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## ► Skilled to care, forced to work?

Recognizing the skills profiles of migrant domestic workers  
in ASEAN amid forced labour and exploitation



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## ▶ **Skilled to care, forced to work?**

Recognizing the skills profiles of migrant domestic workers in ASEAN amid forced labour and exploitation



# Foreword

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Everyone who has ever done domestic work – be it cooking, childcare, cleaning, gardening or laundry – will tell you that it is skilled, and demanding, work. Sadly, many policymakers, employers, legal systems and migration systems have not recognized domestic work as skilled, or, in many places, even as work. Despite the essential nature of the work, and despite the fact that it enables the participation of many others in the “formal” workforce, domestic workers themselves remain some of the least protected in the world of work.

The exclusion of domestic workers from even the most basic labour protections has been a result of discrimination based on sex and class. Traditionally, the work that is completed by domestic workers would have been done, unpaid, by women in the household or by others – often relatives – in a patronage relationship with the household. The household itself was seen as outside of the realm of public ordering; what went on behind those closed doors did not traditionally attract legal regulation.

But that has been changing for the better, and domestic work has moved into the age of globalization. Household tasks that were once performed unpaid are now often delivered by a population of migrant workers willing to take up jobs that nationals may shun. Since the ILO adopted the Domestic Workers Convention, 2011 (No. 189), it has been clear in international law that domestic work is work and should be protected equally. Unfortunately, domestic workers – especially those who are also migrants – still face poor working conditions, harassment, forced labour and other forms of exploitation, as this report demonstrates.

In this light, policymakers, development workers and domestic workers themselves often discuss skills as the key to enabling a more protected, more highly valued and profitable future for domestic work. The mapping of domestic workers’ skills, however, has never been tackled in South-East Asia. This study shows that domestic workers are far from the unskilled workforce that is sometimes assumed, but rather they are regularly performing a variety of skilled tasks, alongside their use of transversal skills required to be successful in these challenging roles. By comparing the tasks that domestic workers do to the International Standard Classification of Occupations (ISCO), this report provides evidence of the actual skills of domestic workers, and how much more our societies need to do to recognize these skills.

Because the paradox is evident – domestic work is one of the most important tasks in our society, and yet provided with the least protection – state offers of partial protection for domestic workers or special – lower – minimum wages for domestic workers can no longer be accepted. The ILO continues to support all domestic workers, their employers and governments and endeavours that this is the last generation of domestic workers to be perceived as somehow less worthy on the spectrum of work. Domestic work has the potential to be a source of empowerment and dignity; the valuing of it is a display of our shared humanity. After all, we all have needed, and likely will need, care.

This study demonstrates a nuanced picture of the skills domestic workers use in their day-to-day work. It also finds alarming rates of forced labour. I hope that this reframing of domestic work as skilled labour will be the key to a better future for domestic workers across the ASEAN region and the world.



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Principal thanks go to the domestic workers and their employers who gave their time to be interviewed for this study. The report's findings and recommendations have emerged from the experiences reported by these individuals and the report would not exist without them. In particular, the author notes that domestic workers have very little free time and may have had reasonable concerns of the repercussions of speaking to researchers. Their agency, demonstrated through their participation, is highly valued.

 I was not sure if I wanted to do this interview – but I decided it would contribute to the workers and I wanted to help.

► Myanmar domestic worker, Singapore

Gratitude is also extended to the representatives of the governments, employers, domestic worker associations and civil society of Malaysia, Singapore and Thailand who generously gave their time for stakeholder interviews.

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# Executive summary

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In millions of households across Asia and the Pacific domestic workers work behind closed doors to ensure the health, safety and development of those who employ their services. This work requires skills in child or elder care, cooking, cleaning, gardening, household management and other areas, but it is sometimes exploitative and forced, often underpaid, and almost always physically demanding and emotionally draining. As a sector considered to be an extension of natural and innate “women’s work” and performed within the private sphere of the home, many decision-makers consider domestic work as being outside of the scope of formal work. As a result, and despite the contributions that they make to homes and communities, the exchange of domestic workers’ skills, time and effort for pay is not always recognized as work, and domestic workers are regularly excluded from labour and social protection schemes, especially if they are also migrants. Whereas in recent decades workers in other sectors have benefited from improvements in working conditions and the realization of fundamental labour rights, the situation for domestic workers has remained stunted. Consequently, a skilled and highly in-demand sector of work available to meet modern care challenges still faces stubborn resistance to the legal and policy changes that are required to enable decent work and avert exploitation.

Today, domestic work regularly relies on the labour of women from less developed countries who commit portions of their working life to this service, often living in their employer’s house and working “on-call” hours with few breaks, benefits or overtime pay. The Asia and the Pacific region hosts the world’s largest share of women domestic workers. Millions of these women are also migrants working in informal employment arrangements; this is despite an increased understanding of the critical nature of their work, especially since the COVID-19 pandemic shifted perceptions of our homes as workplaces.

There are multiple labour rights reasons and a clear moral imperative to include domestic workers within the world of work. Rhetoric around the protection of domestic workers, including migrants, cites skills recognition as key to improving work experiences, and minimum standards for migrant workers’ working conditions are sometimes included in memoranda of understanding (MOUs) between countries of origin and destinations. Yet despite an increasing number of examples that demonstrate how full labour rights inclusion on par with other workers is practicable, Asia and the Pacific lags behind in making meaningful changes in the sector. This study hopes to begin to change this by revealing the paradox of domestic work – of workers whose skills are deemed essential but also non-existent – which creates a reality in which members of a skilled workforce beset by systemic failures are subjected to forced labour.

This study seeks to understand more fully the lived experiences of migrant domestic workers in Malaysia, Singapore and Thailand. Employment of migrant domestic workers across these three countries is largely informal, with migrant domestic workers not covered by full labour law provisions or social protection. In Malaysia and Thailand, many migrant workers also have an irregular migration status. With this contextual background, the study takes a quantitative and qualitative approach to understanding the skills profiles of migrant domestic workers across the three destination countries – as set against their working conditions and particularly indicators of forced labour. In doing so, this study shows that many domestic workers are working at a demonstrably skilled level equivalent to that of workers in other sectors that are granted labour and social protection by law, and that the continuing denial of such protections to domestic workers leads to heightened – and avoidable – levels of exploitative and forced labour conditions in the sector.

## Methodology

The study employed a mixed methodology using both quantitative and qualitative data collection tools. To collect the quantitative data, two separate surveys were completed: one with 610 representatives from private households that employ (directly or through an agency) migrant domestic workers (“Employer Survey”), and a second survey with 1,201 migrant women domestic workers (“Domestic Workers Survey”). Both surveys were conducted in Malaysia, Singapore and Thailand. Data collection for the Employer Survey was through an established access panel (explained in Annex 1) in all three destination countries. For the Domestic Worker Survey, sampling was done via intercept methods using a combination of quota sampling and snowballing in places where domestic workers are found in public, including markets, malls, eating places and similar sites. Interviews with domestic workers were conducted face-to-face.

The quantitative data is supported by qualitative data collected by way of in-depth interviews with 15 migrant domestic workers and 5 employers. In addition, 18 structured interviews were also conducted with representatives of government, employers’ organizations, domestic worker associations and civil society in each of the three destination countries. The Guidelines Concerning the Measurement of Forced Labour adopted at the 20th International Conference of Labour Statisticians (ICLS) were applied to estimate the prevalence of forced labour based on the presence of both involuntary work and threat of menace of a penalty (ILO 2018a).

There were some limitations to the data collection. The online panel sample of employers was inherently skewed towards urban areas, younger people, and those with internet connections, meaning the resulting sample included a larger proportion of wealthy, more educated, urban young people. The intercept model used for the Domestic Worker Survey likely engaged with a disproportionate number of women migrant domestic workers in Malaysia and Thailand that work part-time for multiple houses. Full time, live-in domestic workers may have limited time outside of the house and feel less at liberty to engage in surveys. Finally, measuring forced labour among migrants requires asking sensitive questions of individuals who may be in a precarious situation with little support. As a result, some respondents may have avoided sharing particular experiences to protect themselves. Accordingly, any findings of forced labour and other forms of labour exploitation are viewed as conservative.

### Domestic workers use a variety of migration channels and have a range of employment profiles

Domestic work is conducted in myriad arrangements to meet the varying needs of employers and domestic workers in differing contexts. The variety of employment and working arrangements reflects the level of irregularity and informality in the sector. The varying arrangements also influence working conditions as well as access to labour and social protection. Where workers in Singapore had very similar work profiles – living in, working full-time, hired and placed by licensed agencies and employed by the household – the profiles of workers in Malaysia and Thailand were more varied. In Thailand, around half of the workers reported living out, working part-time, migrating with family and friends or independently, and using friends, family members and brokers to find work. Findings indicate that in Malaysia and Thailand, domestic workers employed by cleaning or care service firms are benefiting – at least on the face of it – from full labour and social protection, unlike domestic workers employed directly by households.

Employers in all three destination countries reported engaging an average of two workers per household at the time of the survey (Malaysia: 2.1; Singapore: 1.9; and Thailand: 2.4). Around two thirds of these workers were women, and when asked who the main domestic worker in the household was, 89 per cent of employers reported that a women migrant domestic worker was their main domestic worker. This meant that the study collected data from 70 households employing a man as their main domestic worker, allowing exploration of gender differences in the sector.

The employer survey also found that while men and women domestic workers both engage in cooking, cleaning and taking care of children, a higher proportion of men than women were responsible for taking care of the sick, taking care of pets, gardening, cleaning swimming pools, cleaning cars and security. Men were slightly more likely than women to live out, but still 70 per cent live in, and men worked fewer hours per day and fewer

days per week, for more money. When looking at recruitment criteria, employers of men were more likely to report education as a criterion; whereas employers of women reported gender, ability to take instruction and a nice personality as being important.

## Domestic workers mainly perform work classified at ISCO Skill Level 2

Domestic work is often dismissed as “unskilled” work that people, predominately women, are naturally born knowing how to do (Anderson, 2016), a convenient narrative to justify underpayment and lack of decent working conditions. While rejecting the notion that any work is unskilled, this study measured what skilled tasks are within the job scopes of domestic workers in the Association of Southeast Asian Nations (ASEAN) region as well as the range of roles (cleaner, cook, child carer, personal carer, and so on) that individual workers take on. To do so, the study uses the International Standard Classification of Occupations (ISCO-08), which classifies occupations across four skill levels. Skill Level 1 occupations typically include simple and routine physical tasks, and includes Domestic Cleaners and Helpers (as well as office cleaners, freight handlers, garden labourers and kitchen assistants). Skill Level 2 occupations require more technical skill, good transversal skills and a higher educational standard, and include Domestic Housekeepers, Childcare Workers, and Home-based Personal Care Workers. All childcare and personal care work is classified as at least Skill Level 2. For this study, migrant domestic workers were also asked to self-report tasks undertaken under the Skill Level 2 classification. The results illustrate the range of work undertaken by domestic workers, and specifically that domestic workers are regularly engaged in a variety of tasks classified as Skill Level 2.

That the study shows that domestic workers are undertaking tasks classified as Skill Level 2 challenges the narrative that domestic work is unskilled or low skilled. Such a classification of domestic work tasks can also contribute to advocacy for more skills training for and greater recognition of domestic workers. Indeed, migrant domestic workers are engaged in work classified as Skill Level 2 despite the majority receiving little or no skills-specific training. The training available to domestic workers often covers areas like migration documentation and cultural awareness, but migrant workers in the region are less likely to receive training that cover domestic work skills such as cooking skills or first aid for childcare. In addition to the sector not attracting comprehensive or consistent skills training, there is virtually no skills recognition and employers are largely not seeking domestic workers for their certified skills. Instead, when asked about the criteria applied when hiring a migrant domestic worker, employers selected criteria including gender, experience (including as a proxy for skills) and local language competency.

In addition, the study found that migrant domestic workers are using key transversal skills – skills that can be used in a wide variety of work settings and are not particular to domestic or care work – including speaking the local language, clear communication, and managing their or others’ emotions, among others. Transversal skills are increasingly valued in the modern workplace and seen as critical, transferable and sought after across sectors.

Though the study finds that migrant domestic workers are engaged in work classified at ISCO Skill Level 2 and demonstrating transversal skills, they are not valued, hired or paid at a corresponding, appropriate level. In fact, as the next section shows, not only are they not respected as skilled workers, a substantial number find themselves in working conditions at the worst end of the spectrum.

## Domestic workers are working in conditions of forced labour

Evidence of forced labour was found across the three countries. Per ILO methodology, forced labour is found when there are indicators both that the work is involuntary and that the worker is under threat of menace of a penalty.<sup>1</sup> The study found that 29 per cent of surveyed migrant domestic workers in Malaysia reported conditions meeting the ILO's statistical definition of forced labour; as did 7 per cent of surveyed workers in Singapore and 4 per cent in Thailand. Indicators of involuntariness include not being able to quit your job, having to stay in the job longer than agreed without the worker's consent, and being made to work without overtime pay, among others. Indicators of threat of menace of a penalty include threats of violence, dismissal or deportation; being locked in the workplace or accommodation; and having identity documents confiscated, among others.

In Malaysia, the survey results indicate high levels of isolation and restriction on migrant domestic workers' freedoms, including freedom of movement and freedom to change employer. These are likely the result of the combined impact of a lack of labour protections in law, lack of enforcement of existing laws, lack of post-arrival orientation, and challenges to workers being able to change employers where work permits are tied to employers. Employers who want to prevent their domestic workers from leaving their employ may lock them in or otherwise restrict their movement, measures which – contrary to their intention – push workers to seek ways to leave such a situation. In Singapore, where there is no regulation for working hours or the payment of overtime for domestic workers, the study found that 90 per cent of migrant domestic workers worked overtime without pay (defined as more than 8 hours in a day and 48 hours in a week).<sup>2</sup> It should also be noted that the ILO Domestic Workers Convention, 2001 (No. 189), calls on governments to ensure working time protections for domestic workers equals these extended to other workers. In Thailand, the relatively low prevalence of forced labour appeared, however, to correlate with the respondent workers representing the widest variety of worker profiles captured by the study, with a greater proportion of respondents working part-time and living out. Migrant domestic workers in Thailand were much less likely to engage in childcare, elderly care or healthcare in their employers' homes, which are job duties that can increase the expectation on workers to be on call and work longer hours. While the low levels of forced labour in Thailand are heartening, other forms of exploitation – excessive overtime, underpayment and document retention – remain prevalent and continue to affect domestic workers lives and livelihood.

## Domestic workers typically work long hours and receive low wages

While this study highlights domestic workers' skill levels and the prevalence of forced labour, it also sought to measure a wide range of working conditions as well as to understand current employment arrangements. Specifically, because as indicated above, a catalytic factor in forced labour is the continued exclusion of domestic workers from employment laws or reduced protection under laws that regulate working conditions. Exclusion from labour protection and inspection is often justified on the basis that private households cannot be considered or inspected as workplaces. However, when employed by companies, such as under Singapore's Household Services Scheme, workers performing the same tasks are afforded full labour rights protections. Unsurprisingly, in absence of full labour rights, the conditions reported by migrant domestic workers do not always amount to decent work. Interestingly, there is variation in employment and working arrangements, which correlates with the hours worked by domestic workers. Accepting that the Domestic Work Convention, 2011 (No. 189) states that periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (known as standby or on call time) should be regarded as hours of work to the extent determined at the national level (Art. 10). Thus, in Singapore, where workers are employed on a full-time basis and required to live-in, and where work more commonly includes care, 85 per cent of migrant domestic workers reported working more than 10 hours a day and 100 per cent

1 The ILO Forced Labour Convention, 1930 (No. 29), defines forced labour as, "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily" (Article 2(1)).

2 The two following Conventions set the general standard at 48 regular hours of work per week, with a maximum of eight hours per day: [Hours of Work \(Industry\) Convention, 1919 \(No. 1\)](#), and [Hours of Work \(Commerce and Offices\) Convention, 1930 \(No. 30\)](#).



reported working over 48 hours a week. Respondents in Thailand, who were less likely to engage in care work, were also the least likely to report working more than 10 hours a day or 48 hours a week, and were also more likely to report working less than 15 hours, reflecting also the higher percentage of workers working on a part-time basis. In Malaysia, while 80 per cent of migrant domestic workers report working 48 hours or more per week, they also reported having the highest average number of paid holidays a year, at 4.7 days.

### **Domestic workers earn less than the minimum hourly wage**

There are numerous reports that find that migrant domestic workers are underpaid; this study further confirms that this group of workers receive well under the minimum wage or other relevant benchmarks in all three study countries. The main factors that influence levels of pay are years of experience and country of origin. Migrant domestic workers are excluded from the national minimum wage in Malaysia and Thailand, though there are indications the governments of these countries might change this in the near future. In Singapore, no minimum wage is set for any occupation, but for the purpose of this study, the minimum wage is proxied by standard contractual wages set by countries of origin. While the average monthly income of workers may initially appear to be at or above the minimum wage levels across the three countries when using the national minimum wage for other sectors as a baseline (and in the case of Singapore, using the contractual standard wage set by countries of origin), this is not the full picture. After accounting for the excessive hours worked by migrant domestic workers, the average wage across all three countries falls below the minimum wage. Overall salary levels are further impacted by the costs and fees workers' pay to migrate, including wage deductions to pay off migration-related loans and the fees taken on by employers and passed on to workers, with this study finding that workers bear the majority of the cost of migration, contrary to the prohibition of charging recruitment fees and related costs to workers set out in the Private Employment Agencies Convention, 1997 (No. 181).

### **Domestic workers are rarely able to access comprehensive social security schemes**

Understanding the extent to which migrant domestic workers benefit from social protection, in particular social security schemes, provides another lens through which to view their protection. Often connected to the status of domestic work as informal work, and again justified on grounds that private households cannot be inspected or monitored for compliance, access to comprehensive social security remains limited for migrant domestic workers. This can amplify the isolation of workers and their vulnerability to forced labour practices.

Yet there are indications that coverage is possible and practicable. In Malaysia, access to a limited form of publicly provided social protection is now compulsory for migrant domestic workers (since June 2021). The relatively low enrolment rate of 40 per cent (in any social protection scheme) found by this study is likely related to the difficulties in enrolling existing domestic workers and also a reflection that only migrant domestic workers with regular status are able to enrol. In Singapore, 44 per cent of workers reported being enrolled in one or more schemes – predominantly private insurance. This is low in comparison to the Employer Survey, wherein Singaporean employers reported that 79 per cent of workers were enrolled, and also low for a country where it is a mandatory legal requirement that employers have insurance for domestic workers. Workers' reporting on this question may be evidence of the low levels of knowledge and information they have about their working rights, benefits and liabilities – a conclusion supported by the finding that over a third of migrant domestic workers in Singapore reported not knowing whether they were entitled to benefits. A higher rate of workers in Thailand reported being enrolled in one or more social protection schemes, with 62 per cent reporting enrolment in the government health insurance scheme, which is the basic cover available to domestic workers. However, 21 per cent of respondents in Thailand reported being enrolled in social security schemes that are not available to domestic workers, indicating that domestic workers are recorded as employed by a service provider or a company rather than by a private household.

## Domestic workers have limited ability to organize or collectively bargain

Limiting workers' ability to organize and bargain collectively also limits their realization of other labour rights, and lack of freedom of association is also commonly linked with forced labour. Various legal obstacles still prevent domestic workers from forming, and sometimes joining, trade unions in the study countries – in Malaysia, migrant domestic workers can join associations or trade unions but cannot form them; and in Singapore domestic workers can join trade unions with government permission, but it is not common that they request this permission. In Thailand, while migrant workers can join trade unions, they cannot form them. So far, representative organizations of domestic workers have failed to secure their registration as trade unions. This is important because of the role that trade unions play in advocating for rights of workers. Without functioning trade unions, domestic workers struggle to organize and collectively bargain for better pay and conditions. Nonetheless, migrant domestic workers report being able to find support in community and networks, including religious groups.

## Key conclusions

This study shows clearly that migrant domestic workers commonly are engaging in work classified as ISCO Skill Level 2. This is despite the fact that skills training for domestic work is not consistently or comprehensively available to migrant domestic workers. Skill levels are not recognized in pay and working conditions.

Concurrently, many migrant domestic workers face high levels of forced labour and other forms of labour exploitation, working long hours for low pay without freedom of movement and under the threat of losing their job and their migration status. A key factor in the prevalence of forced labour and poor working conditions is the continued exclusion of migrant domestic workers from equal labour and social protection. Across the survey sites average hours worked by domestic workers exceeded those legislated for other workers. When adjusted for the national standard working week for each country, the average wage for full time domestic workers fell below the minimum wage

Overall, study findings challenge the rhetoric that devalues domestic work. The concept that domestic work is not “real” work also continues to prevent migrant domestic workers from accessing comprehensive labour and social protections. The recent inclusion of migrant domestic workers under some of Malaysia's social protection provisions illustrates that inclusion in state-regulated protection mechanisms is possible. Similarly, the introduction of the Household Services Scheme in Singapore demonstrates that it is feasible for migrant domestic workers to live outside of employers' homes, and the engagement of domestic workers under service company schemes in Thailand results in workers being covered (at least on the face of it) by labour and social protection. From each of the countries in this study, progressive inclusion of domestic workers is shown to be possible and desirable. The key to combatting forced labour will be to bring all these protections together alongside the right to organize and collectively bargain.

The findings also show that the impacts of migration status on working conditions and forced labour are nuanced. There is evidence in Thailand that workers with an irregular migration status, those who live out and those who are able to change employers and work for multiple employers have been able to assert more power and agency over their employment and thereby improve their working conditions. This flexibility, particularly the freedom to change employers, is not found readily in the formal regime, and domestic workers in Thailand with a regular status are more likely to be in a situation of forced labour than those with an irregular status. In Malaysia, it was found that migrant domestic workers in an irregular situation were more likely to be in a situation of forced labour, but there is also evidence of substantial numbers of regular, full-time, live-in domestic workers in situations of forced labour and other forms of exploitation – with 27 per cent of surveyed workers with regular status being in a situation of forced labour.

This study concludes that it is no longer possible for ASEAN Member States to maintain the misconception that domestic work is unskilled labour that exists outside the world of work. Moreover, the study shows that in large measure it is skilled work. Where countries assert that skills are the bridge to better protection for domestic workers, these States should also find ways to deliver and assess training; recognize the skills of domestic

workers; and reflect this recognition in their pay and working conditions. If domestic work in private homes is going to continue to grow as a pillar of the care economy, it cannot remain outside of the public ordering of full labour and social protections.

## Recommendations

The study identifies four overarching recommended actions, reflecting critical steps towards recognizing the skills of migrant domestic workers, improving working conditions and reducing forced labour. These four overarching recommended actions uphold the existing international guidance contained in Convention No. 189, the Forced Labour Convention, 1930 (No. 1929), and its 2014 Protocol, and encourage the application of frameworks used for existing skilled migration pathways to be applied to the entire domestic work sector. Further detailed and context-specific recommendations are included by country below. These are, however, not exhaustive and are related only to the specific findings of the study.

### Overarching recommended actions

Across the region, fragmented steps have been taken towards provision of labour and social protection to domestic workers, as well as towards the development and recognition of skills. This piecemeal approach is not working. Where domestic work is not considered work, labour migration schemes are delinked from labour and social protections, meaning they can neither guarantee safety nor can they guarantee a labour force that meets evolving domestic and care needs. Where domestic work is not considered skilled, the diverse demands of the market cannot be met.

To catalyse improvements to domestic work, the Malaysian, Singaporean and Thai governments, in coordination with social partners, need to ensure, at minimum, four critical changes:

1. Ratify and implement the Domestic Workers Convention, 2011 (No. 189), and ensure domestic workers enjoy rights at least equal to those of other workers, both in law and in practice.
2. Ratify and implement the Forced Labour Convention, 1929 (No. 29), and the Protocol of 2014 to the Forced Labour Convention, 1930, and ensure urgent action for the effective and sustained suppression of forced labour of domestic workers.
3. Formalize skills recognition opportunities for domestic workers that consider years of experience and transversal skills.
4. Ensure regular migration pathways for domestic workers that appropriately recognize the skilled nature of the work in the terms of employment conditions, and that do not tie workers to employers.

## Malaysia

In the case of Malaysia, recognizing that the country has ratified the Forced Labour Convention, 1929 (No. 29), and the Protocol of 2014 to the Forced Labour Convention, 1930, urgent action needs to be taken on their implementation and the steps above to rapidly decrease the concerning levels of forced labour among migrant domestic workers. Basic protections as included in the Domestic Workers Convention, 2011 (No. 189), including a day off, regular hours and minimum wage protection would create significant change for domestic workers. Beyond these, the roll out of partial social security has demonstrated an ability to provide state-regulated protection to migrant domestic workers; this should be expanded to cover full labour and social protection rights equivalent to those of other workers. In addition, improved regular migration pathways for domestic workers should allow domestic workers to change employers, and address issues of isolation and restriction of freedoms that can result in forced labour. In particular, it is recommended that in addition to the overarching recommended actions, the Government of Malaysia:

- ▶ Devise a government scheme aimed at detecting abuse, including forced labour, and ensure that this scheme include random house checks and domestic worker interviews.
- ▶ Include migrant domestic workers under minimum wage protections and ensure a day off is legislated for and provided to all domestic workers.
- ▶ Establish regularization programmes that recognize the migrant domestic workers already in country in order to provide access to labour and social protection.
- ▶ Enable recruitment of domestic workers by companies for deployment to multiple households and to live out.
- ▶ Extend migrant domestic workers' eligibility to invalidity, survivors and unemployment insurance schemes.
- ▶ Strengthen efforts to increase coverage of migrant domestic workers in SOCSO schemes.
- ▶ Develop a post-arrival programme for migrant domestic workers (following the Singapore settling in programme) covering topics such as adapting to working and living in Malaysia, conditions of employment, working safely, and relationship and stress management.
- ▶ Develop and make compulsory an orientation programme for first-time employers of migrant domestic workers on decent work for domestic workers, with regular follow up support systems. Emphasize within the programme the ethical and legal requirements to provide personal freedom and integrity for migrant domestic workers, including the right to hold identification documents communicate with family, privacy and freedom of movement.
- ▶ In line with ILO standards and guidance, eliminate worker-paid recruitment fees and related costs by reducing fees and costs controlled by governments (such as work permits, visas, passports, and so on) and by transferring other fees and costs to employers.
- ▶ Provide full rights to freedom of association and collective bargaining by providing migrant domestic workers with the right to form trade unions.

## Singapore

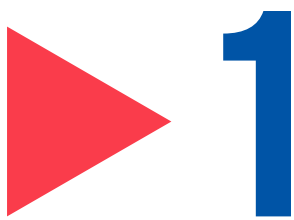
Singapore should take focussed action to improve working conditions of migrant domestic workers, as workers in Singapore reported the most hours worked, with four out of ten working a seven-day week, and the highest recruitment fees and costs paid by workers. The development of the Household Services Scheme in Singapore is a strong indicator of the important role that household-based care and services will take in the future of Singapore's care economy, and moreover, the importance that migrant domestic workers will play in delivering these services. The scheme also demonstrates that migrant domestic workers can deliver household and care duties while living out of the home; and that this work can be protected by labour rights and wage protection. Building on the concepts in this model can serve as an entry point to ensuring protection of all migrant domestic workers providing both direct and indirect care services in the home, specifically by regulating working time and overtime payments (as both factors are significant in the prevalence of forced labour). Specifically, it is recommended that in addition to the overarching recommended actions, the Government of Singapore:

- ▶ Consider how the Household Services Scheme and live-out arrangements can be expanded and made accessible to more households.
- ▶ Commit to equivalence of regular working hours and wages with other workers, possibly through the adoption of the progressive wage model (the Singapore alternative to a minimum wage) for domestic workers in line with that used in the cleaning sector.
- ▶ In line with ILO standards and guidance, eliminate worker-paid recruitment fees and related costs by reducing fees and costs controlled by governments (such as work permits, visas, passports, and so on) and by transferring other fees and costs to employers.
- ▶ Provide domestic workers in Singapore, including migrants, the right to form trade unions, and provide clear and unfettered access to freedom of association and collective bargaining.

## Thailand

In Thailand, migrant domestic workers, enterprises and households are adopting myriad methods to navigate migration, labour and social protection laws, often to circumvent the high costs associated with regular migration. This study found regular migration correlates to risk factors for forced labour, indicating major changes in approach should be considered in the governance of the sector. Some of the tactics used by migrant domestic workers to create positive working experiences have resulted in situations where migrant domestic workers live out, work part-time, and have access – on the face of it – to better labour protections. In addition, there is increasing evidence (not least from this report) that those who are able to live out, autonomously change employers (or work for multiple employers) and negotiate working time hours are able to access better conditions and better pay. The Government of Thailand has the opportunity to build on these lessons and follow the direction already being adopted by workers and employers in the sector. In particular, in addition to the overarching recommended actions, it is recommended that the Government of Thailand:

- ▶ Extend full labour rights under the Labour Protection Act, including wage protection, to domestic workers, potentially through accelerating the approval process of the amended Ministerial Regulation No. 14, where relevant.
- ▶ Devise a government scheme aimed at detecting abuse, including forced labour, and ensure that this scheme includes random house checks and domestic worker interviews.
- ▶ Provide clear and unfettered access to freedom of association and collective bargaining as well as the ability for domestic workers to establish trade unions.
- ▶ Provide domestic workers access to comprehensive social protection equivalent to other workers, and in particular to Section 33 social protection coverage.
- ▶ Develop and make compulsory an orientation programme for first-time employers of migrant domestic workers on decent work for domestic workers, with regular follow up support systems.
- ▶ Make the complaints mechanism more accessible through increased provision of interpretation support and the translation of materials into different languages.
- ▶ Expand on lessons learned from the strategies adopted by domestic workers to protect themselves, including the ability to change employers and arrange working hours autonomously, and reflect these in migration governance.
- ▶ In line with ILO standards and guidance, eliminate worker-paid recruitment fees and related costs by reducing fees and costs controlled by governments (such as work permits, visas, passports, and so on) and by transferring other fees and costs to employers.



# Introduction

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## 1.1. Introducing the study

Domestic and care work is integral to humanity, societies and economies. Migrant workers make up a substantial proportion of the global workforce of domestic workers providing direct and indirect care in or for private households – supplementing unpaid care work and paid care labour, and meeting expanding domestic and care needs and labour shortages. Demographic transformations in the Association of Southeast Asian Nations (ASEAN) region and beyond are increasing the demand for domestic workers to meet the direct and indirect care needs of households, with migrant domestic workers being relied on by States with rapidly ageing societies and a lack of comprehensive public care systems. Yet these workers, who are often women,<sup>3</sup> are not covered by labour and social protections and work in poor conditions with low wages. These challenges are compounded when they intersect with migration, either due to domestic workers having an irregular migration status or due to perceived and real threats to workers’ – often precarious – regular status.

The COVID-19 pandemic highlighted the essential nature of domestic and care work. At the same time, it further exposed gaps in protection for domestic workers. While many domestic workers performed critical roles for COVID-19 patients and also enabled other frontline workers to leave caring and household duties and go to work, they faced worsened conditions and some job loss. Many who were able to keep their jobs were confronted with increased, uncompensated workloads; were commonly excluded from emergency or compensatory measures (such as sick leave, access to personal protective equipment (PPE) and income loss support); and faced increased risk of violence and harassment in their accommodation and in the workplace (which are often one and the same).

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3 It is estimated that 4.8 million domestic workers are employed in South-East Asia and the Pacific, the majority of whom (80.5 per cent) are women (ILO 2021a). An estimated 84.3 per cent of domestic workers are in informal employment (ILO 2021a). A significant proportion of women domestic workers are migrants.

Given its essential and enabling functions and its role as a key source of employment, particularly for women, domestic and care work remains a critical sector for the development of economies, including post-pandemic economic recovery. Within the context of labour migration, the domestic work sector is a crucial employer, presenting opportunities for migrant women who may have not been able to benefit from formal skills training or many years of formal education in countries of origin. For example, it is reported that Indonesian women have more access to international labour markets than they do in the national labour market at home.<sup>4</sup>

► I have one daughter and two granddaughters at home, and I am the main breadwinner for my Mum and Dad and six siblings. Since 2003 I have supported my family.

