loans and investments should a prospective migrant domestic worker back out of the migration chain further along in the process, where she has become accumulated more debt (Lindquist, 2010). Even after the employment agency has successfully placed a migrant domestic worker with an employer, the agency may still have to bear the brunt of the loan if the worker's

employment is terminated before her placement fee loans are fully repaid.<sup>14</sup> Noorashikin Abdul Rahman observes:

I think they [employment agencies] are sympathetic towards the workers, at least to have the day off... because they also bear the brunt of it. If workers are unhappy, they have to suffer the loss, basically... Overall they were saying that... it's increasingly very difficult for us to get supplies, because one, we offer wages that are among the lowest. Two, workers who go to Hong Kong will get day off... our employers don't want to give day off. So we are basically scraping the bottom of the barrel in terms of trying to get quality domestic workers. And the more turnover rate that they have, that means it's a loss for the industry. They are very concerned about that. They are concerned about attracting good workers so they [can] have a higher retention rate, so that their profits can be secured... I mean, from the agency point... they are a business, right?

Previous Migrating out of Poverty research has shown that it takes an average of seven to nine months of working with little to no salary for an Indonesian worker to finish paying the loan she undertook in order to cover the costs of migration (Platt et al., 2013). Some reportedly take up to 11 months to do so (Basu, 2011d). Bearing in mind that a standard employment contract is for two years, retention rates at that point in time showed that more than half of the workers were transferred to new employers or sent home before they even completed a year of service. Not only was the average retention rate poor, it was worsening in 2011. According to MOM figures, only 47 per cent of migrant domestic workers placed by agencies between February 2008 and February 2010 stayed with the same employer for at least a year (Basu, 2011e). This figure later dropped to 42 per cent between October 2009 and October 2011 (Tan, 2012c). Against this backdrop, the day off policy was thus perceived to be beneficial for employment agencies in terms of improving retention rates in two indirect ways. One, as Noorashikin Abdul Rahman puts it, giving days off would make migrant domestic workers happier; happier workers are more likely to stay with the same employers for a longer period of time. Two, the day off policy would attract better-quality migrant domestic workers to Singapore; with better-quality workers, employers are more likely to be pleased and hence turnover rates would be lower.

With that said, Jolovan Wham noted that while employment agencies agreed that the day off policy was important in principle, it was not their priority. It was but one of the means to attract both the necessary quantity and a “high-quality” migrant domestic workforce to Singapore. Alongside the day off policy, employment agencies often lobbied for a host of other improvements to the working conditions of migrant domestic workers. For instance, in 2005, upon feedback gathered from 385 member agencies, AEAS increased the monthly wages for Indonesian migrant domestic workers from

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<sup>14</sup>This is best illustrated with an example: A migrant domestic worker has a placement fee that amounts to nine months of salary deductions, which is paid upfront by her employer upon employment. After five months into her employment, her contract is terminated. Depending on the service agreement signed between the employer and the agent, the remaining four months' worth of placement fee may be refunded to the employer, to be borne by the employment agency instead.

\$230 to \$280. Again in 2011, seventeen major players in the industry increased the monthly salary of new Indonesian workers from \$380 to \$450, a move that was followed by many others shortly after (Ismail, 2011; Teh, Neo & Lim, 2011). It is, however, also useful to note that this is not an entirely selfless move; because agents are allowed to charge workers two months of their salary as an “agent fee” for services rendered, this also increases agents’ profit margins.

### *Migrant domestic workers*

The day off policy was largely in the interests of migrant domestic workers, as they now enjoy the basic right to rest. As Ummi Ummairah shares,

It’s quite relaxed, actually... I have those experiences. Every week, seven days stay at home. Stressful. I feel like I want to go out. I want to find something that’s interesting to see. And then finally it’s like, very fun! It’s very exciting! It’s very, you know... meeting of friends. Before, I only staying at the place, you know I can’t go out. And suddenly I can go out. It’s really different. The impact that I get is very different.

Moreover, MOM highlighted that migrant domestic workers can now utilise their days off to acquire new skills by participating in training programmes offered by NGOs such as Aidha and the Foreign Domestic Worker Association for Social Support and Training (FAST), amongst others (MOM, 2013b). Migrant domestic workers can sign up for a range of courses, including financial education classes, as well as entrepreneurship training. These skills can either enhance their effectiveness as domestic workers needing more specialized knowledge (such as eldercare), or empower them to avail themselves of future opportunities when they have completed their contracts. In other words, the day off policy was pitched as a means for migrant domestic workers to equip themselves with skills and competencies that may position them better to take the path towards upward social mobility. An important caveat to add is that this mode of framing was utilised in part to affirm employers that migrant domestic workers could spend their rest days “fruitfully”, and that employers could also benefit from such an arrangement (MOM, 2013b).