► Filipina domestic worker in Singapore

Migrant domestic and care work also continues to meet needs in destination countries, enabling women nationals in these countries to enter the productive labour force, as well as filling deficits in the care system. The decent work deficits in domestic and care work are, however, directly linked to the feminized nature of the sector. If these deficits are not addressed, this will have detrimental impacts on women domestic and care workers, as well as contribute to an unsustainable global care crisis and further increase gender inequalities in ASEAN as the sector expands in coming decades. This has been recognized by the ILO's 2019 Global Commission on the Future of Work report, which called for transforming economies to promote decent and sustainable work, including through investments in the care economy (ILO 2019a).

In addition to understanding and addressing the working conditions of women migrant domestic and care workers, it is also critical to understand more about the roles that they are performing. In a sector commonly treated as “un- or low-skilled” (elementary occupations), understanding the duties and tasks of domestic workers can contribute to understanding their skill levels and to designing meaningful skills recognition systems that can support the professionalization and formalization of the domestic work sector. To date, and despite numerous interventions purporting to train domestic workers, there are no studies available from the ASEAN region that consider the particular skills profiles of domestic workers vis-à-vis the roles and tasks they actually perform in their workplaces, or that uncover the diversity of roles and multiplicity of skills within domestic work, and thereby demonstrating the links to care work and the broader care economy. This study is the only known study globally to date that has assessed domestic workers against the International Standard Classification of Occupations (ISCO)<sup>5</sup>.

Conditions of work, including social protection, should be improved for domestic work and labour migration to fully realize the promise of empowerment for women migrant workers and to maximize the benefits they provide to countries of origin and destination. Equally, potential avenues for skills recognition and instrumentalizing this skills factor to improve migration channels may indeed be the key to unlocking improved rights and conditions. There is a clear need to establish a strong evidence base that can inform these future interventions.

This study uncovers the myriad duties and tasks performed by migrant domestic workers (many classified by ISCO as Skill Level 2) and the skills that they engage in performing their work. Skills profiles are set against an assessment of working conditions in three major migrant worker destination countries in the ASEAN region – Malaysia, Singapore and Thailand. The study sheds light on a sector that, on one hand, continues to exclude workers from labour and social protection rights, citing challenges in regulation within private homes, yet on the other hand, is populated by skilled workers working across multiple employment situations, many of which demonstrate that skills recognition, labour regulation and access to social protection are entirely feasible.

4 Intervention from Indonesia's Ministry of Manpower at the National Tripartite Preparatory Workshop for the 15th ASEAN Forum for Migrant Labour held on 22 September 2022.

5 ISCO is an ILO structure used for organizing jobs into groups according to the tasks and duties undertaken in the job. ISCO-08 (the most recent version) structures occupational classifications across skill levels from 1 (covering elementary occupations) to 4 (covering managers and professionals).



Research includes primary data collection to elucidate these areas, including identifying the broader structural challenges and legal and policy gaps in each of the research sites that create barriers to decent work for domestic workers, including migrants. In particular, the research addresses the following key topics:

### Employment and working arrangements

The study gathers information pertaining to various employment and working arrangements to map out the related diversity as well as to illustrate aspects of informality in the domestic work sector. This broadens the understanding of the evolving nature of working arrangements, including the growing prevalence of domestic workers working on an hourly, daily or live-out basis, in addition to those who have a contract with a service provider, such as a cleaning agency, rather than a household. These different arrangements appear to provide some workers with more power and agency, and in some instances, can correlate with a lower incidence of forced labour. For ASEAN to tackle forced labour, increased freedoms in living arrangements and the ability to work for multiple employers should be considered as significant enablers of decent work.

Further, the study looks at the registration of some domestic workers in non-domestic work migration schemes. Registration with employers in other non-domestic work sectors, or even maintaining an irregular migration status, counterintuitively can serve as mechanisms that migrant domestic workers in ASEAN use to access some rights and protections that are not afforded to documented domestic workers. For instance, registration as a factory worker allows the worker to sign up to social security in Thailand. In Malaysia, irregular migration channels can be preferable to a memorandum of understanding (MOU) system that “ties” a worker to their employer (Napier-Moore 2017). It is important that full rights and protections are afforded to workers in the domestic and care work sector, otherwise migration pathways involving various forms of irregularity will continue to be chosen by domestic workers in order to meet certain needs and rights. In setting out the justification for decent work for migrant domestic workers, the study aligns with the “Reward” element of the ILO’s 5R Framework for Decent Care Work (ILO 2018b).

### Diverse occupations and skills

The study identifies the multiple roles that domestic workers are performing within and beyond those detailed in the International Standard Classification of Occupations Framework (ISCO-08),<sup>6</sup> noting that domestic workers often perform several roles across skill levels that many workers, employers and communities do not identify as “skilled”. This study uses data mapped against ISCO-08 to empirically reframe domestic work as largely comprising tasks classified at Skill Level 2. In turn, it is hoped that this finding encourages skills recognition in domestic work, as well as providing a very strong justification for valuing the sector and thus ensuring regular, fair and decent migration to and employment conditions in the sector that are on par with other Skill Level 2 sectors (including office clerks, sales workers, chefs and mechanics).

### Forced labour, employment practices and working conditions

The study estimates forced labour in the three destination countries, disaggregated by major origin groups. The study uses the definition of forced labour found in the ILO Forced Labour Convention, 1930 (No. 29), as “all work or service which is extracted from any person under menace of any penalty and for which the said person has not offered himself voluntarily”, and calculated incidence of forced labour per the International Conference of Labour Statisticians (ICLS) Guidelines concerning the measurement of forced labour. Using these metrics, forced labour is found in all three destination countries.

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<sup>6</sup> Note, the three destination countries of focus for this survey have each adopted standard occupational classifications. Those of Malaysia and Singapore reflect the standards set out in ISCO-08 that are relevant to this study (with variations in numbering). In Thailand, the occupational standards are detailed in the in the professional qualifications for domestic workers, child care and elderly care. For ease of reference, this study refers only to ISCO-08, but all analysis is directly relevant to the Malaysia Standard Classification of Occupations (MASCO) and the Singapore Standard Occupational Classification 2020 and also appropriate to the standards set by the Thailand Professional Qualification Institute (TPQI).

Beyond the extreme situations of forced labour that some workers are in, the study considers decent work and its deficits through an assessment of working conditions more generally in relation to national legal frameworks, the ILO Domestic Work Convention, 2011 (No. 189), and other relevant international labour standards. Wage data allows an analysis of wages received by domestic workers benchmarked against national minimum wages or a reasonable equivalent.

### Social protection coverage

The study considers who among domestic workers are currently covered by various types of social protection and those who are not covered or are excluded from coverage. It also gauges levels of interest and understanding around social protection, including employers' willingness to pay for social protection. The study's disaggregation of the findings per domestic workers' profiles can be used by policymakers to identify feasible strategies for extending social protection to those currently uncovered.

### Support and social dialogue

Migrant domestic workers in the three ASEAN destination countries studied face various barriers to organizing. This belies a significant legislative (not to mention de facto) failing on the part of States to meet the freedom of association and right to collective bargaining commitments inherent with membership in the ILO. Quantitative analysis from this survey nevertheless reveals the proportion of domestic workers linked to or able to gain support from representative worker associations and/or community-based organizations, including informal associations and via social media. These findings can inform strategies for strengthening domestic worker voice, advocacy and social dialogue, while legislations through the region will hopefully be reformed in coming years to allow for unionization. The findings also align with the "Representation" element of the ILO's 5R Framework for Decent Care Work (ILO 2018b).

## 1.2. Defining terms

- The research adopts the Convention No. 189 **definition of "domestic worker"** to mean any person – woman or man – engaged in domestic work within an employment relationship and on an occupational basis. Domestic work means work performed in or for a household or households, and thus is principally defined by the place of work. While the tasks performed can vary across contexts, they typically include: cooking; cleaning the house; washing and ironing the laundry; general housework; looking after children, the elderly or persons with disabilities; as well as maintaining the garden or driving the family car. Domestic work covers various roles and occupations, including tasks classified within Skill Level 1 and Skill Level 2 categories under the ILO's International Standard Classification of Occupations (ISCO-08). It should be noted that some of the terms in the ISCO-08 table, such as "helper", "Ayah" and "maid", predate the introduction of Convention No. 189 and are now considered pejorative and demeaning. This research does not use such terminology. The research also acknowledges that national definitions of "domestic worker" may not align to the international definition.
- The study considers domestic work as falling under the category of **care work** and that it is delivered by way of two overlapping sets of activities: (i) direct, personal and relational care activities; and (ii) indirect care activities (including, but not limited to, cooking and cleaning and household management). While care workers comprise a diverse and wide range of workers, including nurses, teachers, doctors and personal care workers, **domestic workers who provide both direct and indirect care in households** are the focus of this research.
- The study specifically engages with **"migrant domestic work"**. For this purpose, a "migrant worker" is defined as, "A person who is to be or has been engaged in a remunerated activity in a State of which he or she is not a national".<sup>7</sup>

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7 Article 2 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

- ▶ Domestic work is performed unpaid and paid, but data collection for this study was limited to **paid roles** performed within homes (other than their own).
- ▶ **Legal status** for migrant workers in Malaysia, Singapore and Thailand<sup>8</sup> is defined as having a valid work permit and visa.<sup>9</sup>
- ▶ ILO Convention No. 189 does not include a definition of the employers of domestic workers. As such, employers can be:
  - a member of a **household**;
  - a **service provider** (which can include public or private employment agencies, enterprises, companies and digital platforms) that employs migrant domestic workers and makes them available to households; or
  - both, regardless of whether such a relationship would be strictly recognized in law or in fact.
- ▶ Data collection was conducted in three ASEAN Member States: **Malaysia, Singapore and Thailand**.

### 1.3. Domestic and care work, and migration in ASEAN

The ASEAN region includes important countries of origin and destination for labour migrants. In a region with an estimated population of 669 million, an estimated 7.1 million are intra-ASEAN migrants (UN DESA, Population Division 2020). Migrant domestic workers make up 19 per cent (equal to around 2.2 million) of the 11.7 million migrant workers in the ASEAN region, with 83 per cent of those being women (ILO 2021a).

Key corridors for migrant domestic workers within ASEAN include:

- ▶ Cambodia, the Lao People’s Democratic Republic and Myanmar to Thailand;
- ▶ Cambodia, Indonesia, Myanmar and the Philippines to Malaysia; and
- ▶ Indonesia, Myanmar and the Philippines to Singapore (see figure 1).

► **Figure 1. Main corridors of domestic work migration in ASEAN**



Map is for illustrative purposes only

8 In Thailand, regular legal status can be secured through a variety of methods, including Thailand-specific post-arrival regularization processes.

9 The regular or irregular status of migrant domestic workers is a complex and fluid issue. It should be noted that the study included workers with regular and irregular status and, while indicative findings were drawn where status was a clear factor, an attempt at a comprehensive analysis using this factor was not done.

Domestic work continues to grow, propelled by increasing numbers of women entering the labour market, ageing societies and public care deficits. It is still largely considered an extension of women's reproductive labour, which can account for the high numbers of women in the sector. This is also a factor in perceptions of domestic work as "low-skilled". The gendered perceptions of domestic work are demonstrated in the segregation of roles between men and women domestic workers, with women predominantly working as cleaners, cooks and direct carers, and men working as drivers, gardeners and security guards (ILO 2021a).

### Challenges facing migrant domestic workers

Among domestic workers in the South-Eastern Asia and Pacific subregion, 71.3 per cent are in informal employment (ILO 2021a). Even where ASEAN Member States actively recognize and regulate migration into the sector, domestic workers are not provided equal labour rights or protections under labour laws, and do not benefit from regulated working hours, wages or leave. The sector rarely provides full social security protection for migrant workers, despite the arguably high need for it among a workforce that is vulnerable to numerous violations, including forced labour, as this research shows. Domestic work is still undertaken in isolated work environments, typified by a high tolerance for exploitation and abuse towards workers, especially women, alongside limited access to complaints mechanisms or opportunities to organize (see figure 2). Migrant domestic workers face further risk factors related to migration status, in particular for those who have migrated irregularly or where migration status is attached to employers.

The isolation of migrant domestic workers is both physical and structural. Where migration schemes regulate migration for domestic work, the treatment of migrant domestic workers differs significantly from the treatment of "skilled" and "professional" migrants (King-Dejardin 2019). This manifests in regular medical screenings of domestic workers, and lack of access to labour and social protections and the minimum wage, in addition to restrictions on marriage and pregnancy. Conversely, migrants in alternate occupations at the same skill level will have access to full labour protection, the minimum wage and social protection (see table 15 in section 3.4 below).

► **Figure 2. Key intersecting challenges facing women domestic workers**



Domestic work is one of the top five sectors in global estimates of adult forced labour. Domestic workers comprise 16.6 per cent of women in forced labour, and 8.2 per cent of all those in forced labour globally. Women in forced labour are more likely than their male counterparts to be in domestic work, indicating that domestic work carries with it a particular risk for women workers (ILO, Walk Free, and IOM 2022). The forced labour prevalence of adult migrant workers is more than three times higher than that of non-migrants. As such, tracking migrant domestic workers' working conditions is critical in the global fight against forced labour and human trafficking.

### Domestic workers as providers of direct care in the home

In addition to indirect care, in the form of housekeeping and cooking tasks, it is common for migrant domestic workers to also have duties related to the direct care of a household member. This may be a child (or children) or an elderly, sick or disabled family member. In the absence of national policies that provide childcare through publicly funded nurseries or adequate parental leave, parents outsource childcare to fee-paying nurseries/childminders, family members or external carers. In Malaysia, Thailand and Singapore, those able to afford it rely on domestic workers as a cheap form of paid childcare (noting of course that low wages in the sector mean that being able to "afford" to offer exploitative working conditions is, in itself, problematic) (AWARE and HOME 2020).

► [Hourly domestic elderly care] is much more expensive. Households prefer live-in elderly care as they can cover the household, the children and the elderly care.

► Representative of civil society in Singapore

The reliance on migrant domestic workers for childcare is not new, but as populations age and multigenerational households decrease, the reliance on domestic workers for elder care is increasing. In 2020, the elderly (defined as those over 60 in Malaysia and Thailand, and over 65 in Singapore) accounted for 11 per cent, 18 per cent and 21 per cent of the population of Malaysia, Thailand and Singapore, respectively (ILO 2022a). This is in an environment where national, public long-term care schemes are in their infancy.

Thailand's community-based long-term care pilot programme, for example, was established in 2016, and provided care to 219,518 elderly persons in 2019 (around 11 per cent of the total number of people over 60) (Thailand, DOP 2020). In a 2018 survey, only 2 per cent of Thai people aged 60 and over reported receiving care from a care centre staff member or a health specialist (World Bank 2021). In Malaysia, elder care is also provided through a mix of public, private and NGO elder care centres, but any home-based care is private and fee-paying (Teman Malaysia 2022).

In Singapore, elder care is classified as community or residential healthcare provided by either voluntary welfare organizations or private service operators (Singapore MOH, n.d.). For home personal care (assistance with showering, medication, activities and personal care), the main provider in Singapore is the Agency for Integrated Care (AIC). The average cost of home personal care is S\$24.50 per hour (subject to a means-tested subsidy) (AIC, n.d.-a). This cost increases where nursing care is needed. In the absence of widespread, systemic and publicly funded elder care, and with private, professional care costing a premium, many households turn to the much cheaper option of hiring a migrant domestic worker to meet these needs. In Singapore, for example, the hourly cost of home personal care is around the same as the day rate for a live-in migrant domestic worker.

Live-in migrant domestic workers are also seen as preferable because they are able to provide continuous care (including working at night) as well as cooking and cleaning. Consequently, while the personal care services in Singapore are provided by trained care professionals, the care provided by domestic workers is commonly performed by individuals who have received no training and who are not protected by regulations on working hours. In 2018 it was estimated that one in five households in Singapore with an elderly person above the age of 65 employed a migrant domestic worker (Department of Statistics 2018, as cited in AWARE and HOME

10 A 2012 national survey in Singapore found that among persons aged 75 and over, 50 per cent were dependent on migrant care workers, including domestic workers, for their daily care (Østbye et al. 2013).

2020).<sup>10</sup> That there is a public AIC-provided system for care giving in the home is evidence that value has been ascribed to this work. That so many households employ a domestic worker to provide this care, for less money and longer hours, is demonstrative of the inherent exploitation in the employment of migrant domestic workers for elderly care.

Family members do not comprehend what care for the elderly requires. So when the family hires a domestic worker, they are of the opinion that the domestic worker can care for the elderly, prepare meals, and keep the house clean. They think the elderly person is just there and doesn't do anything. So, how hard can it be? But when there is a carer, the elderly person will want a lot from them.

► Representative of the Association of Employment Agencies in Singapore

## 1.4. Domestic work and skills

Domestic work is often perceived as unskilled and instead of identifying workers that match the skills required for the job, employers are often more focused on characteristics such as perceived obedience, age, appearance, ethnicity or religion. As an employers' association representative in Singapore noted, "There is a preference for Myanmar workers as they are docile." In the International Standard Classification of Occupations (ISCO), however, domestic work occupations and tasks are classified across different skill levels.

ISCO is an ILO structure used for organizing jobs into groups according to the tasks and duties undertaken in the job. The most recent version is known as ISCO-08. ISCO-08 structures occupational classifications across skill levels from 1 (covering elementary occupations) to 4 (covering managers and professionals). Occupations at the elementary skill level (or Skill Level 1) involve simple and routine physical or manual tasks that do not require basic skills in literacy and numeracy. Skill Level 1 is mapped broadly to the primary level of education. Occupations at this level include domestic cleaners and helpers, freight handlers, garden labourers and kitchen assistants. Occupations at Skill Level 2 include services and sales workers; skilled agricultural, forestry and fishery workers; craft and related trades workers; and plant and machine operators and assemblers. Specifically, Skill Level 2 occupations include accounts clerks, sewing machinists, hairdressers, building electricians, domestic housekeepers, childcare workers and home-based personal care workers. Skill Level 2 typically involves the performance of tasks such as operating machinery and electrical equipment and relatively advanced literacy and numeracy and good interpersonal skills; the skill level is mapped broadly to education at the lower secondary to post-secondary (non-tertiary) level.<sup>11</sup>

Migrant domestic workers undertake tasks and duties categorized under various occupations in ISCO-08 including those listed in table 1. The majority of these occupations – including all the relevant occupations that incorporate direct care – include tasks classified as Skill Level 2.

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<sup>11</sup> For more details, see ILO, *International Standard Classification of Occupations: Structure, Group Definitions and Correspondence Tables – ISCO-08, Volume 1*, 2012.

► **Table 1. ISCO-08 occupations undertaken by migrant domestic workers**

Skill Level: Unit Group	Occupation
Skill Level 1: 9111	Domestic Cleaners and Helpers
Skill Level 2: 5120	Cooks
Skill Level 2: 5152	Domestic Housekeepers
Skill Level 2: 5311	Child Care Workers
Skill Level 2: 5322	Home-based Personal Care Workers
Skill Level 2: 6113	Gardeners; Horticultural and Nursery Growers
Skill Level 2: 8322	Car, Taxi and Van Drivers

In addition to vocational skills, domestic and care workers also require a mix of transversal skills (that is, skills widely applicable to varying jobs), attitudinal skills, and technical skills. The ILO categorizes transversal and attitudinal skills under four categories (ILO 2021b):

- **Social and emotional skills:** these include communication, collaboration, conflict resolution and emotional intelligence. These are all core skills for domestic workers, especially those living and working with employers and their families.
- **Cognitive and metacognitive skills:** include literacies, analytical and critical thinking, creative and strategic thinking, planning and problem solving. These are skills that are displayed by domestic workers who are working alone and autonomously.
- **Basic digital skills:** which include the use of basic hardware and software and safely using online functions. These skills are increasingly relevant in 21st century households, for instance, to operate ever-more complicated appliances or where the use of phone apps is required to coordinate or order supplies.
- **Basic skills for green jobs:** which includes environmental awareness, waste management and energy and water efficiency. These skills come into play with household recycling and careful use of energy, water and food supplies.

Varying forms of skills development and training are increasingly available for – and required of – migrant domestic workers, both in their country of origin and in the country of destination. In the Philippines, nationals who want to work overseas are required to take the Domestic Work NC II Certification Course, in which they learn about health and safety, cleaning and how to prepare and serve food (Philippines, TESDA, n.d.). Similarly, aspirant Indonesian migrant domestic workers are required to have a certificate of work competency. In Singapore, employers can provide their domestic workers access to training in eldercare (AIC, n.d.-b) (for more on this, see section 3.2.5). Post-arrival training is provided in Singapore, but this is limited to topics on adapting to working and living in Singapore, conditions of employment, working safely, and relationship and stress management; the course does not incorporate a significant skills development element. In Thailand, the Thailand Professional Qualification Institute (TPQI) has developed a certifiable standard for training in housekeeping (TPQI, n.d.); however, this has only been available to migrant domestic workers through a pilot scheme supported by the International Organization for Migration. There have also been initiatives to recognize and apply the prior learning of returning domestic workers, including a pilot supported by the ILO in Cambodia that assessed the learning of 60 returnee migrant domestic workers, before conducting training that resulted in all 60 passing the Common ASEAN Tourism Curriculum Certificate II (Level 1) for housekeeping.

Skills training for domestic workers is not, however, consistent or comprehensive; few employers consider it a requirement and it is not linked to different – better – employment conditions or to formal employment. Where training is available, it rarely recognizes the variations in the levels of work that are actually present, expected and required in the sector. Training in cleaning and basic food preparation may largely be the most appropriate level of skills training for a worker new to the domestic work sector, especially one who has come from a home with no electricity or running water, but training in house management and direct care is also necessary where this is work expected by employers (Tayah 2016). There is space for nuance in the understanding of the different levels of skills required for domestic work, and in the ability to provide training to develop skills in experienced workers. At present, however, the piecemeal nature of skills training and an absence of occupational or competency standards or recognition and/or limited skills certification in domestic work have meant that perceptions around the skill level of domestic work and care in ASEAN homes has yet to change. As such, many domestic workers continue to be hired without the requisite skills for the work, while others have skills that go unrecognized and inadequately compensated.

► **Sadly, a lot of people still perceive domestic work as unskilled work. But we try to raise awareness that they [are workers and] are not fully protected by the employment law and regulations. If there is a way that the employers or anyone can help certify their skills, it would be great for everyone involved.**

► **Representative of Thailand Professional Qualification Institute**

Skills recognition may play a significant role in improving working conditions and preventing forced labour in general terms. Obtaining skills improves workers' awareness, employability, self-esteem and resilience, which can decrease vulnerability and improve the ability of workers to choose their employment (ILO 2020). By accessing skills training pre-migration, aspirant migrants are likely to also have access to information about their rights and opportunities for decent work and create networks with fellow jobseekers, reducing their vulnerability to brokers, recruiters and employers who are looking to exploit them. Where sectors recognize skills, they also provide workers with the ability to increase their income and reduce vulnerability to income shocks.

Prior progress towards establishing regionally accepted and recognized skills for domestic work has included the development of the Regional Model Competency Standards with the view to assisting ASEAN Member States to develop or update national competency standards for domestic work and to facilitating mutual recognition of skills across the region (ILO 2014). However, limited progress has been made in relation to this initiative in recent years.



## 1.5. The international legislative framework

### Domestic Workers Convention, 2011 (No. 189)

The key piece of international legislation relevant to migrant domestic workers is the Domestic Workers Convention, 2011 (No. 189), along with the accompanying Domestic Workers Recommendation, 2011 (No. 201). The international definition of a domestic worker is established in Convention No. 189 (see section 1.2 above).

Convention No. 189 recognizes the significant economic and social contribution made by domestic workers and calls for action to address their exclusion from labour and social protection. Convention No. 189 requires Member States to take measures to ensure the effective promotion and protection of the human rights of all domestic workers, including promoting and realizing the fundamental principles and rights at work: freedom of association; the elimination of all forms of forced or compulsory labour; the abolition of child labour; the elimination of discrimination in respect of employment and occupation; and occupational safety and health. In this regard, Convention No. 189 specifically provides for the right for domestic workers to establish and join organizations, federations and confederations. Convention No. 189 goes into particular detail on the efforts that Member States can take to protect domestic worker rights, including setting out the key terms and conditions of employment, where possible through a written contract (see box 1).

Convention No. 189 provides that Member States should ensure equal treatment between domestic workers and other workers in relation to working hours, rest and leave, specifying that domestic workers should have access to at least 24 hours of consecutive rest. Member States should also provide equal conditions for domestic workers in terms of minimum wage, a safe and health working environment, social security protection, and maternity leave.

In establishing international standards for the rights of a predominantly informal and women-dominant sector, Convention No. 189 sets the bar for expectations in terms of respecting domestic work as a formal sector of employment that attracts equal conditions and benefits.

**► Box 1. The Domestic Workers' Convention, 2011 (No. 189), in a nutshell**

Minimum standards set by Convention No. 189 for domestic workers include:

- ▶ **Article 3:** ILO fundamental principles and rights at work: (1) freedom of association and right to collective bargaining; (2) elimination of forced labour; (3) abolition of child labour; and (4) elimination of discrimination.
- ▶ **Article 4:** Protection of children, including setting a minimum age in line with the Minimum Age Convention, 1973 (No. 138).
- ▶ **Article 5:** Protection from all forms of abuse, violence, and harassment.
- ▶ **Article 6:** Fair terms of employment, decent working conditions and decent living conditions for live-in domestic workers.
- ▶ **Article 7:** Information about terms of employment, preferably in a written contract.
- ▶ **Article 8:** Migrant-specific protections, including provision of a written job offer or employment contract enforceable in the country of employment prior to migrating. Countries of origin and destination cooperate to protect migrant domestic workers and specify terms of repatriation.
- ▶ **Article 9:** Freedom to choose living arrangements, prohibition of confinement of live-in domestic workers during periods of rest or leave, and domestic workers can keep identify documents/passport.
- ▶ **Article 10:** Equal treatment between domestic workers and other workers in relation to hours of work, overtime pay, rest periods and annual leave.
- ▶ **Article 11:** Minimum wage coverage, where it exists.
- ▶ **Article 12:** Regular payment, at least once a month, and limited payment in-kind.
- ▶ **Article 13:** Occupational safety and health.
- ▶ **Article 14:** Equal treatment in respect to social security, including maternity protection.
- ▶ **Article 15:** Regulation of recruitment agencies, including investigation of complaints, establishment of operational guidelines, penalties for violation, and fees charged by recruitment agencies not to be deducted from wages.
- ▶ **Article 16:** Access to justice, including effective access to courts, tribunals and/or other dispute resolution mechanisms.
- ▶ **Article 17:** Effective and accessible complaint mechanisms; measures for labour inspection, enforcement and penalties; and access to households.

## Conventions relevant to migrant domestic work

At the time of writing, the Philippines is the only country of focus in this study that has ratified Convention No. 189. While none of the three countries of destination have ratified Convention No. 189, it does, however, sit on the shoulders of multiple international Conventions that – especially when taken together – establish commitments by these countries of destination to the rights of migrant domestic workers. The eleven ILO fundamental instruments, for example, set out provisions to eliminate forced labour, ensure rights to freedom of association, provide access to equal remuneration, prevent discrimination in employment, address child labour, and respect and promote the right to a safe and healthy working environment (see table 2 for ratification status). In addition, each of the three destination countries of focus have ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), which provides specifics on how to respect, protect and fulfil the human rights of women migrant workers under CEDAW General Recommendation No. 26. In particular, General Recommendation No. 26 provides that States Parties should ensure that occupations dominated by women migrant workers, such as domestic work, are protected by labour laws, including wage and hour regulations, health and safety codes, and holiday and vacation leave regulations, and that workers in these occupations have access to services.

► **Table 2. Ratification of selected international Conventions by Malaysia, Singapore and Thailand**

International Convention	Malaysia	Singapore	Thailand
Forced Labour Convention, 1930 (No. 29)	✗	✗	✗
Protocol of 2014 to the Forced Labour Convention, 1930	✗		✗
Abolition of Forced Labour Convention, 1957 (No. 105)	*	✗	✗
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)			
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	✗	✗	
Equal Remuneration Convention, 1951 (No. 100)	✗	✗	✗
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)			✗
Minimum Wage Fixing Convention, 1970 (No. 131)	✗		
Minimum Age Convention, 1973 (No. 138) (minimum age specified: 15 years)	✗	✗	✗
Occupational Safety And Health Convention, 1981 (No. 155)		✗	
Worst Forms of Child Labour Convention, 1999 (No. 182)	✗	✗	✗
Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	✗	✗	✗
Domestic Workers Convention, 2011 (No. 189)			
Convention on the Elimination of Discrimination Against Women	✗	✗	✗

\* Denounced by Malaysia on 10 January 1990.


### Legal definition of forced labour

The ILO Forced Labour Convention, 1930 (No. 29), provides that each member State of the ILO undertakes to suppress the use of forced labour, with forced labour defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily” (Article 2(1)). All of the destination and origin countries along the migration corridors in this study are members of the ILO, namely the destination countries of Malaysia, Singapore and Thailand, and the origin countries of Cambodia, Indonesia, the Lao People’s Democratic Republic, Myanmar and the Philippines.

There are three elements in the legal definition of forced labour (ILO 2007):

- (i) **Work or service**, which refers to any type of work, service and employment, occurring in any activity, industry or sector, including in the informal economy.
- (ii) **Menace of any penalty**, which refers to a wide range of means of coercion used to compel someone to perform work including (but not limited to) actual or credible threat of physical, psychological or sexual violence, financial penalties, debt bondage, dismissal, and specifically in the case of migrant workers, arrest and/or deportation.
- (iii) **Involuntariness**, which refers to workers not having given their free and informed consent to enter into an employment relationship and/or their inability to withdraw their consent at any time. Involuntariness can be brought about by the use of false promises made in recruitment, such that a worker accepts a job on false premises, but can also be down to physical confinement, including through removal of identity documents.

The statistical definition of forced labour is in the Guidelines Concerning the Measurement of Forced Labour adopted by the 20th International Conference of Labour Statisticians in 2018. In particular, the Guidelines confirm that for statistical purposes, a person is classified as being in forced labour if “engaged during a specified reference period in any work that is both under the threat of menace of a penalty and involuntary” (ILO 2018a, para. 5). This is the definition used by this study to measure the prevalence of forced labour in domestic work (See the more detailed discussion on application of this statistical definition in this study in Chapter 2).



# ▶ 2

## Methodology

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### 2.1. Research questions

The following research questions guided the data collection for this study:

- ▶ What are the diverse roles and skill levels of domestic workers?
- ▶ What are the employment and working conditions of migrant domestic workers as compared to those laid out under national legal frameworks, ILO Convention No. 189, and other relevant international labour standards, including (but not limited to) the Forced Labour Convention, 1930 (No. 29), and the Protocol of 2014 to the Forced Labour Convention, 1930)?
- ▶ What discrimination exists in terms of wages for domestic workers benchmarked against the national minimum wage and comparable industries?
- ▶ What are the current forms of employment relationships and contractual relationships in domestic work in ASEAN?
- ▶ Who among domestic workers is covered by social protection coverage; who is accessing/benefitting from this; and what is the perception of social protection?
- ▶ What support and representation are available to domestic workers from trade unions, workers' associations and/or community-based organizations, including informal associations via social media, and are domestic workers accessing/benefitting from these?

## 2.2. Data collection techniques

The study employed a mixed methodology using both quantitative and qualitative data collection tools. To collect the quantitative data, two separate surveys were done in Malaysia, Singapore and Thailand:

- ▶ one of 610 employers from private households who employed migrant domestic workers directly or through an agency (hereafter termed the “Employer Survey”); and
- ▶ one of 1,201 migrant women domestic workers (hereafter termed the “Domestic Worker Survey”).

What follows is a summary of the data collection methodology for these surveys; for a more detailed explanation of the methodology for this study, including ethical considerations and data analysis, see Annex 1 below.

Data collection for the Employer Survey was through an established access panel in all three destination countries. The Employer Survey included slightly over 200 respondents in each country residing in all major regions in each country. Employers of a migrant domestic worker could qualify to participate in the survey, provided they had employed the worker for at least six months. As part of the survey, employers reported the number, gender and nationality of the domestic workers they employ, which then served as a benchmarking frame (for lack of other available representative frames) that helped establish more nationally representative and uniform data collection in the Domestic Worker Survey. The demographic distribution of migrant women domestic workers reported by private employers was also used to weight the Domestic Worker Survey data post-collection, producing more accurate and representative results.

For the Domestic Worker Survey, in each of the three countries 400 domestic workers were surveyed. All were migrants and women. In Malaysia, migrant women from Cambodia, Indonesia and the Philippines were surveyed. In Singapore, migrant women from Indonesia, Myanmar and the Philippines participated, and in Thailand, the survey covered workers from Lao PDR and Myanmar. Sampling was done via intercept methods using a combination of quota sampling and snowballing in places where domestic workers can be found, such as markets, malls, eating places, and similar locations. This method was considered more appropriate than a household survey, given the sensitivity of the questions, which ethically should not be asked with an employer present. The survey itself was conducted face-to-face outside of the homes/workplaces of the migrant domestic workers in locations where privacy could be preserved.

In addition, qualitative interviews with migrant domestic workers and employers were used to triangulate, complement, analyse and provide context for the quantitative findings. In all, 15 qualitative interviews were conducted with migrant domestic workers and 5 were conducted with employers. Employers and domestic workers were recruited using a variety of methods, including direct recruitment through social media and networks; referrals from NGOs; and referrals from the participants of the quantitative research team. A balance of respondents from different countries of origin was sought. These interviews provide essential details that illustrate the quantitative data, in particular in relation to working and living conditions, how time is managed, how expectations are communicated, and how much control the workers have over their day-to-day experiences.

In addition, 18 structured interviews were also conducted with representatives of government, employers’ organizations, domestic worker associations and civil society in each of the three destination countries. This report was sent to the organizations interviewed prior to publication, giving them opportunity to validate their input and ensure an accurate portrayal of their meaning.

Qualitative data was collected through interviews that were conducted in English where possible or in the language of the participant translated through an interpreter. Interviews were conducted remotely through online and mobile-based platforms (including Viber, Signal, WhatsApp, Zoom, Google Meet and Microsoft Teams).

## 2.3. Analytical frameworks

### Skills

The ISCO-08 International Standard Classification of Occupations was used to benchmark the skill level of the tasks performed by domestic workers for this study. To achieve this, the surveyed domestic workers were asked to self-report whether they engaged in tasks listed under the three ISCO-08 Skill Level 2 occupations of:

- Domestic Housekeepers (under Unit Group 5152).
- Childcare Workers (under Unit Group 5311); and
- Home-based Personal Care Workers (under Unit Group 5322)

See box 2 below for lists of the tasks associated with these occupations.

Questions concerning the tasks listed under the ISCO-08 Skill Level 1 occupation of Domestic Cleaners and Helpers were not included in the survey based on the reasonable presumption that, as the elementary occupation in the sector, all domestic workers would be working at least at this level. The occupations of drivers and gardeners were also not surveyed due to the study's focus on women migrant workers, who are less likely to undertake these roles. It is important to note that ISCO-08 classifies the job itself, and not the person who performs the job. As such, the self-reported results were taken to provide an indication of the skill level of the work being undertaken, not the skill levels of the individuals themselves.

#### ► Box 2. ISCO-08 Classification of Occupations

##### Skill Level 1

##### Domestic Cleaners and Helpers (under Unit Group 9111) tasks:

- (a) sweeping, vacuum cleaning, polishing and washing floors and furniture, or washing windows and other fixtures;
- (b) washing, ironing and mending linen and other textiles;
- (c) washing dishes;
- (d) helping with preparation, cooking and serving of meals and refreshments;
- (e) purchasing food and various other household supplies;
- (f) cleaning, disinfecting and deodorizing kitchens, bathrooms and toilets;
- (g) cleaning windows and other glass surfaces.

##### Skill Level 2

##### Domestic Housekeepers (under Unit Group 5152) tasks:

- (a) supervising workers employed in households as domestic staff;
- (b) purchasing or controlling the purchase of supplies;
- (c) controlling storage and issue of supplies;
- (d) assisting in cases of minor injury or illness by performing tasks such as taking temperature, giving medicine, putting on bandages;
- (e) sweeping or vacuum-cleaning, washing and polishing floors, furniture and other fixtures, making beds, cleaning bathrooms, supplying towels, soap and related items;
- (f) taking care of household pets and plants, receiving visitors, answering telephones, delivering messages and shopping for groceries;
- (g) preparing and cooking meals, setting and clearing tables, and serving food and beverages;
- (h) cleaning kitchens and generally helping with kitchen work, including dishwashing.

**Skill Level 2****Child Care Workers (under Unit Group 5311) tasks:**

- (a) assisting children to wash, dress and feed themselves;
- (b) taking children to and from school or outdoors for recreation;
- (c) playing games with children, or entertaining them by reading or storytelling;
- (d) assisting in the preparation of materials and equipment for children's education and recreational activities;
- (e) managing children's behaviour and guiding their social development;
- (f) disciplining children and recommending or initiating other measures to control behaviour, such as caring for own clothing and picking up toys and books;
- (g) observing and monitoring children's play activities;
- (h) keeping records on individual children, including daily observations and information about activities, meals served and medications administered.

**Skill Level 2****Home-based Personal Care Workers (under Unit Group 5322) tasks:**

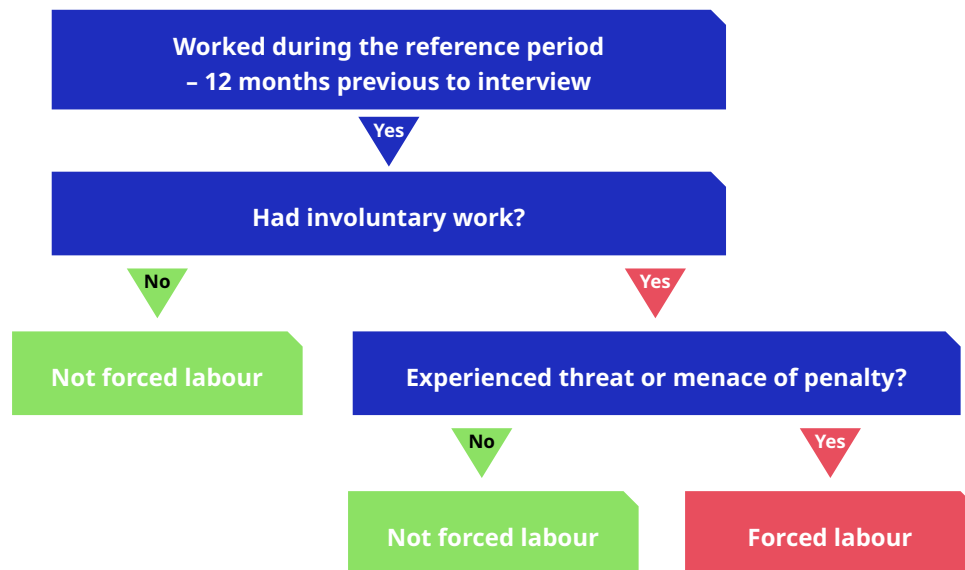
- (a) assisting clients with personal and therapeutic care needs such as personal hygiene, feeding, dressing, physical mobility and exercise, communication, taking oral medications and changing dressings, usually according to care plans established by a health professional;
- (b) maintaining records of client care, changes in condition and responses to care and treatment, and reporting concerns or providing referrals to a health or social services professional;
- (c) positioning and lifting clients with physical mobility challenges, and helping transport them in wheelchairs and motor vehicles;
- (d) providing clients and families with emotional support, information and advice on topics such as nutrition, hygiene, exercise, caring for infants or adapting to disability or illness;
- (e) maintaining clients' environmental hygiene standards, such as changing bed linen, washing clothes and dishes, and cleaning living quarters;
- (f) providing psychological support to clients such as through conversation or reading aloud;
- (g) planning, purchasing, preparing or serving meals to meet nutritional requirements and prescribed diets;
- (h) providing support to parents and care for newborns during the postpartum period;
- (i) scheduling and accompanying clients for appointments with medical doctors and other health professionals, or performing other errands.

**Forced labour**

The ILO *Guidelines Concerning the Measurement of Forced Labour* were applied by the study to estimate the prevalence of forced labour (ILO 2018a). As noted above, under the Guidelines, a person is classified as being in forced labour if "engaged during a specified reference period in any work that is both under the threat of menace of a penalty and involuntary" (ILO 2018a, para. 5). For this survey, a person is classified as being in forced labour if they report circumstances that may give rise to involuntary work *and* they also report an indicator of threat of menace of a penalty that is directly related to the involuntariness (see figure 3). The reference period used for this study was 12 months, that is, the reported forced labour needed to have occurred within the 12 months prior to the survey.



► Figure 3. The concept of forced labour



Involuntariness in work can arise from an array of work conditions, including not being paid at all or working for low wages, and working unpaid overtime, among others (see box 3). For the purposes of this study, the “very low wages” part of the involuntariness indicator “You are not paid at all or work for very low wages” refers to those workers whose average daily wage is under the minimum wage (or in the case of Singapore, under the contractual norm set by their country of origin).<sup>12</sup> For the purposes of the analysis, respondents who had reported that they were not paid overtime when working more than 8 hours in a day or 48 hours in a week were counted as being in a work condition that may give rise to involuntariness.

► Box 3. Work conditions that may give rise to involuntariness

- Someone else decided that you should work here without your agreement.
- You had to take this job to pay back a debt that is related to this job.
- You have to be available to work at any time, day and night and this was not previously agreed with your employer or recruiter.
- You are not paid at all, or you work for very low wages.
- Work conditions are dangerous and you did not agree to them.
- Your employer provides you very poor living conditions that you did not agree to.
- The work tasks are different to what you were told when you were recruited, and you do not agree to them.
- You work for employers other than the one(s) you agreed to work for.
- You have to stay in this job longer than agreed without your consent.

12 The term “low wages” does not provide a specific threshold for determining what constitutes a low wage. In contrast, using a specific value like the minimum wage provides a clear and objective standard for determining whether a worker is being paid fairly or not. This is why the study uses the minimum wage (or in the case of Singapore, contractual norms) as an indicator for workers who are paid below a certain threshold.

- ▶ You are not allowed to quit your job.
- ▶ Tried to resign but were not allowed.
- ▶ There are other situations that happened without your agreement.
- ▶ You do not get overtime pay when working more than 8 hours per day or more than 48 hours per week.

As noted above, for a survey respondent to be classified as being in a state of forced labour, they must first report circumstances that may give rise to involuntariness *and* this must be followed by a connected “threat of menace of a penalty”. The various forms of “threat of a menace of a penalty” are listed in box 4 below.

► **Box 4. Forms of threat of a menace of a penalty**

- ▶ Physical violence (beating, suffocating, denied food).
- ▶ Sexual abuse (kissing, touching, asked to undress, forced sex).
- ▶ Harassment or humiliation.
- ▶ Threats of violence to you, your family or your friends.
- ▶ Make you work to pay money you owe to them.
- ▶ Threats of not getting paid or financial penalties.
- ▶ Keep you under constant surveillance, for example, using CCTV cameras.
- ▶ Took away your mobile phone.
- ▶ Keep you in isolation and not allowed to leave the workplace.
- ▶ Locked in for some period of time, either in your workplace or accommodation.
- ▶ Took away your identity documents, such as ID, passport, residence permits, travel documents.
- ▶ Threatened to be dismissed from work.
- ▶ Threatened with deportation, reporting you to police/immigration authorities, or legal action.
- ▶ Withholds your salary or other benefits.
- ▶ Take advantage of the fact that you have no other options but to work.

### Working conditions

In this study, domestic workers’ conditions of work are benchmarked against provisions of Convention No. 189, supported by provisions from other Conventions where they provide additional relevant detail. Where Convention No. 189 provides for equal treatment between domestic workers and workers generally, the benchmark is the employment rights afforded to other workers in the country (see table 15 in section 3.4 below). In the case of wages, the benchmark for Malaysia and Thailand is the minimum wage available to other workers, and the benchmark for Singapore is the wage paid according to the contractual norm set by the worker’s country of origin.

The complete analytical baseline is set out in Annex 1, section A1.4.

For ease of comparison, wage information was converted to United States Dollar (US\$). To avoid artificially inflating domestic workers' salaries because of the surge in the USD in early 2022, an average exchange rate was used from July 2020 to June 2022. The US\$ exchange rate for the three countries was as follows:

- ▶ US\$ to the Singapore dollar (SGD), 1.352;
- ▶ US\$ to Malaysia Ringgit (MYR), 4.174;
- ▶ US\$ to Thailand baht (THB), 32.222.

## 2.4. Research limitations and challenges

The online panel sample cannot be regarded as a probability sample and panel members have an inherent skew towards urban areas, younger people and those with internet connections. For this reason, the resulting sample of employers has a larger proportion of wealthy, more educated, urban young people. These characteristics represent a skew that was viewed as not out of proportion with the population of domestic work employers and thus acceptable, given a lack of an employer sampling frame in any of the three destination countries. In addition, most panel respondents are from capital cities, which have a different profile from the rest of the country. Though the data was not weighted during analysis, quotas were used initially to spread the sample across major regions of each country.

The actual total number and nationality of the women migrant domestic workers in any particular location is largely unknown, especially the number of migrants in an irregular situation. Hence, there is no full sampling frame, and migrant workers were selected using non-probability methods. The intercept method used also excludes women migrant domestic workers confined to their accommodation/workplaces. That means the final sample is not fully representative of the women migrant domestic worker population, especially in regard to those without freedom of movement.

While purposeful sampling was done, an effort was made to spread the sample across several regions and subdistricts. The intercept model may also have engaged with a disproportionate number of women migrant domestic workers in Malaysia and Thailand who work part-time for multiple houses. Full-time, live-in domestic workers may have limited time outside of the house and feel less at liberty to engage in surveys during this time.

The ISCO-08 classification of occupations was used for this study as a way of illustrating that domestic workers commonly undertake tasks well above those classified as "low skilled". The use of ISCO limits the application of a more refined differentiation of the skill levels of the tasks performed by domestic workers. This puts many domestic workers in one skill level category, which removes a degree of nuance from the reality of the different skill levels in the sector and how an approach to skills progression should be framed.

Measuring forced labour among migrants requires asking sensitive questions of individuals who may feel that they are – or objectively are – in a precarious situation with little support. As a result, some respondents may avoid sharing particular experiences to protect themselves or to project a positive view of their situation. Special effort was made to ensure that respondents were interviewed in private locations away from the workplace to minimize response bias. Forced labour questions were also disguised so only the respondent could see the answers in their local language, allowing them to answer more freely.

Based on the limitations set out above, any findings of forced labour and other forms of labour exploitation have been viewed as being conservative.

The country of origin quotas fell short for Cambodian women migrant domestic workers in Malaysia and for Myanmar women migrant domestic workers in Singapore. While these populations proved very difficult to find, the samples achieved were still large enough to conduct analysis on workers from these countries of origin. The survey did not collect data for women migrant domestic workers outside of the established quotas. Hence, not all women migrant domestic workers are represented, and there is no information about women migrant domestic workers from some countries (for instance Myanmar migrants in Malaysia, or Cambodians in Thailand). Budget constrained how many different languages in which the interviews could be held.

The Employer Survey included employers who hire both men and women migrant workers. As will be seen below (section 3.1.1), on average employers reported employing two migrant domestic workers, and the survey asked them to respond about the worker they regarded to be their “main” domestic worker. In just under 90 per cent of cases, the “main” worker was a woman worker. The data on men domestic workers was checked to see if it skewed the overall findings, but due to the low overall figure, it was found not to skew the data and was not removed from the overall data set. Instead, it was analysed against some specific criteria to help build an understanding of the role of men in the sector. It was not, however, used to do detailed analysis comparing the situation between men and women domestic workers.

It proved difficult to find domestic workers and employers willing to provide qualitative data, and some of those who had engaged in the survey were not willing to participate in further interviews.



# ▶ 3

## Findings and analysis

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### 3.1. Profile of migrant domestic workers

Before considering substantive findings related to the skills profiles of the workers and to their working conditions, the following sections set out the demographic, migration and employment profiles of the workers. This data illustrates that the sector of migrant domestic work is far from homogenous. Workers cover a range of ages, educational attainments and relationship statuses. They use a variety of methods of migration and are engaged in a diverse range of employment relations. Understanding the complexity of worker profiles assists in the analysis of differentiated experiences found later in this report.

#### 3.1.1. Demographic profile

Across the three data collection sites, the ages of the workers are relatively similar, with the highest proportion of workers being aged 30–39. In Malaysia, the workers skew slightly older and in Thailand slightly younger, but the key finding is that workers represent all ages from 18 to over 40 (see table 3). The data on educational attainment is much more varied. Table 3 below illustrates that workers in Thailand were less likely to have attended any schooling; whereas workers in Singapore were more likely to have attended high school or higher. Considering the workers by nationality, Indonesian workers were more likely to be educated to the high school level or higher, at 55 per cent. Filipina workers were more likely to have been educated to the vocational training level or higher (7 per cent, as against 3 per cent of Indonesian workers). Myanmar workers were least likely to have attended school, with one-fifth of those in Thailand reporting that they had no schooling. A slim majority in all three destination countries are married or in long-term relationships (table 3).

► **Table 3. Demographic profile of domestic workers, by country of destination (Domestic Worker Survey)**

Demographic profile	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
<b>Country of origin</b>			
Cambodia	5	-	-
Indonesia	80	46	-
Lao People's Democratic Republic	-	-	46
Myanmar	-	24	54
Philippines	15	30	-
<b>Age</b>			
18-29	25	24	34
30-39	42	47	43
40 or older	33	29	23
<b>Education</b>			
Never attended school	-	-	16
Primary school	6	1	54
Middle school	45	31	23
High school or higher	49	69	7
<b>Marital status</b>			
Single	31	24	38
Married or de facto partner	52	68	53
Divorced or widowed	17	8	9

- = nil.

Across the three destination countries, employers reported employing an average of around two workers per household (Malaysia: 2.1; Singapore: 1.9; and Thailand: 2.4). The majority of these workers were women. Women were also more likely to be the main domestic worker (see table 4).

► **Table 4. Domestic workers by sex (Employer Survey)**

	Malaysia n=205	Singapore n=202	Thailand n=203
Average number of workers	2.1	1.9	2.4
Women as proportion of all workers employed (%)	93	89	84
Sex of main domestic worker (% women)	87	94	88

### 3.1.2. Employment profiles and migration channels of migrant domestic workers

#### Context

Migrant domestic workers cannot be treated as a homogenous group in terms of employment relationships and migration status; although informality and irregularity are prevalent features. Aside from some exceptions, as detailed below, the primary regular migration channels for domestic workers to Malaysia, Singapore and Thailand require that the worker:

- i. be employed for work in a household (as a live-in worker in Malaysia and Singapore); and
- ii. deliver direct care or indirect care services as full-time domestic work (in Malaysia and Singapore, whereas full-time is not required by Thailand).

Until 2019 Myanmar banned migration for domestic work, meaning that the recruitment and sending of Myanmar migrant domestic workers was unregulated. While the ban itself has officially been lifted, this has only resulted in the ability of existing migrant domestic workers to re-migrate regularly; there remains a restriction on first time migration into domestic work. Until May 2020, the Lao People's Democratic Republic also banned migration for "employment in vocations or areas that are dangerous to health and safety, contrary to Lao customs and traditions, or the laws of the Lao PDR, or any country in which safety cannot be guaranteed" – which had variously been interpreted to include domestic work (ILO 2022c). Legal changes that resulted from the adoption of the Decree on Placement of Lao Workers to Work Abroad (Decree No. 245) in May 2020 resulted in domestic work becoming a potential sector for regular migration, but at the time of writing, regular recruitment had not yet commenced.

There are some circumstances wherein migrants are employed by service providers that provide domestic services to households. There are no regular migration schemes in any of the three destination countries that are based on this service provider employment model for full-time, live-in workers. In addition, and aside from the limited Household Services Scheme in Singapore (detailed below), there are also no regular migration schemes based on this employment model for part-time workers. Even so, there are service providers in the three destination countries that employ migrants and hire them out to households as domestic workers. In many cases, these workers will have entered the country as a regular migrant – employed to provide cleaning services in offices or commercial spaces – and therefore, by working in private households they may be in contravention of the conditions of their work permit (possibly unknowingly). In other cases, the workers will be hired despite having an irregular migration status. In these scenarios the worker may be employed and paid by the service provider and hired out to multiple households. There are also scenarios where the worker works full-time for one employer and may more reasonably be considered to be in an employment relationship with the household.<sup>14</sup>

The amount of power and agency that migrant domestic workers have over their work can also differ. The regular migration routes available to domestic workers interviewed for this study require that they work with one employer and that they are unable to leave their employer without permission. Irregular workers, however, may move between employers, or work for multiple employers. Table 5 sets out generally the different types of work relationships and how they relate to migration status.

14 In accordance with Article 9 of the ILO Employment Relationship Recommendation, 2006 (No. 198), which states, "For the purposes of the national policy of protection for workers in an employment relationship, the determination of the existence of such a relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise."

► **Table 5. Work relationships and migration status of migrant domestic workers\***

	Ordinary migrant domestic worker	Domestic workers employed by service providers	Domestic service providers employed for profit
<b>Employment relation</b>	Engaged directly as employees of household to provide full-time domestic services to one household.  Unable to change employer without permission.	Engaged by service provider to work for one or more households.	Employed by one or more households for full- or part-time work.  Might make use of a service provider or digital platform to connect with households and process payments.
<b>Migration status</b>	Regular status via recruitment through domestic worker migration schemes; or  Irregular status due to migration via irregular channels	Regular status via established recruitment schemes for service workers / cleaners; however, work in private household can mean many in violation of work permit regulations; or  Irregular status due to migration via irregular channels.	Regular status via established recruitment schemes for service workers / cleaners; however, work in private household can mean many in violation of work permit regulations; or  Irregular status due to migration via irregular channels.

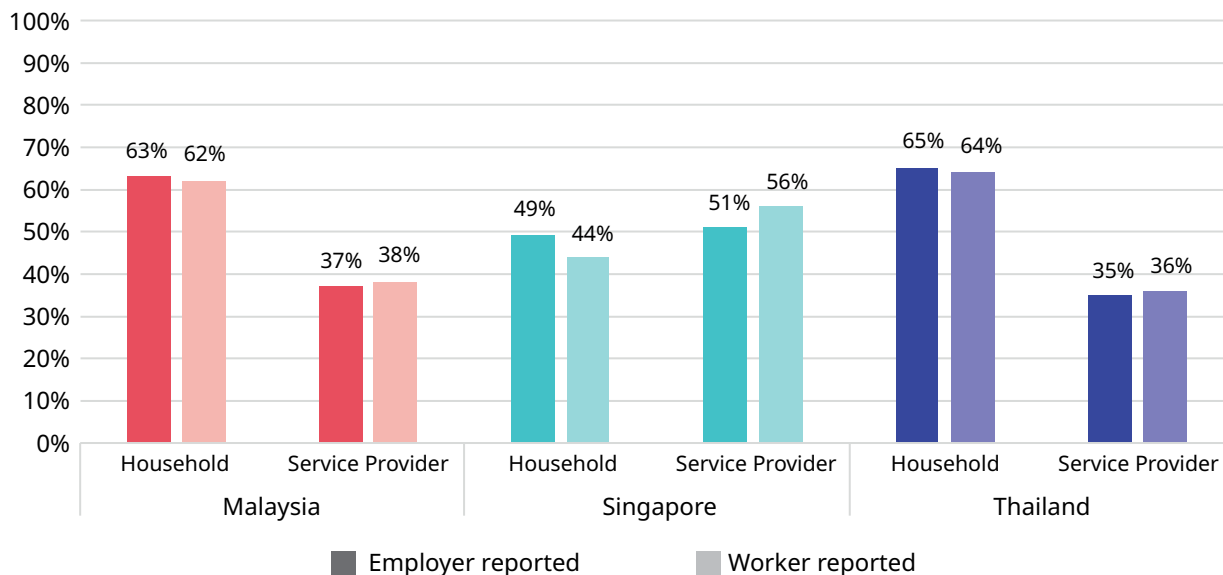
\* As per ILO, [Resolution concerning statistics on work relationships](#), 20th ICLS, 10–19 October 2018.

## Findings

The proportion of domestic workers and employers in the research sample reporting that the employment relationship is between the domestic worker and a service provider is significant, because it provides an indication of the different employment relationships engaged in by migrant domestic workers (see figure 4). This data indicates that around 35 per cent of workers report being employed by service providers in Malaysia, between 50–55 per cent in Singapore and around 35 per cent in Thailand. These findings are discussed in more detail below, but on the face of it, they illustrate the proportion of workers who are not engaged with the regular migrant domestic worker employment relationship model.



► **Figure 4. Share of migrant domestic workers employed by household versus for or through a service provider (Employer Survey and Domestic Worker Survey)**



Note: Malaysia employers n=205, workers n=400; Singapore employers n=202, workers n=401; Thailand employers n=203, workers n=400.

Table 6 below sets out further elements of the workers’ employment profiles, including some information on their methods of migration. This data further details some key differences in employment profiles. The following sections discuss the data in the context of the migrant domestic worker employment regimes of each of the three destination countries.

► **Table 6. Employment profile by country of destination (Domestic Worker Survey)**

Employment profile	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
<b>Employer</b>			
Household	62	44	64
Service provider	38	56 <sup>15</sup>	36
<b>Live in or live out</b>			
Live in	49	100	40
Live out (own housing)	40	-	57
Live out (service provider housing)	11	-	3
<b>Type of employment</b>			
Full-time	77	100	56
Part-time <sup>1</sup>	23	-	44

<sup>15</sup> In Singapore, the reporting by workers identifying agencies as employers is reflective of the perceived reliance on, and continuing relationship with, agents in Singapore rather than the legal and contractual employment relationships.

Employment profile	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
<b>Work for two or more households</b>			
Work for more than one household	38% (n=152)	-	43% (n=170)
Among those who work for more than one household, no. of households worked in during the last week (average)	6	-	3
<b>Migration channel</b>			
Government agency <sup>2</sup>	18	7	1
Licensed private agency	46	87	9
Unlicensed broker	1	3	15
Family and friends	20	-	39
Independently on my own	10	<1	29
Directly with employer	7	3	7
<b>Job channel used</b>			
Recruitment agency	51	90	19
Friends and family	40	6	62
Broker	4	3	17
Social media	5	1	3
Other	<1	-	-

- = nil. 1 Self-reported. 2 In Singapore, the reporting by workers identifying agencies as employers is reflective of the perceived reliance on, and continuing relationship with, agents in Singapore rather than the legal and contractual employment relationships.

## Malaysia

**Context:** Domestic workers make up around 7 per cent of Malaysia's regular migrant workforce, including an estimated 200,000 to 300,000 migrant domestic workers (Ministry of Human Resources 2018, as cited in World Bank 2019). In order to be eligible to regularly work as a domestic worker in Malaysia, the worker must be a woman aged between 21 and 45 years old, come from a country on the Government's pre-approved list, and be certified as fit by an appointed medical centre (Malaysia, IMI, n.d.).<sup>16</sup> Individuals approved for work as a domestic worker in Malaysia receive a Visitor's Pass/Temporary Employment (VP(TE)) Sticker. Migrant domestic workers are tied to their employers and are not permitted to change employment or employers without the permission of the Immigration Department of Malaysia; they are also required to reside at their employer's address (Malaysia, IMI, n.d.). Employers applying for approval to hire migrant domestic workers are required to pay a personal bond, the amount of which is dependent on the country of origin of the worker.

Indonesia and Malaysia signed an updated MOU on the Employment and Protection of Indonesian Domestic Migrant Workers in Malaysia on 1 April 2022. The MOU provides that a migrant domestic worker be recruited through Indonesia's One Channel System, which screens employers and sets conditions on wages; it also requires that workers and employers sign a standard employment contract. Under this system, applications to recruit an Indonesian domestic worker must be made through a Malaysian recruitment agency and an Indonesian placement agency. Following the signing of the MOU, the Immigration Department of Malaysia allowed Indonesian migrant domestic workers to enter through the Department's Maid Online System, which allows nationals of other countries to enter Malaysia on a tourist visa and have these converted to work permits in Malaysia. As a result, Indonesia delayed implementation of the MOU, following which a meeting held between Indonesia and Malaysia resulted in an agreement to integrate the Indonesian One Channel System and the Malaysian Maid Online System (The Star 2022). The first Indonesian migrant domestic workers recruited under the new MOU arrived in Malaysia in August 2022 (Iskandar 2022).<sup>17</sup> In 2023, Cambodia and Malaysia have agreed on an MOU for domestic workers that does not provide minimum wage (Malaysiakini 2023). The Philippines does not have an MOU with Malaysia, but requires that employers sign a standard employment contract for Filipino domestic workers.

**Findings:** While Malaysia's regular migration scheme mandates for full-time, live-in migrant domestic workers, the data (see figure 5) indicates that 51 per cent of workers surveyed live out, with 23 per cent identified as working part-time and 38 per cent working for more than one household. This is indicative that migrant domestic workers in Malaysia are not just employed under the regular scheme, or are not following its rules. Indeed, a variety of employment arrangements can be observed in Malaysia. While there is no formal migration option for domestic workers to be employed by service providers in Malaysia, 35 per cent of workers reported being employed by a "company or agent", that is, not directly by a household. Key informant interviews for this study reported that, in addition to the regular migrant domestic worker route, workers also migrate under service or general worker permits, and are then dispatched as to work in households on an hourly basis.<sup>18</sup> In these cases, the workers often live in accommodation provided by the agent (11 per cent of workers in Malaysia reported living in agent-provided housing).

Some of the agents bring migrant workers in under the pretence of cleaning services (for food court or business premises), but they use them to clean multiple houses – where the householder wants them for an hour or two. The workers probably live in accommodation provided by the agent.

► Representative of civil society in Malaysia

16 Cambodia, India, Indonesia, Lao People's Democratic Republic, Nepal, Philippines, Sri Lanka, Thailand and Viet Nam.

17 Interviews for this study took place before the first migrant workers arrived in Malaysia under this scheme, meaning the workers interviewed by the study would have been in Malaysia under an earlier scheme or as an irregular migrant.

18 Representative of civil society organization, Malaysia.

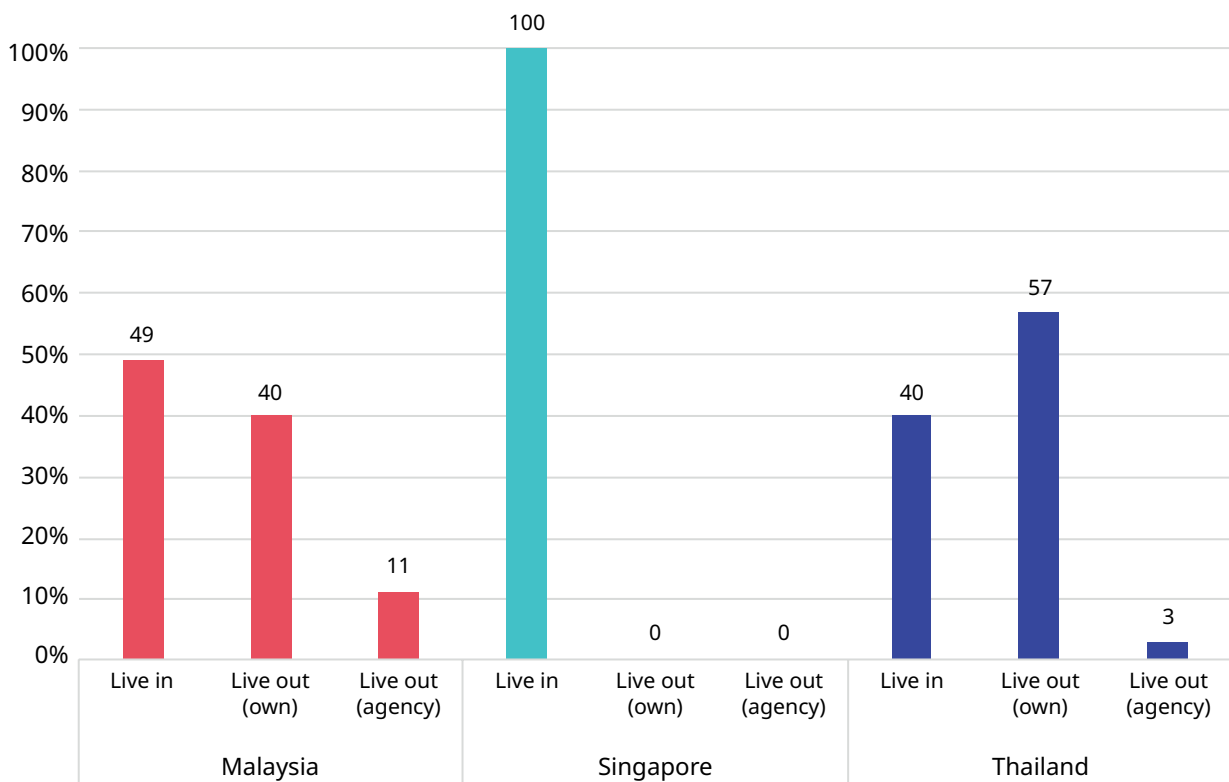
Irregular migrants are also a feature in the domestic work sector in Malaysia. These include workers who have entered Malaysia irregularly and those that entered regularly but left their initial registered employment. The Domestic Worker Survey found that, when asked which channel they used to migrate, only 64 per cent of workers reported using government or private agencies, and when asked how they found their current employer, only 51 per cent reported using a recruitment agent.