However, the day off policy was not an unequivocal win for migrant domestic workers. A major point of contention lies in the compensation-in-lieu clause. John Gee point out that the compensation clause was designed without “the recognition that the bargaining power of the two parties [employers and migrant domestic workers] is radically different” (Gee, 2013). For instance, new migrant domestic workers could be easily coerced into agreeing to have no days off, in the face of the pressure of having to return home not just empty-handed but also saddled with the burden of training and recruitment expenses. In this regard, some commentators are of the view that the day off policy would not amount to much as long as employers could utilise the opt-out compensation-in-lieu clause (Oon, 2013). Some of our interviewees argued that the policy could be tightened, for example, by setting a maximum number of days off that migrant domestic workers can “trade in” for compensation. Others

maintained that unless the policy is backed up with proper enforcement and sanctions, it would remain toothless.

Some stakeholders suggested a contrary view that some – perhaps the majority – of migrant domestic workers did not want the day off. Yeo Guat Kwang argued that many migrant domestic workers would rather work for compensation in-lieu of days off to recover their heavy placement fee loans. Ummal Ummairoh recounts a story of a fellow migrant domestic worker who is a newcomer to Singapore, and hence is still undergoing her salary deduction period; as a result, she has very little money to spend, despite her entitlement to a day off.<sup>15</sup> K. Jayaprema stated that it was perhaps in the interests of migrant domestic workers to have the option of working for additional pay:

They are quite happy because they can stay and work. That's one option. They can take the day off...They can decide what they want to do with their free time. So that actually given them a lot of options. And I think it's a good-- it's a de-stressor for many of them... I think the advantage is these girls are able to rest, to a certain extent. They can relax. They have some time to themselves to re-energise. I think that's actually healthy. And again, it's by choice. So if you want to work, fine. You want me to work, fine, you pay me.

It should be noted migrant domestic workers were not at the forefront in advocating for their own rights to a weekly day off. For instance, Jolovan Wham revealed that migrant domestic workers were not very involved in the day off campaign in 2008. Their voice was a relatively muted one amidst others who spoke in support or against the policy. The limited role of migrant domestic workers in the day off campaign must be examined within the political context of Singapore. As Jolovan Wham pointed out, given their precarious legal status in Singapore as temporary contract workers, migrant domestic workers face the threat of deportation if they appeared to be too “political”. Furthermore, migrant domestic workers do not occupy a position of strength vis-à-vis their local employers. Given the virtually unlimited potential supply of transnational workers, Singaporean employers have significant discretionary power to terminate their contracts and replace them with other workers from the vast “global pool” of surplus labour (Lim, 2003). Migrant domestic workers thus face the risk of losing their jobs – and consequently their right to remain in Singapore – should employers object to their participation in the day off campaign. This fear of deportation, associated with migrant workers’ political participation, was also reflected in our interview with Ummal Ummairoh. She was cognisant that non-citizens, especially migrant workers, have limited space in Singapore’s public sphere. Should they appear to be too political: “You get home! You are migrant worker, you must be very careful. Even you as Singaporean, you can’t really... especially us! [We have to be] triple, double careful.” Under such circumstances, migrant domestic workers often depend on local civil society groups to take up their concerns, which appeared to be the case in the day off campaign.

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<sup>15</sup> As previously explained, migrant domestic workers often incur a placement fee debt in order to migrate to Singapore for work. This money is put up by employers; migrant domestic workers then reimburse their employers through monthly salary deductions.

## Conclusion

We argue that there were three main reasons contributing to the eventual passing of the day off policy for migrant domestic workers. Firstly, campaigning efforts on the part of local NGOs sustained the presence of the day off issue on the agenda. These NGOs played a vital role in presenting and promoting alternative frames of understanding for the treatment of migrant domestic workers. Ultimately, however, civil society actors had limited say in the eventual decision to institute the policy due to several barriers to their full and effective participation in the policy process. The prevailing belief that policy changes are initiated within the bureaucracy and the relative absence of public credence to civil society, also renders it difficult for us to fairly weigh the influence of migrant worker activism.