► We are facing problems that workers run away – this is because they are being misinformed or misled – and they are finding work another way. In Malaysia there is a large number of irregular workers – who are coming in by social visas or running away.

► Representative of Association of Employment Agencies in Malaysia

Many migrant workers in an irregular situation work for households through a variety of arrangements, including being employed directly by households; being employed by service providers; and working full- or part-time for or in multiple households. One key informant suggested that the current high numbers of workers with irregular status might be related to the COVID-19 immigration restrictions that were still affecting the labour market at the time of the survey. COVID-related immigration restrictions created a competitive market for domestic workers already in Malaysia and those able to enter the country irregularly, which by consequence made living out of an employer’s household a more attractive and financially beneficial option.

► **Figure 5. Share of migrant domestic workers who live in versus live out of an employer’s home (Domestic Worker Survey)**



Note: Malaysia n=400; Singapore n=401; Thailand n=400.

## Singapore

**Context:** As of June 2022, Singapore reported 256,300 migrant domestic workers in its workforce. Domestic workers make up 20.5 per cent of the migrant workforce in Singapore (MOM, n.d.-c). Singapore does not publish official data on the numbers of migrant domestic workers disaggregated by country of origin. However, data collected from employers for this report indicate that migrant domestic workers largely come from Indonesia, Myanmar and the Philippines. It is estimated that 86 per cent of migrant domestic workers in Singapore are hired by households with caregiving needs (Youjin 2021).

The main scheme for bringing migrant domestic workers into Singapore is through the Work Permit for a migrant domestic worker. Employers (directly or through an authorized employment agent) are able to apply for a work permit. Work permits last for two years and are renewable for a further two years. Employers pay a monthly levy of S\$300 (US\$223) that ends when the work permit is cancelled or expires, and also pay a security bond of S\$5,000 (US\$3,720), which is forfeited in the event that the employer does not pay the worker's salary or fails to send the worker home at the end of the work permit (performance bonds have also been required variously by the Philippines and Indonesian embassies; though both of these embassy schemes are currently suspended at the time of writing) (Singapore, MOM, n.d.-d). Workers must be aged between 23 and 50 years to be eligible for a work permit – only migrant domestic workers who are renewing a work permit can apply over the age of 50 (with a maximum age of 60). Before their work permit is granted, migrant domestic workers must pass an annual medical exam to confirm that they do not have tuberculosis, HIV, syphilis or malaria. A medical examination is carried out every six months, which includes a pregnancy test. Workers who fail their medical examination, or who are found to be pregnant, have their work permit cancelled and are returned home (Singapore, MOM, n.d.-e).

In September 2021, Singapore also formalized the Household Services Scheme (HSS) (previously delivered on a pilot basis). Under this scheme, households that wish to engage part-time household services such as cleaning can engage a worker through a company. As at August 2021, the scheme comprised 76 companies providing household cleaning services to more than 10,000 households (the number of workers is not published) (Singapore, MOM 2021). The countries/territories from which workers can be hired for this scheme are currently Cambodia, China, Hong Kong (China), India, Macao (China), Malaysia, Myanmar, the Republic of Korea, Sri Lanka, Taiwan (China), and Thailand (Singapore, MOM 2021; Singapore, MOM, n.d.-f). A pilot programme to expand the scope of HSS services to include basic child-minding and elder-minding services will be introduced in March 2023 (Singapore, MOM, n.d.-f). Due to the timing of this study and its countries of focus, there is no survey data from employers or workers under the HSS.

**Findings:** All of the migrant domestic workers surveyed in Singapore reported living-in and self-reported as working full-time for one household. This reflects the dominant model under which employers hire workers through the regular domestic worker migration scheme for full-time, live-in domestic work. This is also supported by the contract data, with 99 per cent of domestic workers in Singapore reporting that they work under a written contract (as opposed to 74 per cent in Malaysia and 29 per cent in Thailand). Interestingly, however, a significant proportion of household employers in Singapore reported that their worker was employed by a company or agent, and this was also self-reported by migrant workers themselves (see figure 4 above). Because the workers included in this survey would not have been eligible for the HSS;<sup>19</sup> this finding is more reflective of the perceived reliance on, and continuing relationship with, agents in Singapore rather than a reflection of the actual contractual relationships between workers and companies; as one worker put it, “I have regular communication with the agent; if I have any problem with the work or the employer – or if the employer has a problem – we can both contact the agent and the agent can resolve the problem” (Myanmar domestic worker in Singapore). It is interesting to note in figure 4, that both employers and workers are reporting a similar response to this question of who the employer is, and therefore have proportionately similar perceptions of the employment relationship.

<sup>19</sup> The HSS that allows for companies to employ migrants for domestic work does not cover workers from Indonesia or the Philippines (who make up the majority of workers this research surveyed in Singapore) and is designed for live-out workers working in multiple households.

► Nobody works for an agent in Singapore – if a worker or employer is saying that they work for an [agent], it is a mental construct – the agent cannot be employer – the agent is a buffer.

► Representative of domestic worker recruitment platform in Singapore

In Singapore, it is common for agencies to be the main actor involved in bringing migrant domestic workers into the country. They arrange the transport and accommodation on arrival and before placement with the employer. Overall, 94 per cent of workers reported migrating to Singapore through an agency, and 90 per cent reported securing their job with one. This use of agencies to facilitate migration and secure employment is much higher than seen in the other countries; in Malaysia, 64 per cent of workers reported using agencies to facilitate their migration and in Thailand this figure is just 10 per cent.

► We hired [the domestic worker] through an agent – the agent took care of everything. They are a good agent and fair to the helper, [so] my husband just signed everything.

► Employer of a Filipina domestic worker in Singapore

In addition to this initial reliance on agencies, the relationship between workers, employers and agents in Singapore tends to be ongoing throughout the migrant's placement. Singapore's Ministry of Manpower (MOM) has implemented a requirement for post-placement checks by employment agents within the first three months of the worker's placement and encourages agents to play an ongoing role in dispute resolution between workers and employers. In the event that the employment relationship does not work out, an employer is often able to "return" the worker to the agent, who will find the worker new employment. Where an agent finds new employment for a worker, the agent benefits from increased fees. Where an employer consents to the worker finding new employment in Singapore, they do not have to pay the costs of the worker's return home. It has been suggested that there is a purposeful element to this process, with agents recruiting inexperienced and inappropriate workers fully in the knowledge that they can earn more money from re-placement of the worker. This process is called "recycling" or "churning" (TWC2 2016). During their time with the agent, workers can be "on display" in agency shop fronts in shopping malls. This is a place where employers can come, inspect and select workers or return workers, giving validity to employer hiring criteria around appearance/submissive personality, as well as fostering the de-humanization and commodification of workers as goods for purchase. The nature of this interaction and reliance on agents may explain why so many employers and workers consider the agent to be the employer. In addition to the more traditional model of recruitment and employment of domestic workers in Singapore, there are indications of informal working arrangements; one example is when workers secure work in an alternate household for their day off.<sup>20</sup>

► During the time [the domestic worker] is in Singapore and not in a household, [the domestic worker] is with the agent. When it does not work out with the employer, the worker normally goes back to the agent – sending [the worker] back home would cost more – sending [the worker] back to the agent means that the employer does not need to pay the cost to fly them home.

► Representative of domestic worker recruitment platform in Singapore

20 Note this arrangement is not permitted under the Employment of Foreign Manpower (Work Passes) Regulations.

## Thailand

**Context:** As of December 2022, there were 2,738,190 documented migrant workers in Thailand (MOL 2022, as cited in ILO 2022b). Of these, 127,792 are documented migrant domestic workers, primarily from Myanmar and the Lao People's Democratic Republic, and the majority of them are women. These figures do not account for the migrant domestic workers who have crossed into Thailand irregularly and/or those working in Thailand without regular status.

One route for regular migration into domestic work in Thailand is through channels established by MOU agreements with countries of origin.<sup>21</sup> Thailand has agreed MOUs with Myanmar, Cambodia, the Lao People's Democratic Republic and Viet Nam for migration generally (not specific to domestic work). These MOUs require that workers be recruited in their countries of origin (commonly through recruitment and employment agencies). Despite bans on migration into domestic work being lifted in Myanmar and the Lao People's Democratic Republic, there are still no regular channels for migration from these countries to Thailand for domestic work. Several Thai Cabinet resolutions have also been passed that permit migrants who have entered Thailand through irregular channels to regularize their status. A work permit under the MOU employment scheme is linked to a single employer and is valid for two years from the date of issuance. The work permit can be renewed once for another two years. Where migrant workers are regularized under a Cabinet resolution, they are permitted to stay in Thailand for up to two years, renewable for another two years, and with a yearly visa renewal.

Employers of migrant workers are required to sponsor work permits. There is a practice, however, whereby irregular migrant domestic workers in Thailand pay agents to register their work permits with an employer (commonly in a sector other than domestic work, such as manufacturing or construction) (Napier-Moore 2017). As one interviewed worker put it, “[The employers] cannot get me a work permit, so I paid an agent for the work permit” (Myanmar domestic worker in Thailand). In addition, domestic workers who are working for multiple households may get their work permit through an agent or through just one of their employers. In such cases, they may be working in contravention of the particulars of their work permit. For migrants working through service providers, their work permits are registered to the companies that “employ” them, and not to the households in which they work. The 2018 Informal Employment Survey (produced by the Thai National Statistics Office) estimated that 34 per cent of domestic workers in Thailand (not disaggregated by migration status) worked through service providers (ILO 2021a). Again, many of these workers may be working in contravention of the particulars of their work permit by working in private households.

**Findings:** Data from this study indicates that the relatively large proportion of migrant domestic workers in Thailand are working for or through service providers, or are independently securing employment with one or more households. A total of 60 per cent of surveyed migrant domestic workers report living out, with the majority of these (57 per cent) living in their own housing (as opposed to service provider accommodation). A significant proportion (44 per cent – the highest across the three destination countries of destination) also self-report working part-time, and domestic workers reported working in 1.7 households on average in the previous week. 10 per cent of surveyed workers used agents for their migration and only 19 per cent used them for job placement; that is, a solid majority are not migrating through an official MOU channel when they first move to Thailand. Indeed, 81 per cent of workers in Thailand reported relying on family and friends to settle in or solve problems in migration. As a result, many of these workers are independently and directly negotiating employment arrangements with households, living out and working for multiple households. This practice is visible on social media pages that connect migrant domestic workers to employers looking for part-time support (see box 6 below). Qualitative data from this study indicates that these workers experience greater autonomy and benefits from this arrangement, including better pay and more flexible living and working conditions. These benefits should be considered, however, against the challenges of precarious migration status and being informal workers.

<sup>21</sup> Migrant workers from Myanmar and Cambodia are able to access regular migration through border employment schemes for work in designated districts.

► I work as a part-time domestic worker – working for three employers. All of them are single men. I pay a Thai broker to arrange the work permit and have [the agent] as the employer on the work permit. I like the freedom, and I have a lot of free time. And when I have free time, I can do whatever I want to do.

► Myanmar domestic worker in Thailand

As seen in Malaysia, domestic workers in Thailand are also hired through service providers. This practice involves the workers being recruited and employed by a service provider as a cleaner. These workers then get deployed to work in private households. In some cases, these “service providers” are companies owned by the householder or a relative of the householder. As set out in section 3.5 below, these workers nominally have full labour protection and access to social protection.

► My mother-in-law has a company, and when anyone in the family wants to hire a migrant domestic worker, we hire them through the company – the company is the employer.

► Employer of Myanmar domestic worker in Thailand

#### ► **Box 5. What the data tells us about gender (and men) in domestic work**

This research study was designed to understand the employment experiences of women migrant domestic workers. Nevertheless, the opportunity was taken with the Employer Survey to collect data from employers of both men and women domestic workers in order to use part of this study to build our understanding of gender dynamics in the sector, while maintaining the study’s majority focus on women.

In Malaysia 13 per cent of employers reported employing a man as their main domestic worker; in Singapore this was 6 per cent and in Thailand 12 per cent.<sup>22</sup> This gave the study data from 70 households employing a man as their main domestic worker.

While a significant proportion of both men and women domestic workers engage in cooking, cleaning and taking care of children, a higher proportion of men (based on the limited number identified as the main domestic worker) were responsible for taking care of the sick, care of pets, gardening, cleaning the pool, cleaning cars and security (see table 7). Men were slightly more likely than women to be live-out workers (30 per cent, as against 17 per cent of women), but 70 per cent still lived in the employer’s household. Men worked fewer hours per day and fewer days per week, but for more money (see figures 6, 7 and 8 below). Men domestic workers were more likely to be employed directly by the household (that is, not via an agency) (67 per cent versus 58 per cent of women), and generally had worked in the country of destination longer than their women counterparts (an average of 4.7 years, as against the 3.7-year average for women).

<sup>22</sup> The proportion of men found in this study is lower than the regional estimates, which indicate that the proportion of men in the sector is 21.8 per cent in Southern Asia and 19.1 per cent in Eastern Asia (ILO 2021a).



► **Table 7. Main duties of domestic workers, by sex (Employer Survey)**

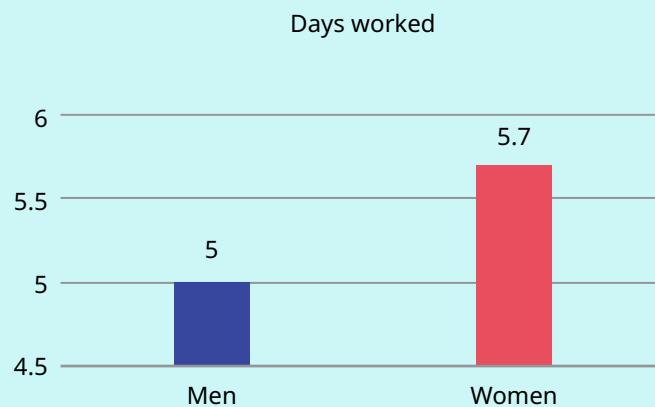
Duty	Men domestic workers n=70 (%)	Women domestic workers n=540 (%)
Cooking	74	84
Cleaning and laundry	76	94
Taking care of children	53	59
Taking care of elderly	46	43
Taking care of disabled	40	20
Taking care of sick	39	27
Taking care of pets	57	43
Gardening	66	50
Cleaning the pool	63	32
Cleaning cars	73	48
Security	66	38

When looking at recruitment criteria, employers of men were more likely to report education as an important criterion (29 per cent, as against 16 per cent of employers of women); whereas employers of women were more likely to report the following criteria as being important:

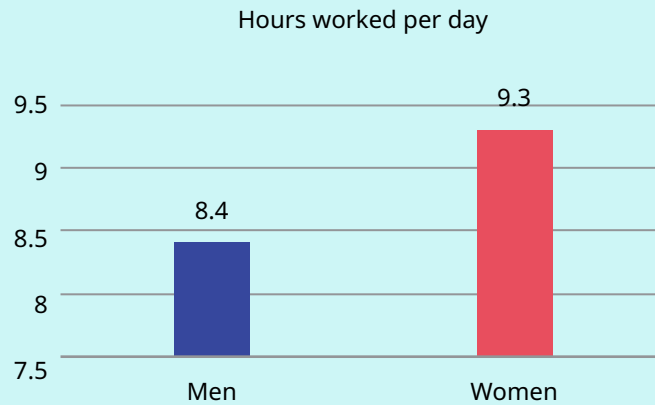
- gender (52 per cent, as against 40 per cent employers of men);
- ability to take instruction (49 per cent, as against 29 per cent employers of men); and
- a nice personality (36 per cent, as against 17 per cent employers of men).

Taken together, the above findings illustrate an employment environment that is more beneficial for men domestic workers.

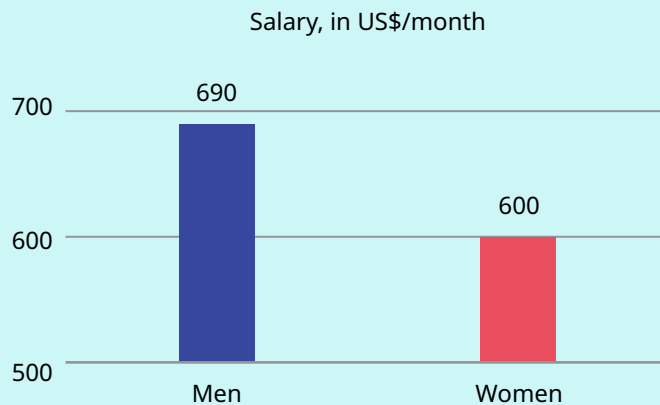
► **Figure 6. Days worked per week by men migrant domestic workers versus women migrant domestic workers across the three study countries (Employer Survey, n=610)**



► **Figure 7. Hours worked per day by men migrant domestic workers versus women migrant domestic workers across the three study countries (Employer Survey, n=610)**



► **Figure 8. Salary of men migrant domestic workers versus women migrant domestic workers across the three study countries (Employer Survey, n=610)**



An interesting finding, however, was that the proportion of women and men engaging in the more traditional “women’s” duties of cooking, cleaning, and taking care of children and the elderly were not dissimilar. This indicates that men were cooking, cleaning and undertaking care roles in addition to the more traditional “men’s” roles of gardening and security, warranting further study about their work loads and the variety of work within their job scopes.



I have a friend who is a man and he works as a domestic worker like me. There are not many, but there are men. They are from Myanmar, and they do the same work we do.

► Myanmar woman domestic worker in Thailand

► **Box 6. Digital spaces, exploitation and autonomy**

Social media and online spaces are increasingly changing the recruitment environment for all migrant workers – regular and irregular – including migrant domestic workers. There is a growing body of literature exploring the pros and cons of digital platforms in domestic work, which reflects the importance of the small but growing number of digital platform companies providing domestic work opportunities. Between 2010 and 2020 the number of digital labour platforms in the domestic work sector globally rose eightfold (ILO 2021c).

In Malaysia, online recruitment practices are employed in both regular and irregular migration channels. Malaysia's Maid Online System provides an opportunity for employers to legally recruit domestic workers directly, for a much lower fee than when using agencies (SMO, n.d., as cited in AskLegal 2018). Under this system, workers enter Malaysia under tourist visas and apply for the work permit once in country. The system has been criticized for leaving workers vulnerable to forced labour and other forms of labour exploitation while they await their work permit. In addition, concerns have been raised about the lack of any requirement for these workers to receive training, and consequently they may arrive in Malaysia unprepared for work (Free Malaysia Today 2022a). In addition, the use of online spaces has been criticized – by Indonesia authorities in particular – in relation to the recruitment of irregular migrants, with agents using online channels to recruit migrant domestic workers directly and migrant domestic workers placing advertisements for households to respond to (Ibrahim 2022). Where the use of online recruitment by agents may lead to exploitative practices, the use of online spaces by workers themselves can be indicative of autonomy and empowerment, with workers navigating immigration systems to move from job to job, ideally improving their working conditions with each move.

In Singapore, the introduction of online matching services is challenging the standard model of recruitment (where workers pay recruitment agencies in countries of origin and employers pay placement agents in Singapore). Online matching service providers are not legally categorized as agents (stakeholders interviewed for this study indicated that this is under review by the MOM), but are instead platforms that directly connect domestic workers and employers. The platforms use social media to attract aspirant domestic workers who register their profiles. The employer then selects a worker and brings them over to Singapore following the platform's step-by-step guidance. While the employer pays for the platform's service, the worker does not. For example, the Ministry of Helpers (a private sector platform) continues to provide services to the employer and the domestic worker through a chat forum and online training opportunities (Ministry of Helpers, n.d.).

In Thailand, social media and online spaces have been increasingly used by migrant domestic workers who are securing employment with one or more households. Social media platforms such as Facebook feature pages for workers and employers to post advertisements. Online apps are also available through which workers can register and apply for individual jobs, receiving payment through the app rather than directly from the household.<sup>23</sup> The use of social media and online apps to secure work in Thailand is prevalent and, per interview respondents, is considered favourably by workers, who view them as a way have more freedom and earn more money. This is illustrated by one migrant worker from the Lao People's Democratic Republic who reported being able to charge between US\$21.72 and US\$31.04 per day worked – more than double the minimum wage of US\$10.42.

► I work part-time in various compounds and buildings.  
... I work six days a week from 9 a.m. to 4.30 p.m., with one day off every Sunday. I am paid 700 baht per day [US\$21.72]. However, if the house is quite large and there are numerous tasks to complete, I will charge around 1,000 baht per day [US\$31.04].

► Lao domestic worker in Thailand

23 For instance, see: <https://ayasan-service.com/en/ourservice/maid-nanny-elder-care>.

## 3.2. Diverse occupations and skill sets

This study finds that domestic workers are regularly engaged in multiple tasks included in the occupations classified by ISCO-08 as Skill Level 2 – including all care-related tasks – (see box 2 above for lists of tasks). This is significant because the knowledge and skills required for occupations at Skill Level 2 often involve specialized vocational education or on-the-job training (ILO 2012). However, because domestic work is often considered unskilled and informal, migrant domestic workers are often working in a Skill Level 2 role without any formal training or recognition of their skills, and without the compensation associated with work at this skill level. It is also significant because this skill level classification runs counter to the common narrative of domestic work being unskilled – a narrative that helps enable the resistance to strengthening labour rights and social protection in the sector.

► People look down on you. Everybody likes to say that for domestic work you don't need anything – just two feet and two hands go to the house and start working.

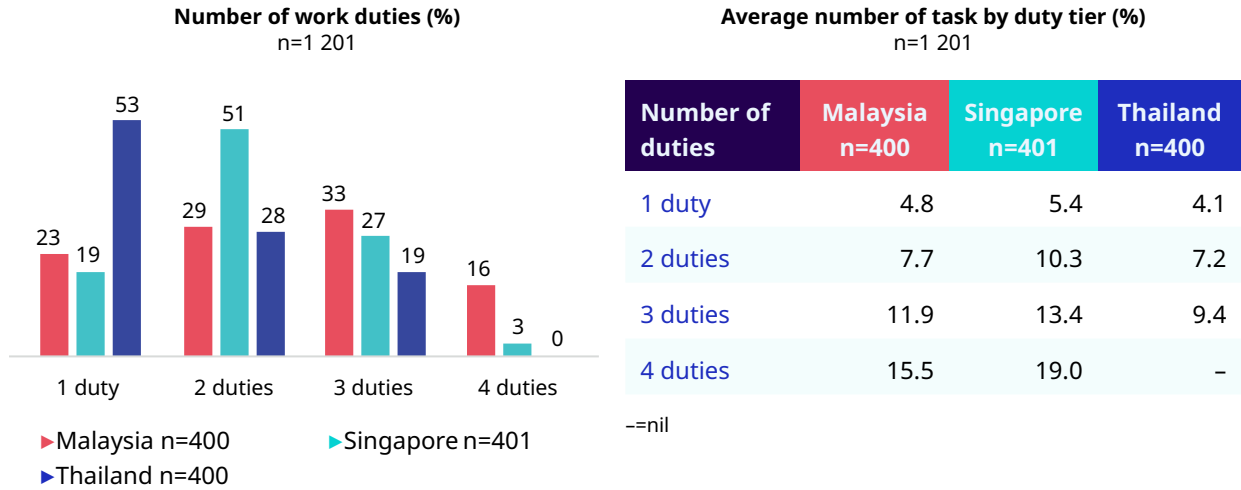
► Myanmar domestic worker and advocate in Thailand

### 3.2.1. Workloads: Engaging in multiple duties

Before understanding the kinds of work that migrant domestic workers undertake and the skill level of that work, it is important to understand the diverse workload of domestic work. For this study, work duties were separated into four categories: (i) housekeeping; (ii) childcare; (iii) home-based personal care; and (iv) other (comprising gardening, cleaning cars, pet care, security and pool cleaning). The average number of duties that a worker engages in was then assessed. Where a worker engages in tasks under two duties, this may indicate, for example, that they are engaging in housekeeping and childcare; where they engage in tasks under three duties, they may be engaging in housekeeping, childcare, and other tasks; and workers who reported engaging in tasks under four duty tiers will be engaging in housekeeping, childcare, home-based personal care, and other tasks.

The findings show that across the three study countries, workers are engaging in tasks across a range of work duties. In Thailand workers are more likely to engage in tasks under one duty (53 per cent) or two duties (28 per cent) (see figure 9 below). In Singapore, workers are more likely to engage in tasks under two duties (51 per cent) or three duties (27 per cent). In Malaysia, there is a fairly even spread of workers engaging in tasks under one, two or three duties, with a higher proportion of workers in Malaysia engaging in tasks under four duties. When looking further at the number of tasks that workers perform within a duty, the data shows that as the number of duties increases, so does the average number of tasks engaged in by the workers. Workers in Singapore on average performing the most tasks per duty engaged in, as well as the most duties overall. Although domestic workers from the Philippines in Malaysia engaged in the highest average number of duties across the dataset.

► **Figure 9. Number of work duties and average number of tasks by number of duties engaged in, by country of destination (Domestic Worker Survey)**



### 3.2.2. Main work duties

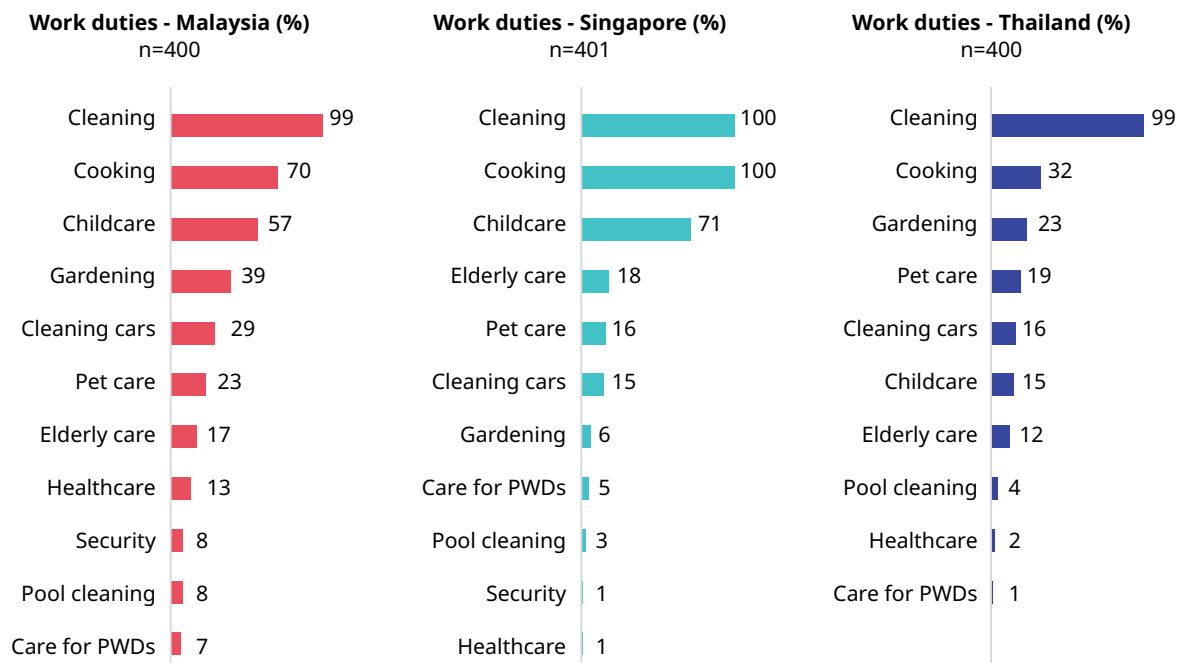
A key research question for this study was to understand the diverse roles and skill levels of domestic workers. In addition to showing that domestic workers are engaging in tasks across a range of duties, the study more specifically shows that a significant proportion of domestic workers are hired for cleaning and cooking as well as for a care-related role. There are no ISCO-08 Skill Level 1 tasks related to childcare or home-based personal care – meaning that all workers undertaking care-related tasks are working in Skill Level 2 roles. Gardening, cleaning cars and pet care were also reported as main duties.

The core main duty reported by the migrant domestic workers surveyed was cleaning, with 99 per cent of workers in Malaysia and Thailand and 100 per cent of workers in Singapore selecting cleaning as a key work duty (see figure 10 below). The second most prevalent was cooking, albeit at a much lower level for Thailand. Cleaning and cooking both incorporate tasks that are classified at both Skill Level 1 and Skill Level 2 (more detail on Skill Level 2 cleaning and cooking is provided later in this section).

In Singapore, almost three-quarters of workers (71 per cent) do all three of cleaning, cooking and childcare; with 18 per cent of workers reporting also working in elderly care. The Employer Survey also has cleaning and cooking as the primary work duties of migrant domestic workers (at 90 per cent and 94 per cent, respectively), but higher numbers reported engagement with care work, with 55 per cent of employers reporting that their domestic worker was engaged in childcare, 44 per cent were taking care of an elderly person, 25 per cent were taking care of a disabled person and 30 per cent were taking care of a sick person. The greater likelihood of employers to report care duties being performed by migrant workers may be due to the likelihood that workers with such care duties may have less free time and may therefore have been less likely to be captured by the Domestic Worker Survey (see section 2.4 on limitations above).

► The normal domestic worker works as an ‘all around’ – taking care of the whole family – taking care of the children – we wash, we cook. These are the basics. This is a normal job scope for a domestic worker.

► Filipina domestic worker in Singapore

► **Figure 10. Migrant domestic workers' main work duties, by country of destination (Domestic Worker Survey)**

PWDs = persons with disabilities

### 3.2.3. Skills demonstrated under the key work duties

The main duties reported by the domestic workers were mapped to the ISCO-08 Skill Level 1 occupation of Domestic Cleaner and Helper and to the three Skill Level 2 occupations of Domestic Housekeepers; Childcare Workers; and Home-based Personal Care Workers. To understand the extent to which migrant domestic workers were engaged in tasks and occupations classified as Skill Level 2, the workers were asked to self-report against the tasks included under the three Level 2 occupations.<sup>24</sup> The findings provide an indication of the skill level involved in the work that domestic workers are being asked to do. It should be noted that this is not an assessment of the skills of the workers themselves, but rather of the skill level classification of the tasks they perform. As such, the findings fail to assess exactly how well the workers actually perform the tasks reported, and likely underestimates what they actually “can” do. Nonetheless, the survey approach is as close to a skills assessment as possible without a skills specialist watching and assessing in detail how a person carries out her work.

Tables 8, 9 and 10 list the tasks for each of the three relevant ISCO Skill Level 2 occupations – Domestic Housekeepers, Childcare Workers, and Home-based Personal Care Workers – and indicate where workers self-reported as engaging in a task.<sup>25</sup> This data is then converted into an average number of tasks for each occupation that workers self-report engaging in, disaggregated by country of destination.

<sup>24</sup> Workers were not asked to self-report concerning Skill Level 1 tasks on the reasonable presumption that the most basic domestic work would be classified under this occupation.


<sup>25</sup> Noting that the language of the occupation tasks was amended slightly to make the tasks easier to understand.