Secondly, the government's commitment to safeguarding Singapore's international reputation provided further impetus for improving the employment conditions of migrant domestic workers in Singapore through the legislation of the day off policy. The lack of mandatory rest days for migrant domestic workers has been flagged as an issue by the US Department of State and international watchdog HRW; Singapore has also been routinely benchmarked against "better" destinations such as Hong Kong and Taiwan. The adoption of ILO C189 further solidified standards of decent work for domestic workers, including the right to days off. The most immediate causal linkage between an action and the triggering of the policy review is made by the government's explicit crediting of Halimah Yacob's call for a day off in the wake of ILO C189. The simultaneous positioning of Halimah Yacob as a respected member of the political elite as well as an international advocate for domestic workers' rights - combined with the backdrop of a firm crystallisation of international norms - lends her particular political credence in persuading bureaucrats and policymakers to consider instituting a day off policy. Yet a threat to Singapore's international standing is not necessarily enough to spur policymakers into action.

Thirdly, Singaporeans' dependence on migrant domestic workers provided an economic imperative to introduce the day off policy. By enhancing Singapore's appeal as a destination country, the policy was a means to ensure a steady supply of migrant domestic workers, especially in response to fears of a supply crunch of these workers in 2011. While a supply crunch has been a perennial issue faced by agents and is a consistent cause for concern for policymakers, the threat of a domestic worker supply crunch in 2011 is unique in a number of ways. Firstly, the issue was given sustained and highly visible media attention in 2011 by The Straits Times. Secondly, while previous fears of a drop in supply in 2005 was attributed to more stringent entry requirements instituted by the Singapore government, the 2011 threat of supply crunch was due to more exogenous factors: source countries were becoming increasingly protective of their migrant domestic workers, and that Singapore was losing its sheen as a country of destination for migrant domestic workers. The decision to institute the day off policy could thus be compelled by the need for Singapore to regain some influence over the recruitment process. In the absence of data, we are unable to ascertain whether the threats of supply crunch in

2011 was indeed a pressing reality that resulted in the introduction of the day off policy in March 2012 or if it was simply a compelling news point picked up on by the media. Nevertheless, the banner of a “supply crunch” presumably impinged on the interests of many Singaporeans, and attracted the attention of policymakers.

For many years, the Singapore government had rejected calls for the imposition of minimum legal standards of employment for migrant domestic workers on the basis that they were not practical (or possible) to enforce within the purview of private households. Besides the three hypotheses which provide a rational basis to institute the day off policy, the eventual decision to institute the day off policy may also have been compelled by moral convictions: many respondents, including politicians and bureaucrats at the helm of decision-making, retrospectively construct the successful passing of a policy retrospectively simply as “the right thing to do.

This paper starts out by examining what appears to be a simple question of why the day off policy was legislated. While we have detailed three hypotheses for the policy decision, we cannot conclusively pinpoint a single decisive factor in the formulation of the day off policy. In our retrospective reconstruction of the day off policy process, we might just be guilty of weaving an ex post rationalisation. Nonetheless, it is plausible that civil society brought the issue to the agenda and worked hard to ensure its visibility, while specific changes in the international arena and the migration industry made the policy review and institution possible (and attractive).

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## Annex

### Annex A: Extraction from Singapore's Employment of Foreign Manpower (Work Passes) Regulations 2012

12. Subject to paragraph 13, the employer shall grant the foreign employee a rest day without pay for every 7-day period (including Sunday and public holidays). The rest day must be any day within the 7-day period and must be mutually agreed between the employer and the foreign employee.

13. Notwithstanding paragraph 12, 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 either —
  - (i) a replacement rest day without pay. The replacement rest day must be a day within the same month as the rest day to be taken and must be mutually agreed between the employer and the foreign employee; or
  - (ii) a monetary compensation which shall not be less than the rate of pay for one day's work of the foreign employee, and the foreign employee is compensated in accordance with the prior written agreement.

14. For the purposes of paragraphs 12 and 13 —

- (a) a Sunday or public holiday shall be regarded as a rest day only if the employer and foreign employee mutually agree that the Sunday or public holiday is a rest day;
- (b) if a 7-day period referred to in paragraph 12 falls between 2 months, the employer and the foreign employee shall mutually agree on a day within either of the 2 months to be the replacement rest day;
- (c) the prior written agreement referred to in paragraph 13 must be mutually agreed between the employer and the foreign employee prior to the foreign employee working in lieu of the rest day;
- (d) 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; and
- (e) any monetary compensation provided in lieu of the rest day must be paid by the employer to the foreign employee together with the next earliest monthly salary due to the foreign employee.