► **Table 8. Share of migrant domestic workers who perform tasks aligned with the skills of an ISCO-08 Skill Level 2: Domestic housekeeper, by country of destination (Domestic Worker Survey)\***

Tasks	Malaysia n=395 (%)	Singapore n=401 (%)	Thailand n=395 (%)
Supervising other workers	17	17	1
Purchasing household supplies	28	66	3
Keeping track of household supplies	34	50	8
Taking temperature, giving medicine and putting on bandages	20	30	2
Vacuum-cleaning, washing and polishing floors and furniture	89	96	94
Making beds, cleaning bathrooms and supplying towels, soap and related items	91	98	98
Taking care of plants, receiving visitors, answering telephone and delivering messages	57	45	39
Cooking meals, setting the tables and serving food and beverages	71	98	56
Cleaning kitchens and generally helping with kitchen work, including dishwashin	87	97	93
Laundry and ironing	80	94	74
None	<1	-	-
<b>Average number of tasks</b>	<b>5.7</b>	<b>6.9</b>	<b>4.7</b>

– = nil. \* The migrant domestic workers considered in this table are only those survey respondents whose main duties include cooking and cleaning. Respondents could report performing multiple tasks.

Based on this self-reporting, on average workers are undertaking around half of the tasks that comprise the ISCO classified Skill Level 2 occupation of Domestic Housekeepers, with workers in Singapore identified as engaging in more tasks under this duty area (see table 8). As one worker put it, “Cleaning is my best skill” (Myanmar domestic worker in Thailand).

 Domestic work is a skilled job. For example, with ironing you need skills to know how to iron different types of materials. With long sleeved shirts you need to know how to make it smooth. A different level of heat is needed for different materials. For black clothes, you need to iron from inside.

► Myanmar domestic worker in Thailand

In Malaysia and Singapore, where many of the workers are providing care for children, they are self-reporting engaging in just under half of the tasks set out in the ISCO Skill Level 2 classification for Childcare Worker (see table 9). Predominant tasks include assisting children to wash, dress and eat; playing games; and observing children’s play. Less predominant tasks include helping with (formal) education. Workers in Malaysia were more likely to engage in managing children’s behaviour and in disciplining children.

► **Table 9. Share of migrant domestic workers who perform tasks aligned with the skills of an ISCO-08 Skill Level 2 Childcare worker, by country of destination (Domestic Worker Survey)\***

Tasks	Malaysia n=226 (%)	Singapore n=284 (%)	Thailand n=58 (%)
Assisting children to wash, dress and eat	87	97*	97*
Taking children to school	39	91	7
Playing games with children	44	55	2
Helping with children's education	20	7	-
Managing children's behavior	50	10	33
Disciplining children	40	21	14
Observing children's play activities	63	42	59
Keeping records on meals served and medications administered	27	25	-
None	2	<1	-
<b>Average number of tasks</b>	<b>3.7</b>	<b>3.5</b>	<b>2.1</b>

- = nil. \* The migrant domestic workers considered in this table are only those survey respondents whose main duties include taking care of children. Respondents could report performing multiple tasks.

Workers reported engaging in healthcare or care of the elderly or disabled in relatively low numbers (elderly care was reported by 17 per cent in Malaysia, 18 per cent in Singapore and 12 per cent in Thailand). As discussed in the methodology, this may be a reflection of the intercept model for the Domestic Worker Survey, which relied on engaging with migrant domestic workers outside of their workplaces. Where workers have care duties, they may have limited time outside of the workplace and feel less at liberty to engage in surveys during this time. Among those workers caring for the elderly, on average they engaged in three tasks from those listed in the ISCO classification for Home-based Personal Care Workers. Predominantly, these tasks included helping with personal hygiene, feeding, dressing, mobility and exercise; transporting in a wheelchair or motor vehicle; and changing bed linen, washing clothes and dishes and cleaning living quarters. Less predominant were workers reporting engaging in emotional support and advice on nutrition; providing support to parents and care for newborns; and scheduling appointments with healthcare professionals.



► **Table 10. Share of migrant domestic workers who perform tasks aligned with the skills of an ISCO-08 Skill Level 2 Home-Based Personal Care Worker, by country of destination (Domestic Worker Survey)\***

Tasks*	Malaysia n=107 (%)	Singapore n=88 (%)	Thailand n=52 (%)
Helping with personal hygiene, feeding, dressing, physical mobility and exercise.	74	98	90
Keeping records of client care, changes in condition and reporting concerns professional	26	39	21
Transporting them in wheelchair and motor vehicle	38	73	72
Giving emotional support, information and advice on nutrition, hygiene or exercise	31	9	23
Changing bed linen, washing clothes and dishes, and cleaning living quarters	63	92	93
Providing psychological support through conversation or reading aloud	16	1	11
Planning and preparing meals to meet nutritional requirements	34	35	2
Providing support to parents and care for newborns during the postpartum period	14	6	-
Scheduling appointments with health professionals	1	5	-
None	9	-	-
<b>Average number of tasks</b>	<b>3.0</b>	<b>3.6</b>	<b>3.1</b>

- = nil. \* The migrant domestic workers considered in this table are only those survey respondents whose main duties include taking care of elderly or sick persons. Respondents could report performing multiple tasks.

To reiterate, this data shows what the migrant domestic workers are doing in their current jobs, which is likely based on what they are being asked to do by their employers. It does not reflect the ability of the worker or all of the skills that the workers possess, or indeed carry out, which may potentially be much more. For instance, a worker who is currently employed for housework, but who is also skilled in childcare, would have been asked only to report the skills they are employing in their current housework-based job.

This data provides a strong indicator that migrant domestic workers – including all those engaged in direct care work – are engaging in tasks that are classified at ISCO Skill Level 2. Quite apart from being “unskilled”, when pegged against internationally agreed skills classifications, migrant domestic workers’ work is demonstrably skilled. In the Philippines, home-based migrant care workers have been recognized formally by the Philippine Overseas Employment Administration as ISCO Skill Level 2, and it is on this basis that the Philippines is negotiating MOUs for the migration of home-based care workers going forward (ILO 2019c).

### 3.2.4. Transversal and attitudinal skills

In addition to the job specific skills from the ISCO classification areas, the survey also asked workers to self-report transversal and attitudinal skills (see table 11 below).<sup>26</sup> These skills were listed based on ILO's 2021 Global Framework on Core Skills for Life and Work in the 21st Century, and they are increasingly valued in the modern workplace and seen as critical and transferable skills that are sought after across sectors (ILO 2021b). The predominant skills migrant domestic workers reported using include: speaking the local language; explaining what they mean and listening; and managing their or others' emotions. Skills of communication and negotiation result from the dramatically uneven power dynamic between a domestic worker and their employer, where workers may fear violence, harassment and economic violence.

► Sometimes the employer will be in a bad mood, but I have to think of my future. You cannot get away if the employer is moody, so I have to think more carefully before I answer them, I have to be diplomatic.

► Philippines domestic workers in Singapore

► I always try to understand things around the house, how the employer is behaving that day, and try to avoid arguing; I like communicating with them, and I make the employer understand me.

► Filipina domestic worker in Singapore

Skills related to recycling household waste and using energy and water efficiently were also predominant in Malaysia and Singapore, reflecting the increasing need to understand and be able to practically engage with changing behaviours around environmental sustainability. Again, these are increasingly identified as core skills for the 21st century, with employers placing ever greater importance on employing workers who are able to support a sustainable and green economy (ILO 2021b), or at least to save employers' money on household electricity and water bills.

► **Table 11. Share of migrant workers who reported using various transversal and attitudinal skills during their work, by country of destination (Domestic Worker Survey)\***

Transversal and attitudinal work skill	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
Explain what you mean and listening	34	23	34
Resolving conflict or negotiations	12	14	4
Working with other household staff	9	28	23
Managing your or others' emotions	29	30	14
Speak the local language	45	66	12
Keep financial records	10	6	-
Problem-solving and decision-making	8	37	6

26 Skills that can be used in a wide variety of work settings – that is, they are not particular to domestic or care work.

Planning and organizing	17	31	3
Creative thinking – new ideas	12	–	1
Use a laptop or PC	5	1	–
Managing computer programmes and files	3	1	–
Using online applications for work	5	–	1
Recycling household waste	25	19	13
Using energy and water efficiently	27	20	6
None	25	7	41
<b>Average</b>	<b>2.4</b>	<b>2.8</b>	<b>1.2</b>

--nil

Note: Migrant domestic workers can report using multiple transversal or attitudinal skills.

► The first time I came to Thailand – I could not speak Thai or English. I learned Thai from a Thai family and watched Thai TV. Now I speak four languages – English, Thai, Myanmar and Kareni

► Myanmar domestic worker in Thailand

### 3.2.5. Training and skills development

This study finds that domestic workers are working in Skill Level 2 occupations, but this is largely being done in the absence of any skills-based training. Available mandatory pre-departure and post-arrival trainings cover only basic skills and are often delivered alongside training on occupational safety and health and rights at work. Very few of the respondent workers reported having undertaken training that resulted in a certificate or qualification.

#### On-the-job skills development

This study finds that domestic workers are engaging in tasks classified as Skill Level 2, despite receiving little or no skills-based training. Much of the skills improvement is being achieved through on-the-job skills development. This accounts for both technical and transversal skills.

► The first time you come [to work as a domestic worker] is not easy – the first three months are spent improving skills

► Filipina domestic worker in Singapore

► I did not have training. The cooking I do is a mix – Chinese, Malay and Western. My boss, my sir, he likes western food. ... So, I learned through recipes and observing [my employers cook] and watching them.

► Filipina domestic worker in Singapore

There is also evidence of workers sharing skills and learning with each other, in particular over Facebook or other social media, and also in person informally or through domestic worker associations. This may take the form of sharing information on visas and healthcare, to sharing recipes, to sharing detailed technical skills advice for elderly care (Raksmeay 2022).

My first employer taught me how to work and speak Thai, and my sister taught me how to speak English. At that time, I only did cleaning but I learned how to prepare food. I was working in a house for three years with another worker who was the nanny. After the nanny left, I took over nannying.

► Myanmar domestic worker in Thailand

During the qualitative interviews, workers would often refer to their first experience of work being one of exploitation and forced labour, with subsequent jobs being improvements because they were able to ask the right questions to identify risks. This is a demonstration of improved strategic planning and problem-solving skills that can result in a worker being better able to navigate risk. This was reflected in the interviews with workers who indicated that households looking for workers to deliver elderly care would hire first-time migrants, insinuating that the more experienced migrants would understand how hard the work will be and refuse these roles.

A family who needs a caregiver ... it will always be a new migrant. The agency is coaching the worker on what to say: 'Just say yes and you will have a job.'... In the Philippines [when] you say 'take care of the elderly', you think about light care, not nursing a person who is bedridden with dementia.

► Filipina domestic worker in Singapore

For those workers working outside of the regular domestic worker migration schemes and securing work directly with one or more employers, as seen in Malaysia and Thailand, qualitative data indicates that many had started working for a single household but moved on to a more independent work model. Indeed, the quantitative data indicates that in Malaysia and Thailand workers with between six and nine years of experience are more likely to live out than those with between one and five years of experience.

### Training in countries of origin

Both the Philippines and Indonesia have mandatory certification schemes that aspirant migrant domestic workers are required to pass before they can migrate. In the Philippines, the Comprehensive Pre-Departure Education Program (CPDEP) comprises a mandatory three-to-six-day orientation seminar where the worker is orientated on language, cultural familiarization and stress management (OWWA Member 2022). Prospective migrant domestic workers are also required to pass the Domestic Work NC II Certification Course approved by the Technical Education Skill Development Authority (TESDA). The course can be taken in person or by way of blended training (ten days online and two days in person). The TESDA NC II Certification Course costs US\$18 and covers basic competencies, including cleaning, washing and ironing and preparing hot and cold food. The course also covers topics on maintaining an effective relationship, contractual rights, working conditions and benefits. There are also elective competencies, including ones on care, but these are not required. Aspirant migrant domestic workers from Indonesia are also expected to get a certificate of competency before they migrate, following 200 hours of training that is delivered by Labour Training Centres at the local level (UN Women 2019). The training covers language and technical working skills, and while it is supposed to be delivered free of charge, local organizations report that workers are often charged. In the case of both of these mandatory training schemes, they are delivered at a level that can be accessed by aspirant workers who may have come

from homes without electricity and without running water. As a result, much of the skills-based training is necessarily basic and functional.

► The [Indonesian] certification is good but it is theoretical exposure. It does not prepare the worker mentally or physically for the workload of domestic work. In the training centre they will learn to wash a toilet bowl, but the toilet bowl is there for the training, it is not dirty. Also in a household, different individuals are there at different times; there is no timetable like in a training centre. When they are put in the conditions of the work environment they are not prepared – certification is good but it is not meeting the full needs.

► Representative of Association of Employment Agencies, Singapore

There is no mandatory skills development or certification for migrant domestic workers from Cambodia, the Lao People's Democratic Republic or Myanmar. For the Lao People's Democratic Republic and Myanmar there are also no mandatory pre-departure orientation requirements for those migrating into domestic work.

An agreement was signed between the Myanmar Overseas Employment Agencies Federation and the Singapore Recruitment Association providing that domestic workers would need to attend training and take a skills test before migrating to Singapore was interrupted by COVID-19 and the political turmoil in Myanmar. Some pre-departure skills training does exist in Myanmar, but it is not regulated or mandatory, and comprises a mix of basic skills training and preparing migrants for the migration.

In Cambodia, recruitment agents have the responsibility to deliver pre-departure orientation under chapter 7 of the Subdecree on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (No. 190). There is no requirement for a skills element, and in practice, the regulation and monitoring of the delivery and standard of this orientation is limited, with responsibility placed on sending recruitment agencies.

### Training in countries of destination

There is no mandatory government-sponsored skills training or recognition system for migrant domestic workers in Malaysia, and training and skills are not mentioned in the eligibility criteria for migrant domestic workers (Malaysia, IMI, n.d.). Training of migrant domestic workers is seen as the obligation of the country of origin.<sup>27</sup> The Government of Malaysia considers that migrant domestic workers should be made aware of the duties that will be required of them as part of their employment and that the country of origin should ensure the worker has the requisite training to perform those duties.<sup>28</sup> Any additional training can be secured at the employer's discretion and cost.

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27 KII with Representative of the Government of Malaysia.

28 KII with Representative of the Government of Malaysia.

Under the MOU with the source country, we require that the prospective migrant workers attend training in the country of origin. For many countries, there is a requirement for pre-departure training. Post-departure/arrival training is done by the private employment agency – this is not mandatory but a practice undertaken by the recruitment agents. They brief the worker on what to do and not [do], and they cover the Employment Act of 1955 and the Immigration Act of 1959/63. It is also the employer's responsibility to provide upskilling and reskilling training to their workers.

► Representative of Ministry of Human Resources in Malaysia

When asked whether they had received any training, only a third of migrant domestic workers in Malaysia reported that they had, with only 23 per cent having received their training pre-departure. The majority of the training received was identified as pre-departure and agency-provided training.

In Singapore, migrant domestic workers are expected to have eight years of formal education with a recognized certificate. All first-time migrant domestic workers are also required to attend a settling in programme. This training is delivered over one day with topics that include: adapting to working and living in Singapore; conditions of employment; working safely; and relationship and stress management (Singapore, MOM, n.d.-j). In addition, there are training schemes available – for a fee – that can verify and improve domestic worker skills. The Ministry of Health's Agency for Integrated Care (AIC) runs a course that is geared towards training migrant domestic workers as elder carers. This is a two-day course on understanding ageing, how to monitor vital signs, how to assist with day-to-day care and how to help with medication (AIC, n.d.-b). The Centre for Domestic Employees (CDE) also runs a programme – the Assessment Only Pathway – to assess and certify a migrant domestic worker's skills in household tasks such as cleaning, ironing and cooking. The assessment cost of S\$50 is charged to the workers, who receive a certificate on completion (Wong 2019).

Almost all workers in Singapore reported receiving some level of training (98 per cent), with the majority (78 per cent) having received their training in Singapore (in the form of post-arrival orientation) and the remainder (33 per cent) reporting that they have received their training in their home country as part of government-provided pre-departure training.

Post arrival orientation is good, but it is only a one-day settling in programme – this is enough time to go through the basics. There is a lot of focus on safety. The buildings are high [and there is a fall risk], so half the day is spent on safety of hanging clothes. The other half of the day is spent on rights, wages, what counts as an abuse and phone numbers to call.

► Representative of Association of Employment Agencies, Singapore

There is no skills requirement for domestic workers in Thailand, but the country does have qualification standards for domestic workers (TPQI, n.d.). These are set by the Thailand Professional Qualification Institute (TPQI) and cover four levels:

- ▶ Level 1 includes competencies related to cleaning;
- ▶ Level 2 covers competencies related to laundry and clothes storage;
- ▶ Level 3 covers ironing, mending clothing, setting the dining table and basic care for children and the elderly; and
- ▶ Level 4 covers cooking and preparing food.

There are five certification bodies that are available to assess a worker's competency under Level 1, and one body that certifies competencies under Level 2. However, currently there are no bodies that can certify competency under Levels 3 or 4.<sup>29</sup>

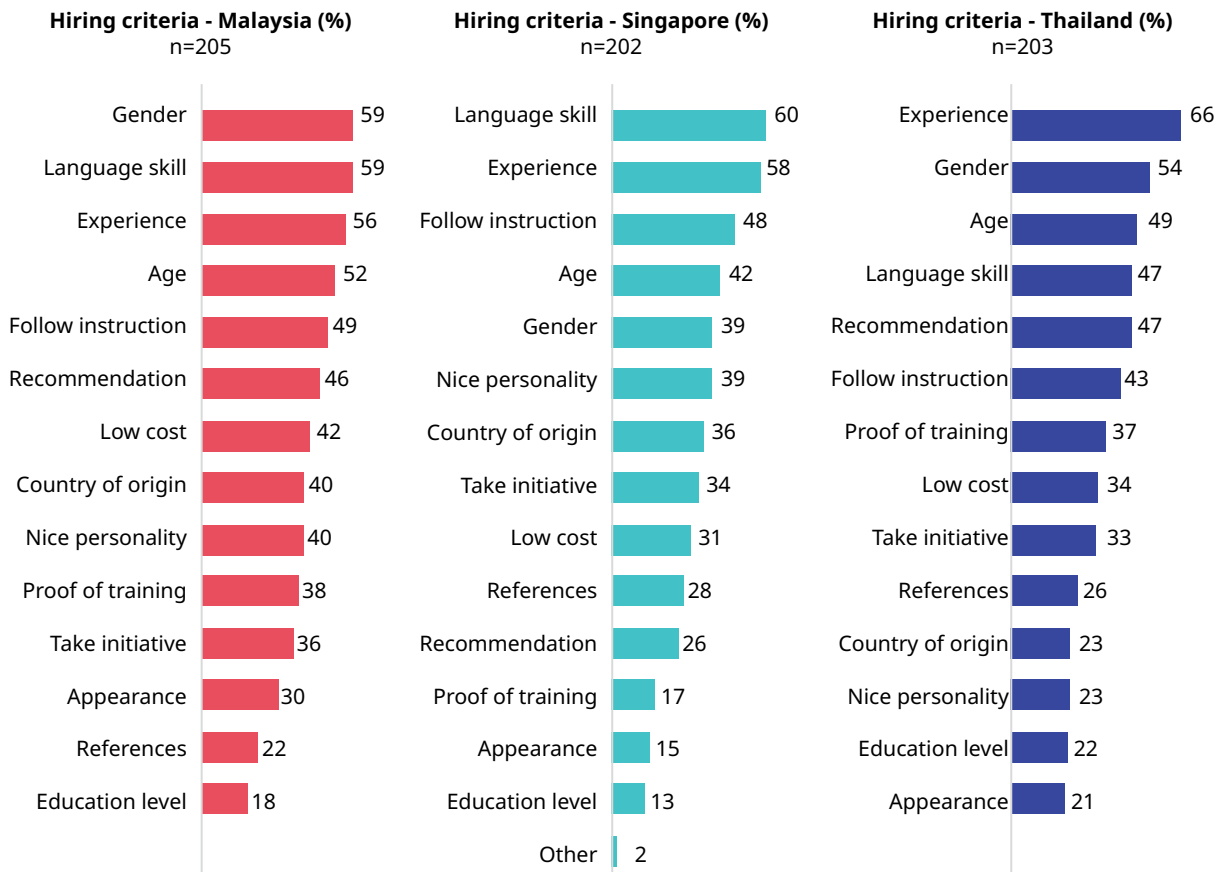
In Thailand only 19 per cent of workers reported receiving any training. Of these, all reported receiving the training in Thailand, with 87 per cent reporting that the training had been focused on cleaning and was provided by their employer.

In total, just under 10 per cent of workers surveyed in all countries reported achieving a formal qualification from training, with the majority of qualification holders being in Malaysia, which included holders of the Indonesian competency certificate, the Philippines national certificate, and nursing qualifications.

In addition to asking the workers about their training history, the study asked whether they would be interested in improving their work skills. Workers in Malaysia were more likely to report wanting to improve their work skills than those in Singapore or Thailand. They were also more likely to report wanting to improve work skills for a different job (that is, outside of domestic work) or to otherwise improve themselves. In Singapore, workers were more likely to report that they wanted to improve their skills for their current job. In Thailand, workers were the most likely to report that they did not want to improve their work skills; they were also the most likely to report never or rarely needing any instruction from employers (83 per cent).

### 3.2.6. The value of skills

While domestic work is demonstrably skilled work, the skills of the workers themselves are not identified as an important hiring criterion by employers (see figure 11 below). When asked the question, "What criteria do you consider when hiring your domestic worker?", relatively few employers selected proof of training (38 per cent in Malaysia, 17 per cent in Singapore, and 37 per cent in Thailand), and even fewer selected education level (18 per cent in Malaysia, 13 per cent in Singapore, and 22 per cent in Thailand). Instead, employers identified gender (59 per cent in Malaysia, 39 per cent in Singapore, and 54 per cent in Thailand); experience (56 per cent in Malaysia, 58 per cent in Singapore, and 66 per cent in Thailand); and language skills (59 per cent in Malaysia, 60 per cent in Singapore, and 47 per cent in Thailand). These hiring criteria arguably reflect a sector in which skills gained through experience have more influence on the ability of the worker than skills acquired by training or education.

► **Figure 11. Hiring criteria cited by employers, by country of destination (Employer Survey)**

Other significant hiring criteria included the ability to follow instructions and having a nice personality. These findings are also indicative of the differentiated view of domestic workers as not being workers in a skilled sector.

Some bosses say, ‘She has skills in cooking and skills in looking after children’ [and] some say, ‘It’s their work; it’s what we expect.’

► Filipina domestic worker in Singapore

Most people call domestic workers ‘servants’, making domestic work perceived to be low and undignified; that no skills are needed and that it adds no value to the economy. As a result, domestic workers are not recognized as ‘workers’ ... and they are not treated well, receiving low wages.

► Representative of the Government of Thailand

Quite apart from being seen as a worker in an employee–employer relationship, domestic workers are often considered through the lens of “fictive kin” relations. These are relationships not based on “blood” or marriage, but considered along the same lines (Anderson 2016). Through the lens of fictive kin<sup>30</sup> relationships, domestic

30 A term to describe forms of social ties that are not formed by blood, adoption or marriage.



workers are not seen as skilled employees, but rather as “part of the family”, which obfuscates notions and narratives of labour rights, social protection and skills development. In and of itself, this is embedded in the feminized and classist conception of domestic work as an extension of subordinates’ labour. The tension between being treated as an employee and being treated as a friend or family member can be seen in the following quotes collected from the qualitative interviews.

► Yes, I feel like I belong to the family, but if you [actually] belong[ed] to the family, they wouldn’t ask you to do x, y or they wouldn’t scold when you break things. There is a bigger voice that is, ‘You are a helper AND we are paying you.’ Those words won’t make you part of the family anymore.

► Filipina domestic worker in Singapore

► I do not position myself as family, I am an employee – but they see me as family.  
They say, ‘You cannot go home! You cannot retire now!’

► Filipina domestic worker in Singapore

► The employer treats me like a friend. From my side as a worker, I pay respect to the employer and always treat them with respect. I try to keep things professional, but the employer does not always.

► Myanmar domestic worker in Singapore

The survey also asked employers and workers about the value of skills in relation to salary. Specifically, whether employers would pay more for a worker who had certified skills related to their work. Across the three destination countries, employers said that they would. This is an interesting finding when set against the hiring criteria, in which proof of training came through as a low priority. When asked if they believed training led to a higher salary, workers in Malaysia were more likely to say that it did (79 per cent) than those in Singapore (43 per cent) and Thailand (46 per cent).

**► Box 7. Domestic work and disability**

A higher proportion of employers in Malaysia reported that domestic workers were providing care for a person with disabilities in their household at 27 per cent, compared with 25 per cent in Singapore and 15 per cent in Thailand. A higher proportion of men domestic workers had the duty of looking after a disabled person (40 per cent, as opposed to 20 per cent of the women domestic workers).

Care predominantly included help with personal hygiene, feeding, dressing, physical mobility and exercise, changing bed linen, washing clothes and cleaning living quarters, and also included transportation in a wheelchair, keeping records on client care, and giving information and advice on topics such as nutrition, hygiene or exercise.

Of the workers who reported receiving training related to their work, 14 per cent in Malaysia and 20 per cent in Singapore had received training related to disabled care. Workers engaging in care were paid more in Malaysia and Thailand than those employed for cleaning and cooking. In Malaysia the average pay for workers in care (encompassing elderly care, disabled care and healthcare) was US\$80 per month higher.

In the event that a migrant domestic worker becomes disabled due to an accident or injury at work, there are various benefits available. In Malaysia, migrant domestic workers have access to the benefit schemes of the Social Security Organization (SOCSO), which include temporary and permanent disability benefits. In Singapore, it is mandatory that employers provide domestic workers with personal accident cover of at least S\$60,000 per year in the event of permanent disability. In Thailand, domestic workers employed by a service company or agent have access to benefits under the Workmen's Compensation Act B.E. 2537 (1994), which provides for cash compensation in the case of permanent impairment and permanent disability and includes occupational rehabilitation expenses. Migrant domestic workers employed by the household do not have access to this cover, and disability cover is not included in the Migrant Health Insurance Scheme, in which they may be enrolled if employed by a business.

### 3.3. Forced labour

This study finds that many migrant domestic workers – and all who deliver direct care work – are engaging in tasks classified as Skill Level 2. Despite this, domestic work remains underestimated in terms of skills and undervalued in regard to pay, working conditions and respect. It is against this contextual backdrop that forced labour occurs.

This study set out to understand the working conditions in the domestic work sector,<sup>31</sup> and particularly to understand them as compared to the provisions of the Forced Labour Convention, 1930 (No. 29), and the Forced Labour Protocol, 2014. As noted above, and in line with the 20th ICLS Guidelines, this survey classified respondents as being in forced labour if they report an indicator of involuntary work and also report an indicator of threat of menace or penalty that is directly related to the involuntariness (see also section 2.3 above).

The data collected found forced labour across the three destination countries. The highest prevalence (being the proportion of workers surveyed) was found in Malaysia, with 29 per cent of the workers surveyed reporting conditions that indicate forced labour; this was lower in Singapore (7 per cent) and Thailand (4 per cent) (see figure 12 below). Based on the estimated number of migrant domestic workers in each country (as reported in section 3.1), it can be estimated that around 87,000 migrant domestic workers in Malaysia, more than 17,000 migrant domestic workers in Singapore, and 5,000 migrant domestic workers in Thailand are in a situation of forced labour.<sup>32</sup>

Ultimately this is a conservative estimation of workers who are in situations of exploitation wherein they cannot refuse to work or leave because they are being coerced, compelled and manipulated to work against their will or out of fear of having their work taken away, or they are facing physical abuse (ILO, Walk Free, and IOM 2022).<sup>33</sup>

Involuntary work refers to “any work taking place without the free and informed consent of the worker” (ILO 2018a, para. 5(d)). Circumstances that may give rise to involuntary work, when undertaken under deception or uninformed, include working with very low or no wages and abusive requirements for overtime or on-call work, among others (ILO 2018a) (see table 12). For the purposes of this study, the “very low wages” part of the involuntariness indicator “You are not paid at all or work for very low wages” refers to those workers whose average daily wage is under the minimum wage (or in the case of Singapore, under the contractual norm set by their country of origin) (see Methodology).<sup>34</sup> No respondent in this study reported receiving zero wages.

On this basis, 79 per cent of migrant domestic workers in Malaysia are indicated as being in a situation of involuntariness – satisfying the first step of the definition of forced labour – predominantly in that they are being paid low wages, not being paid overtime, not being allowed to quit a job, working for employers other than agreed, and having to stay in a job longer than agreed without consent.<sup>35</sup> A total of 90 per cent of workers in Singapore and 76 per cent of workers in Thailand were also found to be in circumstances that might give rise to involuntary work, predominantly working overtime without pay and being paid low wages.

31 See the more general discussion of working conditions in section 3.5.

32 See section 2.4 above for an explanation of the reference to “conservative” estimates of forced labour.

33 See section 2.4 above for an explanation of the reference to “conservative” estimates of forced labour.

34 The minimum wage used for **Malaysia** is 57.69 ringgit/day based on 1,500 ringgit/month. This is not currently applied to domestic work, but is applicable to Indonesian domestic workers (Dezan Shira & Associates 2022a; Malaysia, IMI, n.d.-a). The minimum wage used for **Thailand** is 334 baht/day (which sits in the middle of the provincial minimum wage range of 331–336 baht/day). This minimum is not currently applied to domestic work (Thailand, MOL, n.d.). The contractual minimum wages used for **Singapore** – S\$21.92/day (Philippines), S\$21.15/day (Indonesia), and S\$17.31/day (Myanmar) – are based on the range of salaries determined by the country of origin, with minimum monthly wages for domestic workers from the Philippines being S\$570 <https://www.philippine-embassy.org.sg/a-reminder-on-the-minimum-allowable-wage-for-household-service-workers-singapore/>; Indonesia, S\$550; and Myanmar, S\$450 (Philippines, Embassy of the Philippines in Singapore 2016; MSIG Singapore 2020).

35 All forced labour calculations are based on the percentage of unique individuals selecting one or more replies.

► **Table 12.** Share of migrant domestic workers who experienced elements of involuntariness in the past 12 months, by country of destination (Domestic Worker Survey)

Element of involuntariness experienced in the past 12 months	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
Someone else decided you should work here without your agreement	1	-	-
You had to take this job to pay back a dept that is related to this job	3	1	-
You have to be available to work at any time, day and night	4	1	-
Work conditons are dangerous and you didn't agree to this	7	-	-
Employer provides very poor living conditions that you didn't agree to	4	1	-
Work was different to what you were told when you were recruited	6	<1	-
You work for employers other than the one(s) you agreed to work for	10	<1	-
You have to stay in this job longer than agreed without your consent	10	<1	-
You are not allowed to quit your job	18	1	-
Other situations that happend without your agreement	1	-	-
No overtime pay when working more than 8 hour per day 48 hour per week	48	90	66
Tried to resign but was not allowed	6	1	-
You are not paid or work for very low wages (below minimum wage)	35	25	34
<b>Share of respondents that experienced at least one element of involuntariness</b>	<b>79</b>	<b>90</b>	<b>76</b>

- = nil.

Note: Respondents could report experiencing more than one element of involuntariness. No respondent in this study reported receiving zero wages.

To find a situation of forced labour, the worker must be in a circumstance that may give rise to involuntary work under threat and menace of any penalty. Threat and menace of any penalty are “the means of coercion used to impose work on a worker against a person’s will” (ILO 2018a). Means of coercion can include: threats or violence; restrictions on workers’ movement; withholding of wages or other benefits; withholding identity documents; and abuse of workers’ vulnerability through denial of rights or privileges, threats of dismissal or deportation (ILO 2018a), as listed in table 13 below.