## **Annex B: Overview of civil society organisations**

### *Transient Workers Count Too (TWC2)*

In 2002, The Working Committee 2 (also TWC2) was formed as an informal group of individuals who were concerned about the position of domestic workers in Singapore. The formation of The Working Committee 2 was catalysed by a horrific high-profile case of the brutal and prolonged abuse of Muawanatul Chasanah, a 19-year-old Indonesian domestic worker who eventually died of her injuries (Gee and Ho, 2006). In 2004, The Working Committee 2 rebranded itself as Transient Workers Count 2 (TWC2) and formally registered itself under the Societies Act (Lyons, 2004). Yeoh and Annadurai (2008) note that TWC2's activities in 2003 were crucial in placing foreign domestic workers' rights on the agenda and in stirring up public consciousness and public debates about the position of migrant workers in Singapore. TWC2 is also closely affiliated with two independent domestic-worker organised groups in Singapore, known as the Indonesian Family Network and the Filipino Family Network; it shares its spaces with them on Sundays when the groups organise skills-training classes and leisure activities and offer financial as well as casework support. TWC2 is "dedicated to improving conditions for low-wage migrant workers, perhaps the largest group of disadvantaged persons here, numbering about one million out of a total population of five million in this city" (TWC2, 2011).

### *Humanitarian Organisation for Migration Economies (HOME)*

The second major migrant worker-focused NGO in Singapore is the Humanitarian Organisation for Migration Economies (HOME), which was registered as a society on September 6, 2004. HOME was formed by Bridget Tan, the former chairperson of the Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People (ACMI), a service-oriented Catholic organisation. Its origin story is similar to TWC2's: Tan remembers that a Sri Lankan domestic worker had called her out of the blue, saying that she was being sexually harassed by her employer and was on the verge of suicide. In the literature, HOME is often characterised as being less vocal than TWC2 in its advocacy efforts. Yeoh and Annandurai (2008) argue that HOME "does not position itself as a 'pure' advocacy-oriented entity but keeps its service provision emphasis as continued from its ties with ACMI. Advocacy work is carried out not usually in the visible public domain but often behind the scenes in its dialogue with state agencies" (p. 562). However, with the appointment of Jolovan Wham as HOME's new Executive Director and their situation as the go-to NGO with regard to trafficking in Singapore, HOME's visibility within the civil society sphere has become more pronounced in recent years.

### *Singapore Committee for UNIFEM (now known as Singapore Committee for UN Women)*

A third NGO relevant to this report is the Singapore Committee for UNIFEM. Described as a "non-profit organisation working towards women's empowerment and gender equality in the region" (UN Women: Singapore Committee, 2015), UNIFEM Singapore executes a wide range of programmes and campaigns focusing on supporting women and girls throughout Southeast Asia, emphasising three key



themes: ending violence against women; economic empowerment programmes, and governance and leadership programmes. Ex-president Saleemah Ismail describes UNIFEM Singapore as part of a “franchise agreement”, situating it firmly as a “local NGO. It’s not a UN agency.” While UNIFEM Singapore’s emphasis has largely been on trafficking and has directed their work at a more regional level, they are relevant to this report because they were the impetus behind the day off campaign launched in 2008.

## About the Migrating out of Poverty Research Programme Consortium

**Migrating out of Poverty** is a research programme consortium (RPC) funded by the UK's Department for International Development (DFID). It focuses on the relationship between migration and poverty – especially migration within countries and regions - and is located in five regions across Asia and Africa. The main goal of **Migrating out of Poverty** is to provide robust evidence on the drivers and impacts of migration in order to contribute to improving policies affecting the lives and well-being of impoverished migrants, their communities and countries, through a programme of innovative research, capacity building and policy engagement. The RPC will also conduct analysis in order to understand the migration policy process in developing regions and will supplement the world renowned migration databases at the University of Sussex with data on internal migration.

The **Migrating out of Poverty** consortium is coordinated by the University of Sussex, and led by CEO Professor L. Alan Winters with Dr Priya Deshingkar as the Research Director. Core partners are: the Refugee and Migratory Movements Research Unit (RMMRU) in Bangladesh; the Centre for Migration Studies (CMS) at the University of Ghana; the Asia Research Institute (ARI) at the National University of Singapore; the African Centre for Migration & Society (ACMS) at the University of the Witwatersrand in South Africa; and the African Migration and Development Policy Centre (AMADPOC) in Kenya.

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