According to the survey, 41 per cent of migrant domestic workers in Malaysia reported experiencing an element of threat of menace of a penalty, predominantly having documents or phones taken away, keeping workers in isolation and not allowing them out, and keeping workers under constant surveillance. Workers in Malaysia

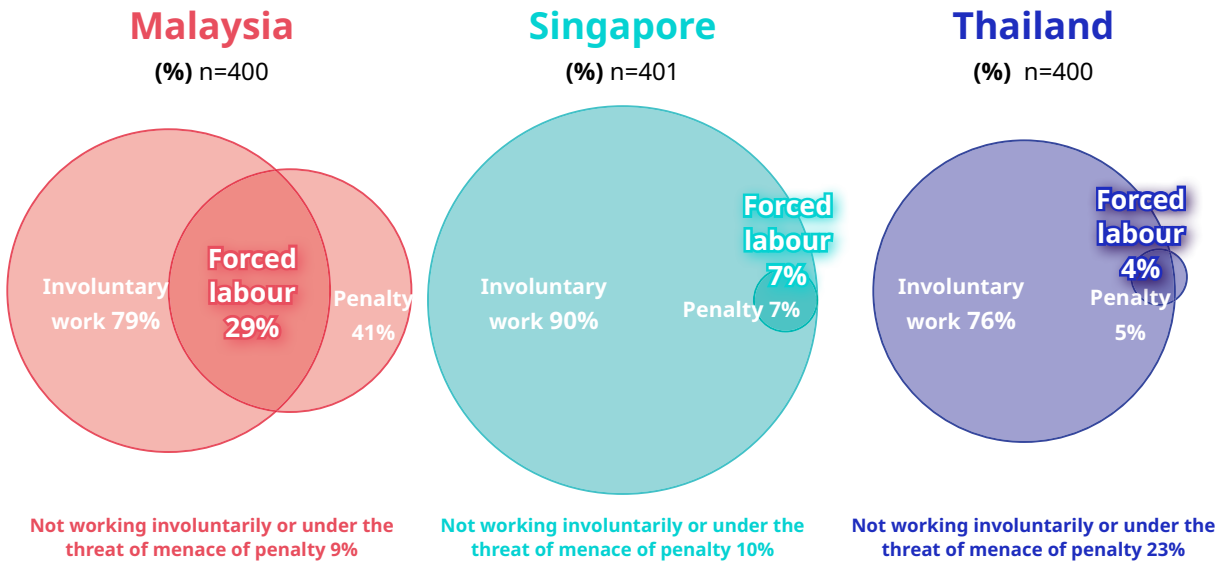
also reported threats of violence and being locked in the workplace/home. As a group, domestic workers in Malaysia had experienced all of the elements listed in table 13 except physical violence. In Singapore, 7 per cent of workers reported threat of menace of a penalty, including threats of not getting paid, threats of dismissal, withholding salaries and taking advantage of the fact that the worker has no other option but to work. In Thailand, 5 per cent of workers reported experiences of threat of menace of a penalty, all of which related to having their documents taken away.

► **Table 13. Share of migrant domestic workers who experienced threats of menace of penalty by their employer, recruiter or supervisor in the past 12 months, by country of destination (Domestic Worker Survey)**

Threat of menace of penalty	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
Physical violence (beating, suffocating, denied food)	-	-	-
Sexual abuse (kissing, touching, asked to undress, forced sex)	2	-	-
Harassment or humiliation	2	-	-
Threats of violence to you, your family or your friends	4	<1	-
Make you work to pay money you owe to them	4	-	-
Threats of not getting paid or financial penalties	2	2	-
Keep you under constant surveillance, e.g. CCTV cameras	6	1	-
Took away your mobile phone	10	1	-
Keep you in isolation and not allowed to leave the workplace	7	-	-
Locked in for some period of time, in your workplace or home	4	-	-
Took away your documents, such as ID, passport etc.	12	<1	5
Threatened to be dismissed from work	1	1	-
Threatened with deportation or reporting you to the authorities	1	-	-
Withholds your salary or other benefits	<1	1	-
Take advantage of the fact that you have no other options but to work	1	1	-
None	59	93	95
<b>Share of respondents that experienced at least one threat of menace of penalty</b>	<b>41</b>	<b>7</b>	<b>5</b>

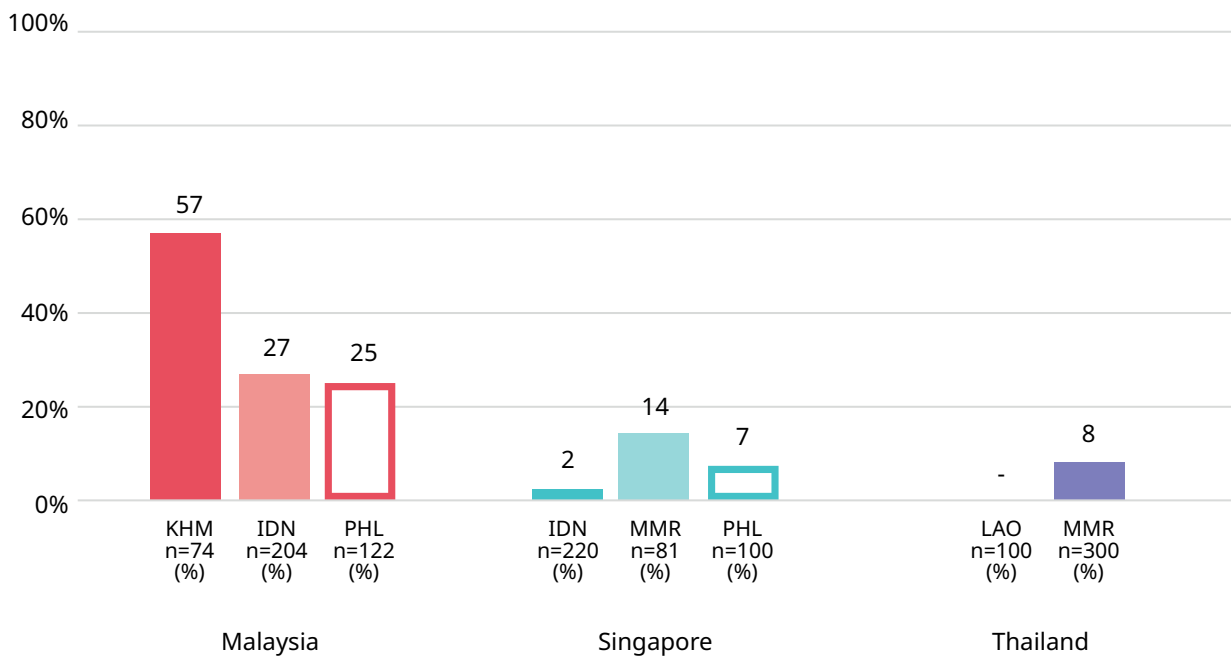
- = nil. Note: Respondents could report experiencing more than one threat of menace of penalty.

► **Figure 12. Estimated prevalence of forced labour as a proportion of workers surveyed, by country of destination**



Compared with workers from Indonesia and the Philippines, the prevalence of forced labour was proportionately higher among workers from Cambodia in Malaysia and workers from Myanmar in Singapore (see figure 13). Indonesia and the Philippines have both developed standard terms of contract for use in both Malaysia and Singapore. This may be evidence that standard terms set by origin countries to protect their workers can have a meaningful impact.

► **Figure 13. Share of migrant domestic workers who experienced forced labour by country of destination and country of origin (Domestic Worker Survey)**



- = nil. KHM = Cambodia; IDN = Indonesia; PHL = Philippines; MMR = Myanmar; LAO = Lao People's Democratic Republic.

## Malaysia

**Context:** In 2022, Malaysia ratified the Protocol of 2014 to the Forced Labour Convention, 1930. This followed complementary efforts including the introduction of the National Action Plan on Forced Labour (2021–2025) and amending the Employment Act to make it an offence for any employer to threaten, deceive or force an employee into doing any work or preventing them from leaving their place of work. These changes are part of Malaysia's attempts to address criticisms that its migration systems and labour practices result in forced labour and other forms of labour exploitation. Malaysia is currently listed as a Tier 3 country in the annual Trafficking in Persons Report (hereafter "TIP Report") issued by the US State Department in 2022, which includes forced labour within its analysis. Tier 3 countries are those that are not fully complying with the minimum standards of the US Trafficking Victims Protection Act 2000 and are not making significant efforts to do so.

In 2022 a domestic work MOU with Indonesia was signed in response to Indonesia's moratorium (or ban) on migration to Malaysia, which had been put in place due to rising cases of labour exploitation (*New Straits Times* 2022) (see section 3.1.2 for more information on the MOU). One of the systems under scrutiny was Malaysia's online recruitment system, which was put in place by the Malaysian Government and designed to assist employers in recruiting domestic workers directly, but required the worker to enter on a Social Visit Pass (tourist visa) for one month before receiving their temporary employment pass. This process led to multiple workers remaining in country without regular status, or having their status tied directly to an employer with no external oversight, leaving the workers vulnerable to exploitation. The Government of the Philippines had already rejected use of the online system due to such concerns (Vinothaa 2022).

In February 2022, the Indonesian Ambassador to Malaysia confirmed that the Embassy had supported 206 domestic workers in situations of forced labour, citing a particular case where the employer had justified not paying a salary for ten years on the basis that they had paid for daily food and drink and allowed the worker to stay in their home (*Daily Express* 2022). In their 2018 concluding observations, the CEDAW Committee (2018) expressed concern that domestic workers in Malaysia were vulnerable to exploitation and abuse. A key element of forced labour has been identified as workers' lack of exit and voice options (Huling 2012), which can be linked to the *kafala*-like system of tying a domestic worker to one employer.<sup>36</sup>

Challenges were noted by a representative of employers in Malaysia, who said in an interview that domestic workers are "employed by individual employers who are not conversant with employment or how to treat their employees properly. This can lead to bad relationships between the domestic worker and employer."<sup>37</sup> Under the Employment Act 1955 (amended 2012), Malaysian Labour Officers have the power to enter homes where domestic workers are employed, without previous notice, to inquire about cases where migrant domestic workers are present but not registered. Labour Officers, along with police, immigration and customs officers, also have powers under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 to enter premises where there is suspicion an offence under the Act is being committed. It has been noted, however, that the Government of Malaysia often relies on reports of abuse from embassies or workers self-identifying as being victims of forced labour or abuse (United States, Department of State 2022). Challenges in effectively monitoring labour conditions can mean that these "bad relationships" can go undetected for years.

**Findings:** In Malaysia, the most predominant findings of threat of menace of a penalty were reports of workers having their mobile phone taken away, their documents taken away, being kept in isolation, not being allowed to leave the workplace, and being under constant surveillance.

36 The *kafala* (or sponsorship) system legally binds a migrant worker's immigration status to an individual employer, meaning that if the worker leaves or loses their employment, they lose their regular migration status.

37 Representative of employers, Malaysia.

► [It] is very expensive to get [a] domestic worker to come to Malaysia – if [an] employer wants to hire migrant domestic worker they have to spend 24,000 ringgit [US\$5,755.36]. This impacts how the employer treats the worker. Because the employer has spent the money, they want the worker to be on-call for 24 hours. The employer looks at the domestic worker not as human, but as a slave.

► Representative of civil society in Malaysia

Given the nature of these indicators, it is reasonable to posit that the levels of workers experiencing isolation and restriction on freedoms of movement are much higher than reported here, as the survey did not access workers who are experiencing confinement, but only interviewed workers in public spaces. Surveillance and restriction on mobility outside of the home have been described as the materialization of employers' power, which draws on the commodification of migrant domestic workers (Hierofani 2020). In Malaysia, several factors are at play in this power dynamic. Firstly, domestic workers are not protected under the Employment Act, meaning that there is no regulation on working hours, rest days, leave or minimum wage. Thus, workers can be expected to work long hours for low pay without these employment conditions being in contravention of the law (further discussed in the section 3.4 below). Secondly, Malaysia does not have a system for orientating new employers on decent work for domestic workers, or any settling-in or follow up programme for the domestic workers (as seen in Singapore), meaning that workers do not have an opportunity to raise concerns or questions after placement. This is particularly important as, thirdly, workers need to get permission from the Immigration Department in order to change employers.

Poor working conditions and forced labour can result in the worker deciding to seek employment elsewhere, even if that means that they would become undocumented. Some employers see this as the worker not being able to deliver the work expected or being easily misled by better offers. There is also a narrative that workers migrate (at the cost of the original employer) with the intention to abscond – to join a husband, for example. This perspective not only fails to account for the role that poor working conditions and forced labour can play in a workers' decision to leave the employment, but it appears to also serve to encourage the practice of restricting workers' mobility.

► Why are the workers running away? ... They run away because domestic workers are confined to work within four walls. They probably are confined for six days and might not like that. But also the domestic worker might have a husband working in Malaysia, and they run away to join him. Also salary, if they are earning 2,000 ringgit and they get information that they could get more if they run away. Also the worker may not be flexible about adjusting to the employers' requirements.

► Representative of employment agencies in Malaysia



► If a worker has a complaint that is a just cause, then we will explain to the employer. Then the employer can compromise. [I] cannot see why the worker cannot accept compromise from employer. They just want to leave and start new job, and they purposefully do not want to compromise. This is unfair for the employer.

► Representative of employment agencies in Malaysia

The survey results illustrate that in Malaysia workers have a variety of migration and employment profiles (see section 3.1), including workers who arrived regularly or irregularly and those who have become irregular by leaving their employment or not returning home at the end of a contract. For irregular migrants, the power imbalance between worker and employer is also a significant factor in forced labour, with workers unwilling or unable to access support or services due to confinement, removal of a phone or documents, and fear of arrest and deportation. When regularity was interrogated as a risk factor of forced labour, it was found that migrants moving through irregular migration channels were 1.6 times more likely, and workers with an irregular status 2.2 times more likely to be in a situation of forced labour. Notwithstanding that an irregular status is a risk factor for forced labour, 27 per cent of migrants in a regular status were also a situation of forced labour, indicating that regular migration was not providing a safe route for migrant domestic workers.

## Singapore

**Context:** Forced labour is prohibited under the Constitution of the Republic of Singapore (article 10(2)). The Penal Code prohibits forced labour (defined as “Unlawful compulsory labour”) under section 374. Forced labour is also included under the definition of “exploitation” for the purposes of the 2014 Prevention of Human Trafficking Act. In Singapore, domestic workers are not covered by the Employment Act and, as a result, there is no regulation over the hours that they work or payment of overtime (this is discussed further in section 3.4 below). The 2022 TIP Report places Singapore in its top Tier 1 and recommends that Singapore increase investigations and prosecutions, particularly of labour trafficking, including cases involving domestic workers (United States, Department of State 2022).

In their 2019 report, the Humanitarian Organization for Migration Economics (HOME) identified the most common complaints from domestic workers as being: overwork, emotional abuse (including verbal insults, intimidation and threats), salary-related claims, illegal deployment and inadequate provision of food (HOME and Liberty Shared 2019). In a study by Seefar in 2019, indicators of forced labour reported by their sample included 12 per cent experiencing forced overtime, 13 per cent reporting constant surveillance and 31 per cent unable to terminate their contract.

As seen in Malaysia and Thailand, and sharing similarities with the *kafala* system, a worker’s work permit is linked to their employer in Singapore. The law is also silent on the conditions under which any worker’s contract can be terminated, and provides only that employers have only to provide “reasonable notice” in order to terminate a worker’s employment and repatriate them.<sup>38</sup> This leaves workers vulnerable to losing their jobs and being repatriated, creating a form of “structural coercion” that prevents migrant workers, especially those working in isolated conditions within the home, from challenging employment conditions. An example of where this unequal power dynamic between the employer and domestic worker may play out is in implementing the MOM’s policy requiring that both employer and employee must agree on any reduction to salary in writing. There have been reports of migrant workers who paid recruitment costs being vulnerable to coercion to sign agreements, upon threat of termination and repatriation (United States, Department of State 2022).

► The most common abuse here is verbal abuse. If you are at work and your boss says, ‘You are so stupid’, you would quit your job. For domestic workers there is no right to do that. Employers will say, ‘If you complain I will send you home.’ If you don’t have your employer’s consent to transfer, then you have to go home.

► Filipina domestic worker in Singapore

Singapore has worked to strengthen systems to prevent and detect forced labour. These efforts include: re-employment training for first time employers; a settling in programme for domestic workers; comprehensive health checks (without the employer present) with guidance to detect abuse; increased random house checks; and two interviews (up from one) in the first year of employment (United States, Department of State 2022). These interviews are conducted in person by the Center for Domestic Employees (CDE), a government-linked initiative of the National Trades Union Congress focused on domestic work. The CDE are also available to work with migrant domestic workers and employers to resolve any issues raised. In the five years between July 2017 and July 2022, the CDE conducted over 60,000 interviews with migrant domestic workers (Singapore, MOM 2022a).

38 Employment of Foreign Manpower Act (Chapter 91A); Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part II, section 12.

► In 2021, MOM enhanced the six-monthly medical examination for migrant domestic workers to include checks on migrant domestic workers' body-mass index and signs of suspicious and unexplained injuries to better pick up signs of abuse.

► Representative of the Government of Singapore

**Findings:** The lack of regulation of hours or pay was reflected in the data, which found that 90 per cent of workers in Singapore worked overtime without pay (with working overtime defined as working more than 8 hours in a day and/or 48 hours in a week). Where this finding is viewed alongside some of the other data, a clearer picture of indicators of poor working conditions and forced labour emerge, as migrant domestic workers in Singapore were 2.2 times more likely to be in a situation of forced labour if they worked seven days a week. Workers were also 3.2 times more likely to be in a situation of forced labour if the employer or recruiter kept their identity documents. Years of work experience were also found to be a risk factor, with those workers with fewer than the average number of years of experience (6.4 years) being 2.8 times more likely to be in a situation of forced labour. However, salary deductions were the highest risk factor of forced labour, increasing the risk of forced labour by 47.7 times. This illustrates a situation where lack of experience and knowledge is being exploited. In addition, while none of the workers self-reported poor living conditions, reporting against other questions found that 44 per cent of workers shared a bedroom with others, with 35 per cent sharing with a family member of the employer and 6 per cent sleeping in a shared living space.<sup>39</sup> Similarly, whereas only 1 per cent of workers reported having to be available to work any time, day and night, 95 per cent reported having to be on call outside of work hours, with 6 per cent reporting that they had to be on call at any time (including during sleep hours).

► Domestic workers can reach out to their agents. But a lot of times what we see on the ground is that agents tend to tell them to just suck it up and tolerate their conditions, especially if it's not considered to be serious enough. The domestic workers that [we] see ... many of them are the ones who have just chosen to run away because they can no longer tolerate their living and working conditions.

► Representative of civil society in Singapore

Part of the discussion around improving living and working conditions for migrant domestic workers in Singapore is providing an alternate model to the full-time, live-in model of employment. In September 2021, the Singapore Government formalized the Household Services Scheme, whereby some migrant workers can enter the country as employees of companies and provide domestic work services to multiple households. These workers do not live in the houses in which they work (Singapore, MOM, n.d.-f). They also have protection under the Employment Act as formal workers, meaning work hours, overtime and leave are regulated. It has been suggested that this scheme lowers the chances of abuse because it removes the live-in factor that increases worker vulnerability (Chia 2021). The cost of the scheme is currently much higher than the cost of a live-in worker. As a representative of the Association of Employment Agencies noted, "Pay for four hours to an agent is S\$100–150 compared to a full-time live-in work that might be S\$1,000 per month. Employers may just use additional part-time workers to complement their full-time worker."

39 This runs contrary to the provisions of Convention No. 189, which requires under Article 6 that workers be provided with decent living conditions that respect their privacy.

As households and migrant domestic workers have diverse needs, improving the well-being and work conditions of migrant domestic workers requires a whole-of-society effort, and cannot rest solely on effort by the Government.

► Representative of the Government of Singapore

## Thailand

**Context:** Thailand ratified the 2014 Forced Labour Protocol in 2018 and was, at that time, in the process of developing a Prevention and Elimination of Forced Labour Act as its implementing legislation. Forced labour is already expressly prohibited under section 30 of the Constitution. Thailand is ranked at Tier 2 in the TIP Report 2022, meaning that it does not fully meet the minimum standards for the elimination of trafficking and forced labour, but is making significant efforts (United States, Department of State 2022).

As is the case in Malaysia and Singapore, domestic workers do not benefit from full labour rights under the Labour Protection Act in Thailand (this is discussed in more detail in section 3.4 below). However, Ministerial Regulation No. 14 on the Protection of Domestic Workers B.E. 2555 (2012) does address the provisions of the Labour Protection Act that domestic workers can access, and this regulation is currently under review.

Without the benefit of regulation of hours or wages, migrant domestic workers can be expected to work long hours for low pay in poor conditions that can constitute exploitative or forced labour conditions. Research from 2017 found that non-payment and underpayment of wages was the most significant complaint by migrant workers in Thailand (Harkins and Åhlberg 2017). Domestic workers also experience sexual harassment in the workplace, although reporting of this is low (ILO and UN Women 2021). As in Malaysia and Singapore, domestic workers are restricted from changing employers without permission.

**Findings:** In the case of Thailand, the forced labour finding shows that the primary circumstance that may give rise to involuntary work are unpaid overtime and low wages, with the primary finding of threat of menace of penalty as having their passports and documents taken away. A stakeholder interviewee for this study reported that labour exploitation takes the form of low wages, lack of a paid day off per week and long working hours.<sup>40</sup>

Working in private spaces is the key challenge facing migrant domestic workers. They are vulnerable to abuses by their employers. Employers could intimidate and force workers to work. Thus, they tend to be exploited. Also, legal protection is not equivalent to that of formal sector workers – so we are striving to get legal protection to equivalent levels.

► Representative of the Government of Thailand

The incidence of forced labour found in Thailand is lower than in Malaysia and Singapore. This could indicate a correlation with the respondent workers in Thailand having the widest variety of worker profiles captured by the study, with more workers securing their employment with one or more employers, self-reporting as working part-time, and living out. Indeed, when looking at the risk factors for forced labour, domestic workers who paid above average migration costs were 3.4 times more likely to be in a situation of forced labour (as higher costs are generally associated with migration via regular channels). This data is indicative that forced labour in Thailand does not correlate with irregularity, and is supported by the percentage breakdown of force labour cases under this study, which found that 5 per cent of workers with a regular status were in a situation of forced labour, as against 2 per cent of workers with an irregular status.

40 Representative of civil society, Thailand.

### 3.4. Employment practices and working conditions

The prevalence of forced labour can be linked to multiple and intersecting factors present in migrant domestic work, including the employment ties created by immigration regimes and lack of preparedness for the job (in part due to the lack of comprehensive and consistent skills training). But arguably the easiest factor for governments to control is provision of full labour rights. Across the survey sites, domestic workers are wholly or partially excluded from labour rights, a decision commonly justified by reference to the difficulties in treating private households as workplaces and private householders as employers. As this section sets out, this not only leaves domestic workers open to long hours and low pay, but it also is negated by the experiences of workers who are employed by service providers and those workers who are independently navigating employment and immigration requirements by directly securing employment with one or more households and working with households or brokers to secure work permits.

► The key method of enforcement is labour inspectors. The workplaces are private venues and our authority to inspect in those areas can be disputed. We have been trying to come up with alternatives to labour inspection.

► Representative of the Government of Thailand

Table 14 below contains an analysis of the extent to which the labour rights afforded to migrant domestic workers compare with the rights of workers generally (using the provisions of Convention No. 189 and, where more specific, relevant international law as an analytical framework). Green indicates that migrant domestic workers' rights align with the rights of workers generally; amber indicates partial alignment; and red is used to show where there is no alignment. Table 14 illustrates the exclusion of migrant domestic workers from many of the labour and social protections found in Malaysia, Singapore and Thailand – exclusions that are inconsistent with provisions of Convention No. 189. The impacts of these full and partial exclusions are discussed in more detail further below.

► **Table 14. Analysis of labour rights afforded to domestic workers in Malaysia, Singapore and Thailand against those provided by Convention No. 189 and other international Conventions**

Labour right	Provisions from C.189 and other international Conventions	Malaysia (Employment Act 1955, where not otherwise stated)	Singapore (Employment Act 1968, where not otherwise stated)	Thailand (Labour Protection Act 1998, where not otherwise stated)
<b>Freedom of association</b>	C.189 <sup>41</sup> , Article 3(2) (a) – freedom of association and collective bargaining.	Industrial Relations Act 1967; Trade Unions Act 1959 – migrant workers, including migrant domestic workers, can join but not form unions (Viajar 2018).	Industrial Relations Act (chapter 136, section 86) – migrant workers can join unions with express permission from the Government, which is considered impossible (Rollet 2015).	Labour Relations Act 1975 – migrant workers are allowed to join, but not form trade unions. The law is silent on domestic workers.

41 Domestic Workers Convention, 2011 (No. 189).

Labour right	Provisions from C.189 and other international Conventions	Malaysia (Employment Act 1955, where not otherwise stated)	Singapore (Employment Act 1968, where not otherwise stated)	Thailand (Labour Protection Act 1998, where not otherwise stated)
<b>Forced or compulsory labour</b>	C.189, Article 3(2) (b) – elimination of all forms of forced or compulsory labour.	Section 90b – employers who threaten, deceive or force an employee commit an offence.	Constitution of the Republic of Singapore section 10(2) – all forms of forced labour are prohibited.	Anti-Trafficking in Persons Act 2008, as amended in 2019, section 6(1) – forced labour defined as compelling a person to work including through threat, intimidation, force.
<b>Elimination of discrimination in respect of employment and occupation</b>	C.189, Article 3(2) (d) – elimination of discrimination in respect of employment and occupation.	Section 69(f)(1) – the Director-General may enquire into and decide any dispute in respect of any matter relating to discrimination.	Enhanced Tripartite Guidelines on Fair Employment Practices (TGFEPP) – however, domestic workers are excluded from definition of “employee” in the Employment Act, so it likely does not apply (Singapore, MOM 2023).	Section 15 – an employer shall treat male and females equally.
<b>Contract of employment</b>	C.189, Article 7 – domestic worker informed of their terms and conditions where possible through written contracts  C.189, Article 8 – domestic worker receives contract before departure	Part II – written contracts;  Part X – 14 days’ notice for termination.	Domestic workers not covered by the Employment Act, but are encouraged to sign employment contract that covers salary, placement loan, number of days rest per month, compensation in lieu of rest, notice period, and compensation in lieu of termination (Singapore, MOM, n.d.-g).	Section 14(1) – a contract of employment should be made.
<b>Max hours of work per day</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.  C.001 <sup>42</sup> – 8 hours.	Excluded from section 60A – 8 hours a day.	Excluded from section 38 – 8 hours a day.	Ministerial Regulation No. 14 <sup>43</sup> excludes domestic workers from section 23 – 8 hours a day.

42 Hours of Work (Industry) Convention, 1919 (No. 1).

43 Note that Ministerial Regulation No. 14 on the Protection of Domestic Workers B.E. 2555 (2012) is in the process of being revised by the Government of Thailand.

Labour right	Provisions from C.189 and other international Conventions	Malaysia (Employment Act 1955, where not otherwise stated)	Singapore (Employment Act 1968, where not otherwise stated)	Thailand (Labour Protection Act 1998, where not otherwise stated)
<b>Maximum hours of work per week</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.  C001 – 48 hours.	Excluded from section 60A – 48 hours a week.	Excluded from section 38 – 44 hours a week.	Ministerial Regulation No. 14 excludes domestic workers from section 23 – 48 hours a week.
<b>Overtime provision</b>	C.189 Article 10(1) – equal treatment between domestic workers and workers generally.	Excluded from section 60A – paid at 1.5 times.	Excluded from section 38 – paid at 1.5 times.	Ministerial Regulation No. 14 excludes domestic workers from section 23 – paid at 1.5 times.
<b>Daily rest</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.	Excluded from section 60A – rest every five hours.	Excluded from section 38 – 45 minutes rest every 8 hours.	Ministerial Regulation No. 14 excludes domestic workers from section 27 – one hour after no more than five hours.
<b>Weekly rest</b>	C.189, Article 10(2) – 24 hours.	Excluded from section 59 – one rest day.	Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule – one rest day.	Section 28 – one day per week.
<b>Holidays (traditional/public)</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.  C.132 <sup>44</sup> – Additional to annual leave entitlement.	Excluded from section 60D – multiple national holidays.	Excluded from section 88 – payment for public holidays.	Section 29 – 13 days.
<b>Annual leave</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.  C.132 – paid holiday of no less than three working weeks for one year of service.	Excluded from section 60E – 8 days for every 12 months when employed for less than 2 years.	Excluded from section 88A – 7 days leave for first 12 months and 1 day for every subsequent 12 months up to a maximum of 14 days.	Section 30 – 6 days after one year.

44 Holidays with Pay Convention (Revised), 1970 (No. 132).

Labour right	Provisions from C.189 and other international Conventions	Malaysia (Employment Act 1955, where not otherwise stated)	Singapore (Employment Act 1968, where not otherwise stated)	Thailand (Labour Protection Act 1998, where not otherwise stated)
<b>Sick leave</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.	Excluded from section 60F – 14 days per year when employed for less than 2 years.	Excluded from section 89 – paid sick leave 14 days when employed for 6 months or more.	Section 32 – 3 paid days without a medical certificate.
<b>Sick pay</b>	C.189, Article 10(1) – equal treatment between domestic workers and workers generally.	Excluded from section 60F – paid at same rate.	Excluded from section 89 – paid at same rate.	Section 57 – up to 30 days.
<b>Minimum wage</b>	C.189, Article 11 – domestic workers should enjoy minimum wage coverage where it exists.	Excluded from national minimum wage of 1,500 ringgit (Free Malaysia Today 2022b). MOU with Indonesia: 1,500 ringgit. Standard contract for Filipino domestic workers: 1,680 ringgit.	No progressive wage model for domestic workers but Progressive Wage Model for cleaning is S\$1,442 (Wong 2021).	Ministerial Regulation No. 14 excludes domestic workers from the minimum wage, which ranges from 328 to 354 baht per day.
<b>Work safety, hygiene and environment</b>	C.189, Article 13 – safe and healthy working environment.	Occupational safety and Health Act 1994.	Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule – the employer shall provide safe working conditions and take such measures to ensure the safety and health of the foreign employee.	The Occupational Safety, Health and Environment Act does not exclude domestic work, but provisions apply to “workplace” or “establishment”, and it is not clear if a household is included.
<b>Maternity leave and pay</b>	C.189, Article 14 – not less favourable than those applicable to workers generally.  C.183 <sup>45</sup> – 14 weeks leave with sufficient cash benefit.	Excluded from Part IX – 90 days leave and allowance.	Excluded from Part 9 – 12 weeks.	Ministerial Regulation No. 14 excludes domestic workers from section 41 – 90 days leave.

45 Maternity Protection Convention, 2000 (No. 183).

46 <https://www.msf.gov.sg/assistance/Pages/Medical-Fee-Exemption-Card.aspx>



Labour right	Provisions from C.189 and other international Conventions	Malaysia (Employment Act 1955, where not otherwise stated)	Singapore (Employment Act 1968, where not otherwise stated)	Thailand (Labour Protection Act 1998, where not otherwise stated)
<b>Social protection</b>	C.189, Article 14 – not less favourable than those applicable to workers generally.	Employee’s Social Security Act (Act 4) and Employment Insurance System (Act 800) extended to domestic workers, but limited to Act 4 employment injury scheme.	Excluded from social assistance, including medical fee exemption. <sup>46</sup>  Covered by Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule – employer purchased medical insurance of at least S\$15,000 for inpatient and day surgery, and S\$60,000 personal accident insurance.	Excluded from Social Security Act B.E. 2533 (1990), which includes medical treatment, disability and unemployment.  Covered by Migrant Health Insurance Scheme, which covers general and emergency medical treatment.

[red box] - appears not compliant, [yellow box] - appears partially compliant, [green box] - appears compliant.

When the rights of migrant domestic workers are compared with the rights of workers generally, significant differential treatment can be seen. Migrant domestic workers also face differential and discriminatory treatment when compared with other migrant workers from alternative “semi-skilled” sectors (commonly in construction, manufacturing and services) (see table 15 below). This table uses grey and bold text to illustrate where workers in other sectors are afforded more rights under their visas, in particular where they are fully protected under labour laws and have access to more beneficial social protection schemes.

► **Table 15. Visa attributes: Migrant domestic workers versus migrant workers in other sectors**

	<b>Malaysia</b>	
	Foreign Domestic Helper Visitor's Pass/ Temporary Employment Sticker	Temporary Employment Pass for Manufacturing, Construction, Plantation, Agriculture and Services <sup>1</sup>
<b>Sex</b>	Woman	Not specified
<b>Age</b>	21–45 years	18–45 years
<b>Duration</b>	One year, extendable to two or three.	One year, renewable up to ten years
<b>Access to full labour rights</b>	Partially excluded (by Ministerial Order 12.08.22)	Covered by the Employment Act
<b>Access to minimum wage</b>	No	Yes
<b>Access to social protection</b>	SOCSO Employment Injury Scheme;	SOCSO Employment Injury Scheme; Health Insurance Protection Scheme Foreign Workers
<b>Ability to change employers</b>	Allowed with the permission of the Immigration Department of Malaysia	Not allowed
<b>Medical exam</b>	Within a month of arriving and three months before expiry if applying for an extension	Required within 30 days of arrival

<sup>1</sup> As per Malaysia, IMI, n.d.-b.<sup>2</sup> As per Singapore, MOM, n.d.-k.<sup>3</sup> As per MAP Foundation and Clean Clothes Campaign 2014.

Singapore		Thailand	
Work Permit for Migrant Domestic Worker.	Work Permit for semi-skilled migrant worker in construction, manufacturing, marine shipyard, processing, services <sup>2</sup>	Domestic Worker under the regular MOU Employment Scheme.	Domestic workers holding a Work Permit/ Non Immigrant Visa B for formal sector workers (often through regularization/amnesty process) <sup>3</sup>
Woman	Not specified	Not specified.	Not specified
23–50 years	18–50 years (up to 58 years for Malaysians)	18–55 years	18–55 years
Two years, renewable.	Two years, renewable	Two years, renewable for another two years.	Two years, renewable for another two years
Partially excluded (Partial coverage by Employment of Foreign Manpower Act)	Covered by the Employment Act	Partially excluded (by Ministerial Regulation No. 14)	Full coverage for those employed full-time for at least one year
n/a	Yes (local qualifying salary)	No	Yes
Employer-provided medical insurance	Employer-provided medical insurance; Primary Care Plan providing access to Primary Healthcare System	No Social Security Fund access, but access available to the Health Insurance Card Scheme	Social Security Fund; Workmen's Compensation Fund; Health Insurance Card Scheme
Transfers are allowed with permission of both old employer and new employer	Transfers are allowed with permission of both old employer and new employer	Transfers allowed with permission from the Department of Employment	Allowed with employer's express approval
Required before the permit is issued and six monthly	Required within two weeks of arrival  Six monthly examinations required for women	Required to submit medical certificate	Required as part of health insurance

### 3.4.1. Working time

The Domestic Workers Convention, 2011 (No. 189), provides that States should take measures towards ensuring equal treatment between domestic workers and workers generally in terms of normal hours of work. In Malaysia and Thailand, normal hours of work (that is, pre-overtime hours) are 8 hours per day and 48 hours per week;<sup>47,48</sup> while in Singapore, they are 8 hours per day and 44 hours per week.<sup>49</sup> The relevant international standards set a limit on normal hours at 8 hours per day and 48 hours per week.<sup>50</sup> Across the data, the average hours worked by full-time domestic workers far exceeded the international standards (see table 16). Given that the national standards of the three countries are the same or lower than the international standard used in the study, this outcome is one that deserves all three countries' urgent attention.

► **Table 16. Average number of workdays and work hours of full-time and part-time migrant domestic workers, by country of destination (Domestic Worker Survey)**

	Malaysia		Singapore		Thailand	
	Full-time n=307 (%)	Part-time n=93 (%)	Full-time n=401 (%)	Part-time n=0 (%)	Full-time n=224 (%)	Part-time n=176 (%)
<b>Average no of days worked per week</b>	6.2	4.9	6.4	n/a	6.6	3.2
<b>Average no. of hours worked per day</b>	10.5	7.0	12.8	n/a	11.6	5.4
<b>Average no. of hours worked per week</b>	65	36	81	n/a	77	17

n/a = not applicable.

#### Malaysia

**Context:** In Malaysia, the Employment Act 1955 sets out the provisions for labour rights. At the time of data collection for this study, the Employment Act referred to domestic workers as “domestic servants” and excludes them from the majority of rights and benefits provided to other workers. As a result, domestic workers are not protected by any regulated provisions related to working hours, rest days, public holidays, paid leave, sick leave or maternity. Minimum wage rules also do not apply to domestic workers. Amendments to the Employment Act came into force from January 2023 changing the wording to “domestic employee”; this change is not accompanied by any further rights.

The MOU with Indonesia provides a minimum wage of 1,500 ringgit (around US\$350) per month and that employment contracts be certified by the Embassy of the Republic of Indonesia (Malaysia, IMI, n.d.). The Philippines does not have a MOU with Malaysia but requires that Philippines domestic workers and their employers sign a standard employment contract as provided by the Embassy of the Philippines in Malaysia. This standard contract provides a minimum monthly salary of US\$400 (or 1,680 ringgit) a month in addition to other requirements, including continuous rest of 8 hours per day and one rest day per week.<sup>51</sup>

47 Employment (Amendment) Act 2022.

48 Labour Protection Act B.E. 2541.

49 Employment Act 1968.

50 ILO Hours of Work (Industry) Convention, 1919 (No. 1).

51 Department of Labor and Employment, Standard Employment Contract for Filipino Domestic Worker. Available at: [http://www.philembassykl.org.my/main/images/pdf/POEA\\_Standard\\_Empl\\_Contract\\_for\\_DW\\_-\\_revised\\_10262017.pdf](http://www.philembassykl.org.my/main/images/pdf/POEA_Standard_Empl_Contract_for_DW_-_revised_10262017.pdf).

**Findings:** A quarter of workers in Malaysia reported working seven days a week and almost half (49 per cent) work more than ten hours a day (see figure 14). Eighty per cent of workers reported working 48 hours or more per week, and 76 per cent also reported that they needed to be on call during work hours. These findings are supported by the employer data, which while reporting at slightly lower rates, is consistent with the domestic worker reporting. It is clear that excessive work hours are a key feature in the experiences of domestic workers in Malaysia, and that this is accepted, if not expected, by employers. For the 23 per cent of workers who self-report as working part-time, they work an average of 4.9 days per week and seven hours per day.

Only around half of the workers in Malaysia reported receiving paid holiday leave (46 per cent) or sick leave (52 per cent), with the average number of paid holiday leave days per year reported as being just 4.7 days. This was still the highest number of paid holiday days out of the three survey countries.

## Singapore

**Context:** Migrant domestic workers in Singapore are not covered by Singapore's Employment Act. The MOM website states that this is "because it is not practical to regulate specific aspects of domestic work, such as hours, overtime work and work on public holidays" (Singapore, MOM, n.d.-g). Building on the Employment of Foreign Manpower (Work Passes) Regulations 2012, Singapore did introduce in January 2023 a mandatory monthly day off that cannot be compensated away, but this was not in place at the time of the survey. At the time of the survey, migrant domestic workers did have a right to a weekly day off, but these rest days could be compensated away, meaning that workers could still have worked seven days a week within the boundaries of the law.

In the absence of comprehensive labour law related to hours, overtime, and annual, sick and maternity leaves and pay, the employment contract is the major source of terms, conditions, rights and obligations for domestic workers and their employers. However, employers are only encouraged (as opposed to required) to sign an employment contract with migrant domestic workers. It is suggested that the contract cover the salary, placement loan,<sup>52</sup> number of days rest per month, compensation in lieu of rest, notice period, and compensation in lieu of termination. Employers are also required to sign a safety agreement with migrant domestic workers that ensures that workers understand the MOM's restrictions for cleaning exterior windows. In the absence of mandatory contracts, embassies of countries of origin have established initiatives on standard contracts. The Philippines Embassy has a standard contract that all employers of Philippines domestic workers are required to sign. Similarly, the Indonesian Embassy also have a standard contract that they require employers to sign. Filipino workers may be required to show this contract on departing the Philippines and can be denied departure if they do not have a signed contract at that stage (Philippines, POLO Singapore, n.d.-a).

Migrant workers employed by companies under the Household Services Scheme (HSS) have access to more labour rights than those employed by individuals. Being employed by companies and therefore considered to be in the services sector, migrant domestic workers under the HSS are fully covered by the Employment Act. Part IV of the Employment Act regulates hours of work, overtime and rest, providing that workers work no more than eight hours per day and 44 hours per week, that they get 1.5 times the hourly basic wage for overtime, and one day off a week (Singapore, MOM, n.d.-h). These workers also live outside of private households and – on the face of it – have more autonomy of movement. The cost to hire domestic workers under the HSS is significantly higher than a live-in domestic worker, with cleaning agencies charging upwards from S\$18/hour for part-time cleaners, around the same amount that a live-in worker is paid per day (Home Cleaning SG, n.d.).

52 Any loan made by the employer to the domestic worker to cover agency fees owed by the domestic worker.

“ I think for elderly healthcare, the employers view domestic workers as the cheaper way – instead of getting a professional caregiver. ... Many domestic workers do not have any experience and do not realize that this is part of their jobs. They were hired as a domestic worker, but the family who hired them will not think about if she needs training or not, they just tell her what to do. Sometimes they get threats: ‘If something happens to my parents, you will answer for it.

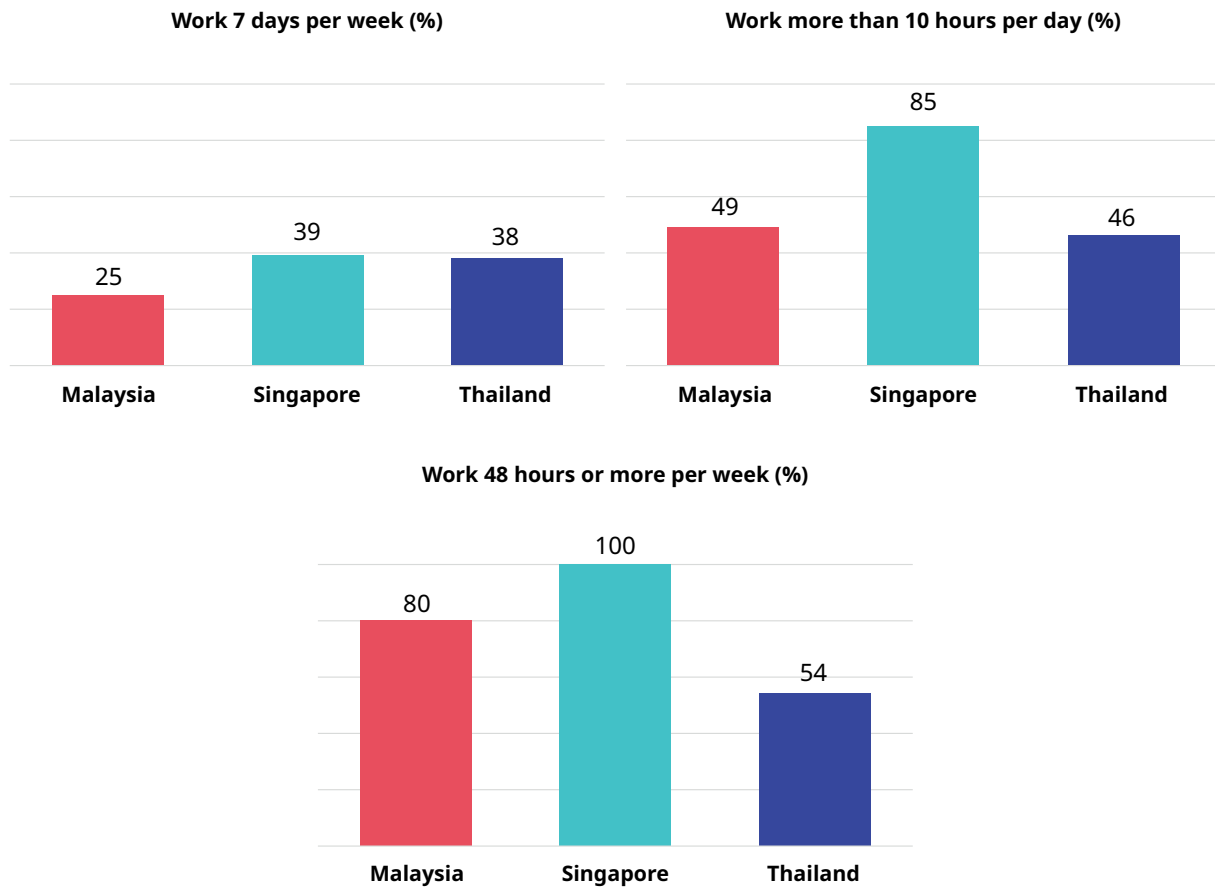
► Filipina domestic worker in Singapore

**Findings:** All of the migrant domestic workers surveyed in Singapore worked full-time and reported the longest hours of workers across all three study countries, at an average of 12.8 hours per day and 81 hours per week. This is almost double the aforementioned national standard for other sectors of 44 maximum hours per week.<sup>53</sup> In all, 85 per cent of workers in Singapore reported working more than 10 hours per day and 100 per cent reported working 48 hours or more a week (figure 14). The longer hours worked in Singapore may reflect the higher prevalence of care work in their duties, with 71 per cent of workers reporting undertaking childcare as against 57 per cent in Malaysia and 15 per cent in Thailand. The data also finds that 86 per cent of workers engaged in childcare report having to be on standby (this is a higher proportion than for workers engaged in housekeeping and other direct care duties). The link between care work and increased working hours was demonstrated in a 2016 ILO study, which found that domestic workers with direct care duties would work around 10 and 20 per cent more hours in a day than those without (Anderson 2016).

“ I talked to a domestic worker who cared for the elderly. Aside from the elderly care, she is still expected to do the housework. The employer complained about the cleanliness of the house. Most [domestic workers caring for the elderly] will not have off days because no one is there to look after the elderly.

► Filipina domestic worker in Singapore

► **Figure 14. Share of domestic workers working 7 days per week; more than 10 hours per day; 48 hours or more per week; or 15 hours or less per week, by country of destination (Domestic Worker Survey)**



Note: Malaysia n=400, Singapore =401, Thailand n=400.

When set against the employer reporting, the number of hours reported by workers in Singapore was also higher, culminating in workers reporting working on average 27 more hours in their week than employers are reporting (see figure 15). This may be due to the full-time and live-in nature of employment in Singapore resulting in workers engaging in more work than the employers are aware of or counting. This came through in the qualitative interviews. On being asked about their daily routines, one employer of a Filipina domestic worker rounded off their description with, “We eat at 6:30 and by 7:30 she is finished with everything – if we are not finished by 8 p.m. we ask her to go to bed.” But later, when being asked about what the worker does during her time off, the employer answered, “On her day off she goes out – but in the evening she brings my dogs for a walk with her friends in the compound but she does not go out [of the compound] – maybe at 8 o’clock.” In this example, the employer was not counting the dog walk in the worker’s duties. In another example, the domestic worker described how their work includes constant responsibility for a three-year old.

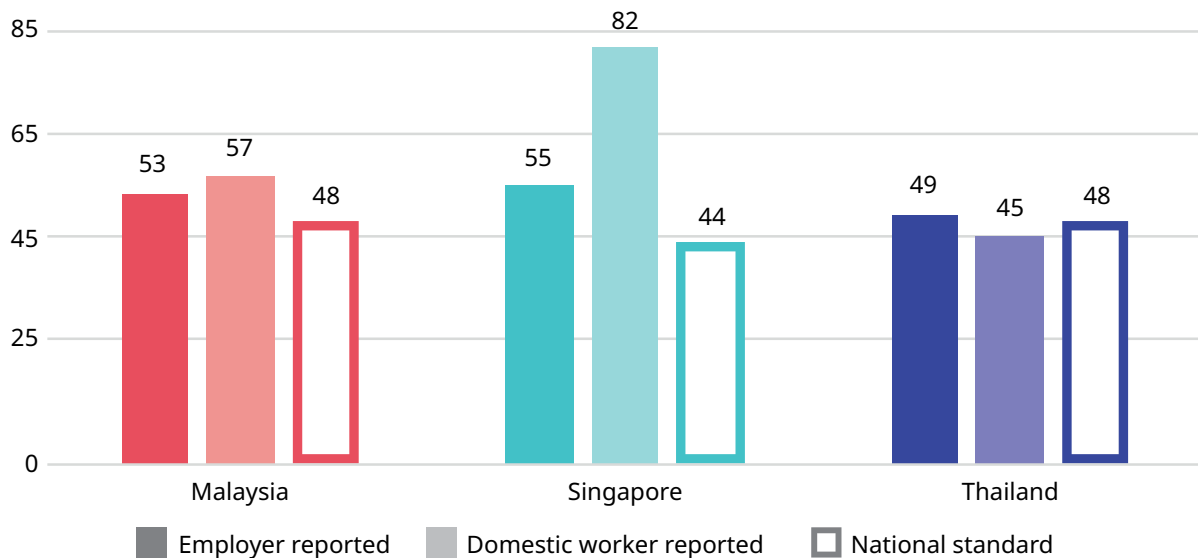
► My free time is not free – I always have to look after the 3-year-old. If I want to go out and top up my phone, I have to tell employer and I have to bring the child with me.

► Myanmar domestic worker in Singapore

When I lived in, I feel like I was working hours that I was not being paid – now I get paid for all the hours I work.

► Myanmar domestic worker in Thailand

► **Figure 15. Weekly working hours as reported by migrant domestic workers and employers, by country of destination\***



\* Based on overall average of hours reported (full- and part-time).

Note: Malaysia employers n=205, workers n=400; Singapore employers n=202, workers n=401; Thailand employers n=203, workers n=400.

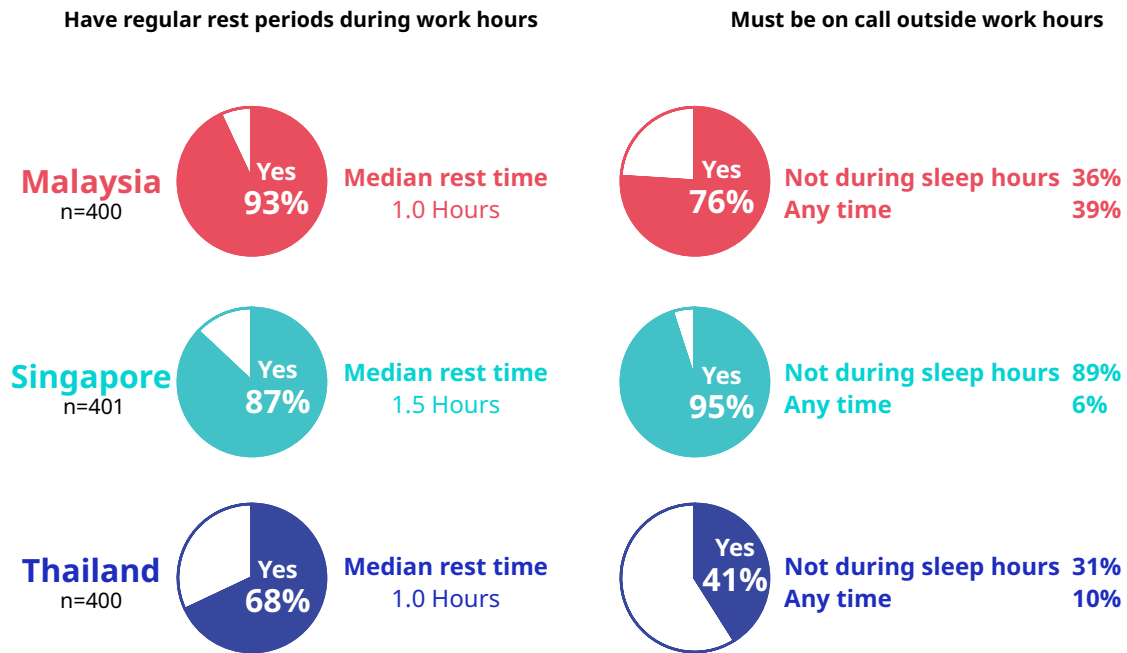
This difference in the perception of working time is also seen in the reporting on overtime and on call work in Singapore. Where 45 per cent of employers report that they expect their worker to be on call, 95 per cent of workers in Singapore reported being on call outside of work hours (see figure 16 below). Similarly, employers in Singapore were more likely to report paying overtime (66 per cent) and paying it at a higher rate (69 per cent) than workers reported, with only 10 per cent of workers reporting being compensated for overtime. Again, this appears to indicate that workers report working more hours and that these extra hours are not compensated; whereas the employers are saying, “We pay overtime, but the workers aren’t doing any”. One suggestion for where these differing perceptions come from, is the treatment of “standby hours”, defined by Convention No. 189 as “periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls” (Article 10(3)).<sup>54</sup> Employers are more likely to count standby hours as not working; whereas workers are more likely to include standby hours in their reporting of working hours, particularly where the worker shares a room with the person they care for and may need to get up in the night to tend to them (Anderson 2016). As a representative of an employers’ association in Singapore advised, “There is a lack of understanding of the intensity of caregiving”.

Migrant domestic workers are there to take care of the house setting. It is impossible to dictate specifically what they do, because they are in the household. And domestic workers will make the best of the employment relationship and you will not see migrant domestic workers rejecting the request of the employers.

► Representative of non-government organization in Singapore



► Figure 16. Rest time and on-call requirements, by country of destination



The difference between the worker and employer perception of domestic work in Singapore reflects a broader challenge identified by key stakeholders, wherein representatives of employers report that workers arrive in Singapore without a clear understanding of the expectations of them; while civil society representatives report that the expectations/understanding of employers of domestic workers are not realistic. This is in an environment where workers in Singapore also have the lowest amount of leave and minimal prescribed rest days (workers for this study did not benefit from recent changes that disallowed compensation in lieu of a mandatory day off, which started in January 2023) (Singapore, MOM 2022c).

► In Singapore we don't have sick leave. Even though we are sick, we have fever, we still work, because we live in our employers' house.

► Filipina domestic worker in Singapore

It is also a context where workers are tied to an employer, and employers need to provide express permission for a worker to change employment. This may not be forthcoming if requested. The result is that workers are highly isolated due to a live-in requirement in a private home in which the power dynamic is heavily weighted against them.

► What is the option for a worker in a bad position – the option is often not there. If your employer is kind enough, they will help you to transfer. But mostly the worker will be threatened with being sent home.

► Filipina domestic worker in Singapore

54 Standby hours are regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

## Thailand

Context: As a domestic worker in Thailand, access to labour rights is determined by the type of employer. Domestic workers who are employed directly by a private individual are covered by the provisions of Ministerial Regulation No. 14 on the Protection of Domestic Workers B.E. 2555 (2012). Ministerial Regulation No. 14 is currently under review by the Government of Thailand and the draft viewed indicates some very positive changes that would benefit domestic workers. Domestic workers employed by a business operation are covered by the provisions of the Labour Protection Act, B.E. 2541 (1998) (see table 17 below). It should be noted, however, that those workers who are employed by companies may be in breach of their visa terms.

► **Table 17. Labour rights coverage for migrant domestic workers in Thailand by employer type**

Labour right	Employed by a company or service provider (covered in full by the Labour Protection Act)	Employed by a private household (covered by reduced protections as set out in Ministerial Regulation No. 14)
<b>Contract of employment</b>	A contract of employment should be made (s. 14/1) <sup>1</sup>	A contract of employment should be made (s. 14/1)
<b>Max hours of work per day</b>	8 hour (s. 23)	n/a
<b>Max hours of work per week</b>	48 hours (s. 23)	n/a
<b>Overtime provision</b>	1.5 times the hourly wage (s. 23)	n/a
<b>Daily rest</b>	One hour in every five (s. 27)	n/a
<b>Weekly rest</b>	One day per week (s. 28)	One day per week (s. 28)
<b>Holidays (traditional)</b>	13 days (s. 29)	13 days (s. 29)
<b>Additional leave</b>	Six days after one year (s. 30)	Six days after one year (s. 30)
<b>Sick leave</b>	Up to three days paid without a medical certificate; and more than three days with a medical certificate (s. 32)	Up to three days paid without a medical certificate; and more than three days with a medical certificate (s. 32)
<b>Maternity leave</b>	90 days (s. 41)	n/a
<b>Pregnancy</b>	Protection from employment termination (s. 43)	n/a
<b>Child labour</b>	Prohibition of employment under 15 years of age (s. 44); notification of children under 18 (s. 45).	Prohibition of employment under 15 years of age (s. 44); notification of children under 18 (s. 45).
<b>Sick pay</b>	Up to 30 days (s. 57)	Up to 30 days (s. 57)
<b>Maternity pay</b>	Up to 45 days (s. 59)	n/a
<b>Allowed deductions from wages</b>	Tax, union dues, debt to saving cooperative, payment for damage, payment related to a provident fund (s. 76)	n/a

Labour right	Employed by a company or service provider (covered in full by the Labour Protection Act)	Employed by a private household (covered by reduced protections as set out in Ministerial Regulation No. 14)
<b>Minimum wage</b>	Determined by the Wages Committee for each province (ch. 6) <sup>2</sup>	n/a
<b>Work safety, hygiene and environment</b>	Provisions that safety falls under the mandate of the Committee on Work Safety, Hygiene and Welfare and the labour inspector	Provisions that safety falls under the mandate of the Committee on Work Safety, Hygiene and Welfare and the labour inspector
<b>Severance pay</b>	Specified based on time worked (s. 118)	n/a
<b>Employee welfare</b>	Access to a supporting fund for employees in case of termination or death (s. 126)	n/a

n/a = not applicable.

1 Parenthetical references are to Labour Protection Act sections (s) and chapters (ch).

2 These currently range from 328 baht (US\$8.59) at lowest to 354 baht (US\$9.27) at highest (Dezan Shira & Associates 2022b).

A key impact of the different levels of legal protection is that domestic workers who are hired directly by households do not benefit from the minimum wage (currently 313–336 baht, or around US\$10 per day). The ILO has previously estimated that 90 percent of migrant domestic workers in Thailand earn less than the minimum wage (Anderson 2016). On average, Thai government survey data from 2018 suggests domestic workers earn 77 per cent of what other wage workers earn in Thailand.<sup>55</sup> Being excluded from overtime regulations also means that domestic workers work longer hours, with the 2018 Informal Employment Survey finding that domestic workers work around 4.1 hours more per week than other workers.<sup>56</sup>

Stakeholders and workers interviewed for this study confirmed that complaints mechanisms can be difficult to access in the absence of language interpretation support, because the application process is in Thai. For workers in an irregular situation, risk of detention and deportation can prevent them from registering formal complaints. In addition to the challenges facing migrant domestic workers in negotiating their working conditions directly with employers, civil society representatives in Thailand identified the lack of mechanisms to hold employers to account and legislative enforcement as the biggest challenges in Thailand.

► There has to be law and enforcement. The domestic worker needs to be educated on their rights so that they have the ability to claim them, but also the Government needs to implement these rights. Employers may know the rights of the domestic workers, but they don't care because there is no punishment from the Government.

► Representative of civil society in Thailand

55 Informal Employment Survey data for 2018, as cited in ILO, IOM and UN Women 2021.

56 Thailand Informal Employment Statistics, 2018.

**Findings:** Full-time workers in Thailand reported working an average of 77 hours a week, well over the maximum of 48 hours prescribed in the Labour Protection Act. The data illustrates, however, the greater diversity of working situations in the variety of working hours reported. While 38 per cent of workers work seven days a week (a similar proportion to the 39 per cent in Singapore), 20 per cent of workers worked 15 hours or less (compared to just 3 per cent in Malaysia and none in Singapore).

Lower numbers of workers in Thailand reported having regular rest periods, but fewer also reported being required to be on call outside of work. This diversity is represented by the following two quotes from workers in Thailand.

► I work 24 hours a day, with one day's break [a week]. I am entirely accountable for one patient.

► Lao domestic worker in Thailand

► I prefer part-time work because it gives me more freedom and money. I am more at ease now that I am not under pressure to work a full-time job.

► Lao domestic worker in Thailand

Only 23 per cent of workers in Thailand reported having paid holiday leave, and 19 per cent reported having paid sick leave, even though the Labour Protection Act and Ministerial Regulation No. 14 provide these rights to domestic workers. They did, however, report the highest number of unpaid holiday leave days per year at 3.7 days. These findings all reflect the more diverse and autonomous nature of the workers in Thailand, who are working long hours, but living out and working on their own terms.

► **Table 18. Share of migrant workers who received various work entitlements, by country of destination (Domestic Worker Survey)**

Work entitlements	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
Paid holiday leave	46	29	23
Paid sick leave	52	78	19
Paid maternity leave	n/a	n/a	2
<b>Holiday leave</b>			
Average no. of paid holiday leave days	4.7 days	1.5 days	1.5 days
Average no. of unpaid holiday leave days	0.8 days	0.6 days	3.7 days

n/a = not applicable.

### 3.4.2. Wage levels and payment

In addition to working excessive hours without any or just a few days paid leave, across the three destination countries, workers also reported average wages that were lower than the relevant minimum wage when adjusted for the standard work week in each country.

**Context:** Domestic workers are not covered by existing minimum wages in Malaysia or Thailand. There is no minimum wage in Singapore.

**Findings:** For the purposes of this analysis, this study has assessed the average income of full-time domestic workers against the minimum wage in Thailand and Malaysia and the range of minimum wages set by countries of origin in Singapore to see how the wages received by migrant domestic workers compares to workers who are legally protected. Table 19 below illustrates that on the face of it, the average monthly wages of full-time domestic workers (US\$460 in Malaysia, US\$480 in Singapore and US\$330 in Thailand) exceed these benchmark minimums in all three countries. However, when adjusted for the national standard working week – 48-hours in Malaysia and Thailand, 44-hours in Singapore – the average wage fails to meet the minimum in any of the three countries.<sup>57</sup>

► **Table 19. Average wage of surveyed migrant domestic workers versus the benchmark minimum wage, by country of destination (in US\$) (Domestic Worker Survey)**

	Malaysia n=400	Singapore n=401	Thailand n=400
Average wage	460.00	480.00	330.00
Minimum wage	359.37 – 400.00 <sup>1</sup>	332.84 – 421.60 <sup>2</sup>	269.51 <sup>3</sup>
Average hours worked per week	65	81	77
Average wage adjusted for national standard working week <sup>4</sup>	339.69	260.74	205.71

Note: The average wage and the average hours worked per week were determined based on the responses of the migrant domestic workers surveyed.

1 As per Dezan Shira & Associates 2022a. Philippines – US\$400 (as per the Philippines Embassy contract); Indonesia – 1,500 ringgit (in the contract annexed to the MOU); Cambodia – none found.

2 This is the range of minimum salaries determined by the domestic worker's country of origin, with minimum wages for domestic workers from the Philippines being S\$570; Indonesia being S\$550; and Myanmar being S\$450 (Philippines, Embassy of the Philippines in Singapore 2016; MSIG Singapore 2020).

3 The minimum wage used for Thailand is 334 baht/day (which sits in the middle of the provincial minimum wage range of 331–336 baht/day).

4 Average wage, divided by average weekly hours, multiplied by national standard working week of 48 hours (Malaysia), 44 hours (Singapore) and 48 hours (Thailand).

Workers who self-reported as working part-time (Malaysia and Thailand only) reported earning less than full-time workers. In Malaysia and Thailand, where duties and tasks include the provision of direct care (childcare, healthcare, care of the elderly or disabled), workers earn on average more than those doing just cooking and cleaning (see table 20 below). Experience also has a positive influence on wages, with the survey data showing that wages in each country increase as years of experience increase. Workers with ten or more years of experience earn more than those with less experience. As a Filipina domestic worker in Singapore noted: “Every time I go to a new house they offer me my current salary and I negotiate a bit more – in 1993 my salary was S\$270 – now it is S\$1,000 plus bonus.”

<sup>57</sup> Note, this is an exercise for indicative purposes only – the underpayment would be larger in all cases when adjusted for overtime paid at a premium rate.

► **Table 20. Average monthly salary of migrant domestic workers based on duty and years of experience, by country of destination (Domestic Worker Survey)**

Duty*	Malaysia n=400 (US\$)	Singapore n=401 (US\$)	Thailand n=400 (US\$)
Cleaning and cooking	460	480	260
Childcare	500	470	330
Healthcare, care of elderly or disabled	540	470	330
Other	470	470	300
Years of experience			
Up to 10 years	450	470	250
10 years of more	470	530	290

\* Domestic workers may (and generally do) work across multiple different duties.

In Malaysia and Thailand – where part-time and live-out work are more common – increased tasks also correlate with increased wages (and hours) (see table 21 below). In these two countries, live-in workers engaged in a greater number of duties, as did workers employed directly by the household. In Singapore, however, where all workers live in and work full-time, the correlation between number of duties, working time and pay is less clear.

► **Table 21. Impact of the number of duties performed by migrant domestic workers on their working conditions, by country of destination (Domestic Worker Survey)**

	Malaysia n=400				Singapore n=401				Thailand n=400		
	1 duty	2 duties	3 duties	4 duties	1 duty	2 duties	3 duties	4 duties	1 duty	2 duties	3 duties
<b>Average Salary (US\$)</b>	370	450	470	550	540	480	460	490	220	310	320
<b>Average work days (Days)</b>	5.3	5.9	6.2	6.2	6.3	6.4	6.5	6.5	4.3	6.0	6.2
<b>Average work hours (Hours)</b>	7.5	10.0	10.3	11.0	14.0	12.8	12.2	10.5	7.3	9.9	11.6
<b>On call outside work hours</b>	27%	45%	41%	43%	3%	5%	7%	15%	9%	11%	13%

It is important to also consider the wage data in relation to the migration costs and fees paid by the worker and any deductions levied on their wages. The survey found that the migration fees and related costs that workers paid included broker and recruiter fees, costs for COVID-19 testing and vaccination, documentation costs, medical examinations, travel, training, and, in the case of Malaysia, bribes (see table 22). Data collected did not disaggregate if these costs emanated from country of origin or destination.

► **Table 22. Share of migrant domestic workers who paid various migration costs and fees, by country of destination (Domestic Worker Survey)**

Cost or fees paid	Malaysia n=400 (%)	Singapore n=401 (%)	Thailand n=400 (%)
Broker or recruiter fee	41	96	30
COVID-19 testing, vaccination, etc.	50	16	57
Documentation costs	78	55	90
Medical exam	44	54	68
Travel	41	3	83
Training	17	3	3
Bribes	6	–	<1
None	10	2	8
Average total migration cost	USD 930	USD 1,520	USD 310
Average total migration cost in terms of average monthly salary	2.02 months	3.17 months	0.94 months

Combining the costs paid in Singapore and the domestic workers' country of origin, Myanmar domestic workers pay the highest costs and fees at US\$1,670. In Malaysia, 90 per cent of workers reported paying some migration-related costs and fees. This is markedly different to an earlier ILO study that found that 40 per cent of Indonesian and 33 per cent of Filipina workers paid no costs and fees at all (ILO 2020c). In Malaysia, workers from the Philippines reported paying the highest costs and fees at US\$1,070 (see table 23).<sup>58</sup> Lao domestic workers in Thailand reported the lowest average level of fees and related costs across the sample at US\$240. The high level of costs and fees for Myanmar workers to Singapore likely reflects that migration into domestic work has not been permitted for migrants from Myanmar, meaning that the actors and practices are all unregulated; equally, the low cost for Lao workers may reflect the ease with which migrants can cross the border and secure work without the services of an agent.

► **Table 23. Average total migration costs and fees paid by migrant domestic workers, by country of destination and country of origin (Domestic Worker Study)**

Country of Origin	Malaysia			Singapore			Thailand	
	KHM n=74	IDN n=204	PHL n=122	IDN n=220	MMR n=81	PHL n=100	LAO n=100	MMR n=300
Average total migration costs and fees (US\$)	910	910	1 070	1 580	1 670	1 320	240	380

KHM = Cambodia; IDN = Indonesia; PHL = Philippines; MMR = Myanmar; LAO = Lao People's Democratic Republic.

Note: n numbers above list unweighted numbers of surveyed migrant domestic workers. See methodology for detail of weighting application.

<sup>58</sup> While charging fees for recruitment in domestic work is prohibited in the Philippines, workers can be charged for training. There have been reports that recruitment agencies have added training to their services in order to charge fees that strictly speaking would be recruitment fees.

As a proportion of their wage, workers in Singapore paid the highest amount, with migration costs and fees representing over three months' worth of their salary. Workers primarily paid for these costs through salary deductions, savings, and loans from relatives and friends.

Employers also reported paying costs and fees related to the migration of the migrant domestic workers they employ, primarily for recruitment services, documentation costs, medical exams and COVID-19 testing. The average fees and costs reported by the employers were lower than those reported by workers, and a significant number of employers reporting that they passed on these costs to workers (see table 24), indicating that workers bear the majority of the cost of migration. This runs contrary to international standards, including the ILO Private Employment Agencies Convention, 1997 (No. 181), and the ILO General Principles and Operational Guidelines on Fair Recruitment, which both state that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment.

► **Table 24. Average total migration costs and fees paid by workers and by employers, and the share of employers who paid costs that passed these costs on to workers, by country of destination**

	Malaysia	Singapore	Thailand
<b>Workers</b>	n=400	n=401	n=400
Average total migration costs and fees paid	US\$930	US\$1,520	US\$310
<b>Employers</b>	n=205	n=202	n=203
Average total costs and fees paid by employer	US\$620	US\$740	US\$190
Share of employers who reported paying migration costs/fees	89%	95%	86%
Share of paying employers who passed costs on to workers*	88%	90%	85%
What employer-paid costs were predominantly for*	Legal documents; COVID-19 testing; medical exam	Legal documents; COVID-19 testing; recruitment fees	Legal documents; medical exam; travel

Note: \*Response only answered by employers who reported paying migration fees and costs. Malaysia n=183, Singapore n=191, Thailand n=174.

In Singapore employers reported making deductions of US\$140, compared to US\$40 reported by workers. Employers reported they made salary deductions for costs including the security bond, employer debt, employer levy, accommodation, documents and food; workers cited only deductions for penalties and debt to employers. Employers also reported paying higher wages than workers reported receiving. It is noted that Singaporean employers are prohibited by the MOM to ask the worker to pay for the security bond; further, the Employment of Foreign Manpower Act (Chapter 91A) says that salary deductions are not allowed (s 25(4)) for a specified list of costs (set out in s25(6)). Salary deductions are strongly linked to instances of forced labour. Singapore-based study respondents who reported salary deductions were 47.7 times more likely to also have indicators of a forced labour situation.



**► Box 8. Domestic workers and COVID-19**


The COVID-19 pandemic brought to the fore the essential nature of domestic and care work. Domestic workers have cared for the sick, and – due to the common practice of living in – also continued their domestic and care duties through lockdowns and quarantines.

At the same time, the pandemic exposed gaps in protection for domestic workers, demonstrating their lack of labour rights and access to social protection. An ILO study found that domestic workers registered with social security faced a lower risk of losing jobs or income during the pandemic (ILO 2020b). For migrant domestic workers who lost their jobs, border closures led to many being trapped in destination countries with no income or facing risks of violence and exploitation in quarantine or detention sites at the border.

Those domestic workers who did not lose their employment faced increased – and uncompensated – workloads, often catering for the entire household (with schools and offices shut). Domestic workers at risk of or already experiencing violence and harassment in the workplace faced further increased risk during periods of heightened isolation (UN Women 2020). Multiple factors also limited the ability of migrant domestic workers to access emergency or compensatory measures (such as sick leave, PPE and income loss support), including the informal nature of the sector, being isolated from awareness campaigns (either physically or due to language barriers), and workers' documentation status (IDWF 2020). Undocumented workers expressed concerns about getting themselves tested or seeking care, due to fear of arrest and detention (ILO and UN Women 2020).

In Malaysia, the Government arrested and detained undocumented migrant workers in large scale raids on migrant communities (*Al Jazeera* 2020). This reflected an anti-migrant sentiment exacerbated by COVID-19. Domestic workers were excluded from the list of essential workers permitted to enter the country after lockdowns eased, with the first regular migrant domestic workers returning to Malaysia in late 2022.

Ongoing travel restrictions meant that workers missed significant events at home, and many have been unable to return home to visit since the start of the pandemic.

 I lost four relatives during the pandemic, including my Dad and my grandchild. I make myself busy to distract myself. I have not been home because I am the one that supports my family.

I keep balance. This has not only happened to me. I have made the decision not to go back and instead to support my family. I am supposed to go home this month, but I am still waiting to see.

► Filipina domestic worker in Singapore

## 3.5. Social protection coverage

As with labour rights protection, migrant domestic workers do not get access to comprehensive state-provided social security or other social protection measures accessible to other workers. Justification for this different treatment includes that it is hard to keep track of migrant domestic workers who work for private individuals in private households. This is an extension of the justification for not providing full labour rights protection – namely, that household are not workplaces, householders are not employers, and domestic workers are therefore not employees. As with labour rights protection, however, there are a number of domestic workers who do benefit from comprehensive social protection, which they have accessed through alternate migration schemes for the service sector. This alone is indicative that access to social protection is possible for migrant domestic workers.

### 3.5.1. Access to social security

#### Malaysia

**Context:** From 1 June 2021, domestic workers have been covered under the Employee's Social Security Act (Act 4) and Employment Insurance System (Act 800), which provide them access to Malaysia's social security protection scheme (SOCSO). For migrant domestic workers, this extension is limited to Act 4 of the Employment Social Security Act, which is an employment injury scheme providing access to medical benefits, income replacement benefits paid on temporary and permanent disability benefit and dependent benefits in the event of death. Enrolling domestic workers in SOCSO has been mandatory from June 2022 onwards. The scheme is financed fully by employers who pay a contribution rate of 1.25 per cent of worker salaries. Migrant domestic workers therefore remain ineligible for benefits paid under the invalidity and survivors' scheme and the employment insurance scheme (Malaysia, PERKESO 2021). On extending the scheme in June 2021, the Chief Executive Officer of SOCSO stated that it was anticipated that 89,400 migrant domestic workers were expected to benefit from the scheme (*The Star* 2021). As of 30 April 2023, 29,778 migrant workers had applied under this scheme, with nearly all of these active members being migrant domestic workers from the Philippines (14,660, or 49 per cent) and Indonesia (14,596, or 49 per cent) (Malaysia, SOCSO, unpublished).

**Findings:** Among the migrant domestic worker respondents in Malaysia, 40 per cent reported being covered by at least one form of social protection, including social security, government health insurance and other schemes (see figure 17). Just 17 per cent reported being signed up to SOCSO. This relatively low figure is likely a reflection of how recently the coverage was introduced. Key informants for this study reported that among new regular migrant domestic workers the rates of application for SOCSO are high, as it is linked to the application for the work permit; it is harder, however, to get employers to enrol those workers who already in country and may not know about the scheme. In addition, SOCSO only applies to regular migrant domestic workers, and as discussed earlier in this report, the results of the Domestic Workers Survey indicate that roughly half of migrant domestic workers in Malaysia live out, which strongly suggests that they have an irregular status and/or are working for a company. It also seems clear that levels of understanding and engagement with SOCSO could be improved. When asked why they were not enrolled in social protection schemes, workers in Malaysia reported that they did not know if they were entitled to benefits, did not know how to register, had not been signed up by their employer, and did not think they needed it. Key informant interviews also indicated that the process itself was difficult (see quote below). Almost all workers also reported that either they or their employer would pay for medical fees or provide financial support if they had an accident, got sick, or otherwise could not work.

► So far there are a few members who are registered. The employers are complaining that it is a very lengthy process online. For some workers they say almost a day the employer is facing the computer to apply – also it is a long process for the registration.

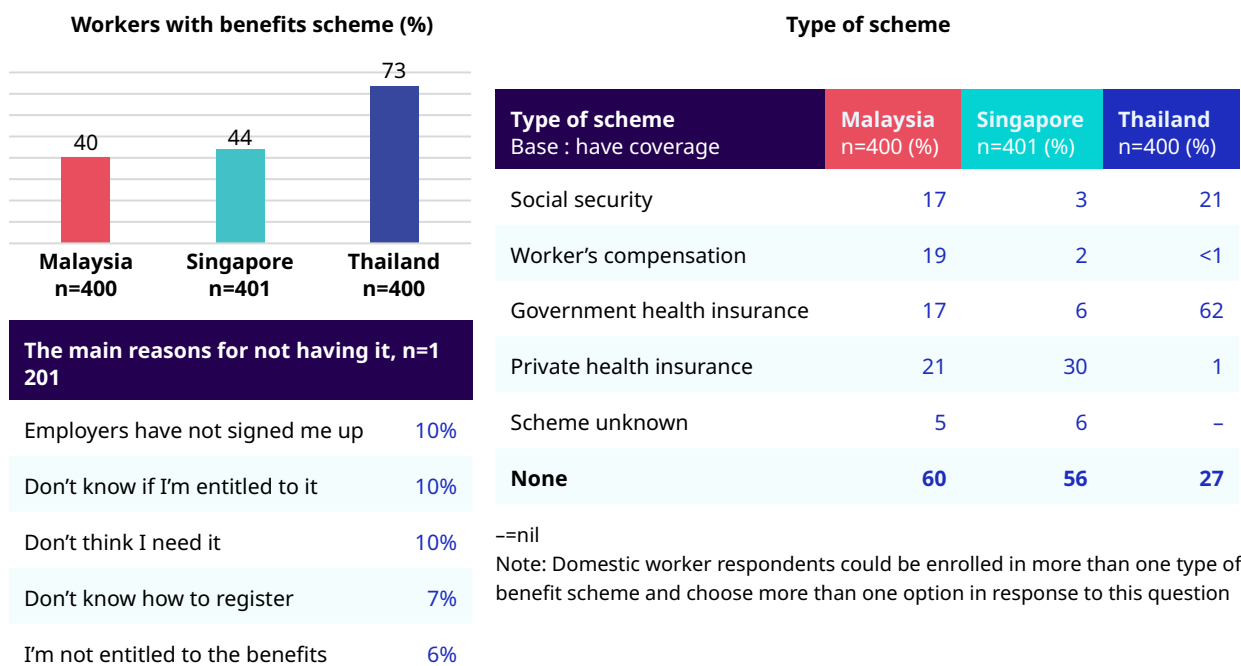
► Representative of civil society in Malaysia

While the intention to provide SOCSO cover to all migrant domestic workers has been lauded, there remain questions over the level of protection and the branches of social protection covered. Migrant domestic workers are only covered for one benefit (Malaysia, PERKESO, n.d.); while Malaysian domestic workers are covered for four benefits (under three schemes). SOCSO only provides benefits after four days of sickness, during which time the worker is liable for covering the costs of their sickness or injury. Representatives of CSOs in Malaysia considered that more migrant domestic workers would push for enrolment and would be willing to contribute to the scheme themselves if it provided more comprehensive cover.

It is only effective when the injury is significant – it has to be between life and death. If the worker has a low-level health issue, whether they get time off or have access to medicine would be down to the employer and the employer’s generosity.

► Representative of civil society in Malaysia

► **Figure 17. Share of migrant workers enrolled in social protection/security schemes/private schemes, by country of destination (Domestic Worker Survey)**



### Singapore

**Context:** Employers of migrant domestic workers in Singapore are required to buy medical and personal accident insurance for the migrant domestic worker before the worker arrives. The medical insurance must have a coverage of at least S\$15,000 a year for inpatient care and day surgery. In March 2022, the MOM announced that the coverage of mandatory medical insurance will be increased to S\$60,000 (Singapore, MOM 2022b). The personal accident cover must be at least S\$60,000 per year and cover sudden, unforeseen and unexpected incidents that result in permanent disability or death (Singapore, MOM, n.d.-i). Workers are not enrolled in a public social security scheme. The country’s comprehensive social security system, the Central Provident Fund, is only accessible to permanent residents and citizens.

**Findings:** In Singapore, 44 per cent of migrant domestic workers reported having access to a social protection scheme, primarily in the form of private health insurance. This rate of enrolment appears low given that provision of cover is a mandatory requirement. This is also an interesting finding when compared with the Employer Survey, in which 79 per cent of employers reported that their workers were covered by insurance. This may be a reflection of the way in which the insurance works, in that the insurance covers hospitalization and employers are liable for medicines and outpatient costs. Thus, domestic workers may not be aware of coverage for which their employers have already paid, although the law indicates that employers are fully responsible for the medical expenses incurred by domestic workers.<sup>59</sup>

Where a migrant domestic worker is sick, the costs should be paid by the employer – they give the domestic worker time off or reduce work to minor work. Employers may provide Panadol, syrups and rest, and will take workers to a clinic if needed. Where a worker is admitted for long-term medical care, the hospital will provide the care and the hospital claims from the employer, whether or not there is insurance.

► Representative of the Association of Employment Agencies, Singapore

The data also indicates that there is lack of awareness on the part of the workers concerning the insurance coverage itself. More than a third of workers in Singapore reported that they did not know whether they were entitled to benefits (as opposed to 20 per cent in Malaysia and 6 per cent in Thailand).

I just recovered from COVID. My boss didn't ask if I had medicine so it was a good thing, I had medicine on my own. When I ran out, I asked for them to buy coughing medicine on my fifth day. I took off nine days. I hope to get paid for the days I did not work, but I have not had that conversation with the bosses.

## Thailand

**Context:** As with access to labour rights protection, the type of employer may also determine a domestic worker's access to social security protection in Thailand (see table 25). Migrant domestic workers who are employed by service providers as cleaners but deployed in private households as domestic workers are mandatorily insured through section 33 of the Social Security Act (ILO and UN Women, forthcoming), and the Workmen's Compensation Act B.E. 2537 (1994), which provides benefits for occupational injury or illness. Thai domestic workers not covered by mandatory insurance are able to access lower benefits through section 40 of the Social Security Act. This is not, however, available to migrant domestic workers. As a result, migrant domestic workers hired by private individuals are eligible only to purchase migrant health insurance as part of the work permit application process under the Health Examination and Health Insurance of Foreign Workers B.E. 2562 (2019).<sup>60</sup> This Migrant Health Insurance Scheme insurance is only available at public hospitals and must be purchased from the public hospital where the worker undergoes their medical check-up on arrival; the worker is then linked to this hospital, which can be a challenge for workers who change employers. Benefits include an annual health check-up; general

<sup>59</sup> It should be noted that private insurance, whilst providing some coverage, may be subject to underwriting and selection and therefore not set up on a solidarity basis. Private insurers will also price products incorporating their required profit margin. Therefore, social protection coverage provides a much more appropriate and affordable vehicle for provision of risk benefits to the population and in particular, migrant workers.

<sup>60</sup> This is a set of announcements by the Ministry of Public Health which supports the Health Insurance Fund for Foreigners and Foreign Workers, a Cabinet Resolution from 2013 which provides governance and guidance for the Migrant Health Insurance Scheme.

medical treatment, including maternity and dental care; emergency medical treatment; communicable disease prevention; and HIV/AIDS medication (see table 25 for the key differences in social protection cover).

► **Table 25. Migrant domestic worker access to social protection in Thailand, by employer type**

Migrant domestic worker employed by business	Migrant domestic worker employed by individual
<ul style="list-style-type: none"> <li>► Medical treatment and cash compensation for non-work-related sickness and injury.</li> <li>► Retirement benefits.</li> <li>► Disability benefits (income replacement, medical care, and rehabilitation).</li> <li>► Funeral grant and death allowance.</li> <li>► Maternity benefits (medical expenses for pregnancy care and child delivery, as well as cash compensation for maternity leave).</li> <li>► Child allowance.</li> <li>► Unemployment benefits.</li> </ul> <p>(As per the Social Security Fund<sup>1</sup> – 12.75% of salary contribution (5% employee, 5% employer, 2.75% government) for all the benefits).</p>	<ul style="list-style-type: none"> <li>► Annual health check-up</li> <li>► General medical treatment, including maternity care, dental care, and vaccinations for children aged 0–15 years old.</li> <li>► Emergency medical treatment.</li> <li>► Communicable diseases prevention.</li> <li>► HIV/AIDS medication.</li> </ul> <p>(As per the Migrant Health Insurance Scheme, 1,600 baht or 2,200 baht (ILO 2021d))</p>

► Work-related sickness and injury

(As per the Workmen’s Compensation Act B.E. 2537 (1994))

<sup>1</sup> See section 33 of the Social Security Act B.E. 2533 (2015).

**Findings:** Stakeholders interviewed for this study reported that the key barriers to increasing access to social protection for domestic workers were challenges of enforcement, including difficulties related to inspect domestic workplaces, but also the sense that employers may consider social protection to be irrelevant due to a perception that their treatment of their worker is much better than that offered through social protection.

Even if [the Thai Government] provided a soft approach, with incentives, it would be difficult to inspect, which is when we would know how many workers in the area are covered.

► Representative of the Government of Thailand

More migrant domestic workers in Thailand reported being enrolled in some form of social protection than in either of the other two study countries, with 73 per cent of workers reporting being part of a social security or insurance scheme (as against 40 per cent in Malaysia and 44 per cent in Singapore). As seen above, this is as much a reflection of the workers’ enrolment in social protection schemes as it is of their engagement with and understanding of them. For instance, 62 per cent of workers in Thailand reported being signed up for government health insurance, which is the scheme available to migrant domestic workers. However, 21 per cent of migrant domestic workers surveyed reported being signed up to social security, which may be a further indicator that they are employed by a service provider or a company rather than by a private household.

Of the 27 per cent of migrant domestic workers who are not enrolled in any social security or insurance scheme, a third reported that they had not been signed up by their employer.

When asked separately who would pay the medical fees if the work had an accident or fell ill, a fifth of workers in Thailand reported that social security would cover their medical fees. This was the highest result from the three sites (with 7 per cent reporting the same in Malaysia and 2 per cent in Singapore). In addition, 36 per cent of workers surveyed in Thailand reported that their employers would pay their own medical fees and 38 per cent of workers reported that they would pay them. This last finding was reflected in the key informant interviews, including one with a representative of an employment agent in Thailand, who reported that there remain some migrant workers who do not fully understand the benefits and continue to think that they are better off paying for medical treatment out of their own pocket as they go.

► In general, migrant workers are not aware of their right or entitlement. If they have a need for medical care or treatment, they prefer going to the pharmacy and doing out of pocket payment.

► Representative of civil society in Thailand

► [Contributing to social security] It's the same thing (chuckle). It's as same as keeping money by our own. We keep our own money in the same way that we keep for a social insurance.

► Myanmar domestic worker in Thailand

### 3.5.2. Employers' willingness to contribute to social security

When asked whether they would be willing to enrol – and pay their part of the contribution for – their migrant domestic workers' social security, most employers in all three countries reported that they “agreed” or “significantly agree” to mandatory social security, with this being the case for 90 per cent of employers in both Malaysia and Singapore and 96 per cent in Thailand. In addition, 67 per cent of employers in Malaysia, 66 per cent in Singapore and 83 per cent in Thailand also reported that employers should pay for social security (see table 26).

► **Table 26. Who should pay for social security, according to employers (Employer Survey)**

Who should pay for social security?	Malaysia n=205 (%)	Singapore n=202 (%)	Thailand n=203 (%)
Employer	67	66	83
Worker	43	29	34
Government in country of origin	17	14	17
Our government	10	13	11

Note: More than one response possible.

**► Box 9. Pregnancy and maternity**

Thailand is the only country in this study that does not deport pregnant migrant workers. Workers employed by enterprises in Thailand are covered by rights to maternity leave and protection from termination on the basis of pregnancy. Workers directly hired by households currently do not have rights to paid maternity leave, nor are they protected from employer termination if pregnant, and thus must navigate their maternity and employment on their own. There are, however, indications that this may change in upcoming revisions to Ministerial Regulation No. 14.

Regarding pregnancy, the [Thai Government] is improving the law to improve protection of domestic workers to be entitled 98 days of maternity leave with the equivalent to 45 working days being paid by their employers. Domestic workers should have their rights to be a mother protected; they should be able to keep their job ... they should get paid days off for maternity leave and be protected from wage deduction.

► Representative of government in Thailand

In Singapore and Malaysia, however, the rules are much tighter, with pregnancy expressly prohibited for migrant domestic workers. Strict control on pregnancy can lead to exploitative and forced labour conditions, including surveillance and restriction from freedom of movement.

If the female employee is found to be pregnant, the employer will report to Immigration and the female employee will be deported. This is the rule order of the Immigration Laws.

► Representative of employers in Malaysia

The policy position of Singapore and Malaysia is enforced by way of regular medical checks, which include six-monthly or annual pregnancy tests, respectively. In Singapore this is called the "6ME". The Ministry of Manpower website expressly directs employers to cancel the work permit of any worker who is found to be pregnant by the 6ME and "send her home immediately" (Singapore, MOM, n.d.-b). In Malaysia, pregnancy is considered a condition rendering the worker unsuitable for employment in Malaysia (FOMEMA 2022). Medical examinations are carried out by FOMEMA within seven days of arrival and again three months before the expiry of each work permit (FOMEMA 2022).

### 3.6 Organizing, social dialogue, and access to support services

**Context:** Limiting workers' ability to organize and bargain collectively limits their realization of other labour rights. Various legal obstacles still prevent domestic workers from joining and forming trade unions in the study countries. In Malaysia, migrant domestic workers can join associations or trade unions, but cannot form them.<sup>61</sup> In Singapore, migrant domestic workers can join trade unions with explicit permission from the Government, which is considered by NGOs as making this almost impossible. In Thailand, while migrant workers are allowed to join trade unions, they are not allowed to form them, and no domestic worker union exists. Without functioning trade unions, domestic workers struggle to organize such that they can collectively bargain for recognition of the skill level of their work and for better pay and conditions that could lead to reduction in forced labour. Nonetheless, domestic workers report being able to find support in community and other networks.


**Findings:** Across the three destination countries, workers in Malaysia were more likely to report having joined a trade union (13 per cent), a migrant worker organization (13 per cent) or a domestic worker association (10 per cent), and Malaysia also had the highest number of workers wanting to join a trade union or association. The 26 per cent of migrant domestic workers who had joined one or more groups in Singapore had all joined a religious group; though a further 39 per cent expressed an interest in joining another type of group, with the majority of these wanting to join a trade union. In Thailand only 1 per cent of workers reported having joined a trade union and only 8 per cent indicated any interest in joining.

The Thai findings concerning their apparent reluctance to join a trade union or association correlate with the finding that workers in Thailand are more likely to rely upon information from friends or family (81 per cent) rather than employers, authorities or recruitment agents. Overall, this supports a broader sense that the workers in Thailand expressed more autonomy and self-reliance. The key source of information for workers in Singapore was reported as the employer (at 79 per cent). This finding can be contrasted with earlier findings that indicate that migrant domestic workers in Singapore are not fully appraised of their rights, benefits or liabilities at work. In Malaysia, workers report getting information from a range of sources, and it is the only location in which workers report getting information from NGOs, reflecting the higher levels of engagement with such organizations.

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61 In practice, however, applications to register a domestic workers association have been denied by the Malaysian Government (ILO 2016). See also [ILO Committee on Freedom of Association \(CFA\) Case No. 2637 \(Malaysia\)](#) brought by the Malaysian Trades Union Congress alleging that the Government refused to allow migrant domestic workers to establish organizations to defend their interests.





# ▶ 4

## Conclusions and recommendations

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### 4.1. Overall conclusions

Domestic work is often dismissed as “unskilled” work, but the reality is far more nuanced. This study finds that domestic workers – and all domestic workers engaged in direct care – undertake a range of tasks within their work that are classified as Skill Level 2 by ISCO-08. In addition, workers self-reported the use of key transversal skills, including speaking the local language, explaining what they mean and listening, and managing their or others’ emotions. These are skills identified as increasingly valued in the modern workplace, and are seen as critical and transferable skills that are sought after across sectors.

Despite this, skills training for domestic work is not consistently or comprehensively available to aspirant or current migrant domestic workers. Workers’ skills are not recognized by employers and not recognized for the purposes of determining employment conditions, including wages. As such, migrant domestic workers continue to face high levels of forced labour and other forms of labour exploitation, working long hours for low pay, without freedom of movement, under the threat of losing their job and their migration status. In not recognizing the skills aspects of the domestic work sector, States fail to create migration and labour systems that can responsibly provide services that meet the needs of the modern home and care economy.

A key factor in the prevalence of forced labour is the continued exclusion of migrant domestic workers from labour and social protection, as well as the concomitant enforcement through labour inspection. Of the 1,201 workers surveyed for this study, all worked hours well in excess of the normal working times legislated for other workers, and usually without overtime pay. When adjusted for the standard working week, all the respondent domestic workers from this study earned less than the minimum wage.

The study also uncovered the diverse array of working relations in which migrant domestic workers are engaged across the three destination countries. The range of employment and working arrangements illustrated by this study reflects not only the level of irregularity and informality in the sector, but the opportunities available to provide workers with full labour and social protection. The study finds that the current model of employment for migrant domestic workers does not protect them from forced labour. In fact, this model, contrary to international labour standards, stringently ties workers to employers and attracts little labour or social protection, thus putting workers at risk of forced labour. Conversely, where workers are able to take more control over their living arrangements and working time, they experience improved conditions.

The study also challenges the principal justification for keeping migrant domestic workers from being protected under labour and social protection – namely the commonly perceived inability and reluctance to regulate employment in a private home. In Malaysia, for example, where regular migration follows the model of full-time, live-in work without employment rights or easy access to change employers, isolation and restriction of movement are prevalent. Yet, access to at least some elements of social protection were extended to migrant domestic workers in 2021, illustrating that the barriers to state-regulated protection are not necessary and that there has been a shift in the national attitude. Employers and workers in Thailand are demonstrating multiple ways to navigate the migration and employment system in order to maximize worker rights, showcasing that the performance of domestic work in a private home need not be a justification for a lack of rights. While workers in Singapore largely work full-time, live in and experience long hours for low pay, the nascent Household Services Scheme makes it apparent that an alternative to this model is both appealing and practicable. In addressing decent work, social dialogue and collective bargaining for migrant domestic workers, this study and its recommendations align with the ILO's 5R Framework for Decent Care Work (ILO 2018b).

This study concludes that there are few, if any, credible reasons to continue to exclude migrant domestic workers from labour and social protection, not least because they represent a skilled labour force providing significant benefit to countries of origin and destination.

## 4.2. Recommendations

The study identifies four overarching recommended actions, reflecting critical steps towards recognizing the skills of migrant domestic workers, improving working conditions and reducing forced labour. These four overarching recommended actions uphold the existing international guidance contained in Convention No. 189, the Forced Labour Convention, 1930 (No. 1929), and its 2014 Protocol, and encourage the application of frameworks used for existing skilled migration pathways to be applied to the entire domestic work sector. Further detailed and context-specific recommendations are included by country below. These are, however, not exhaustive and are related only to the specific findings of the study.

### Overarching recommended actions

Across the region, fragmented steps have been taken towards provision of labour and social protection to domestic workers, as well as towards the development and recognition of skills. This piecemeal approach is not working. Where domestic work is not considered work, labour migration schemes are delinked from labour and social protections, meaning they can neither guarantee safety nor can they guarantee a labour force that meets evolving domestic and care needs. Where domestic work is not considered skilled, the diverse demands of the market cannot be met.

To catalyse improvements to domestic work, the Malaysian, Singaporean and Thai governments, in coordination with social partners, need to ensure, at minimum, four critical changes:

1. Sign and ratify the ILO Domestic Workers Convention, 2011 (No. 189), and ensure domestic workers enjoy rights at least equal to those of other workers, both in law and in practice.
2. Ratify and implement the Forced Labour Convention, 1929 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930, and ensure urgent action for the effective and sustained suppression of forced labour of domestic workers.

3. Formalize skills recognition opportunities for domestic workers that consider years of experience and transversal skills.
4. Ensure regular migration pathways for domestic workers that appropriately recognize the skilled nature of the work in the terms of employment conditions, and that do not tie workers to employers.

## Malaysia

In the case of Malaysia, recognizing that the country has ratified the Forced Labour Convention, 1930 (No. 29), and the accompanying Protocol of 2014, urgent action needs to be taken on their implementation and the steps above to rapidly decrease the concerning levels of forced labour among migrant domestic workers. Basic protections as included in the Domestic Workers Convention, 2011 (No. 189), including a day off, regular hours and minimum wage protection would create significant change for domestic workers. Beyond these, the roll out of partial social security has demonstrated an ability to provide state-regulated protection to migrant domestic workers; this should be expanded to cover full labour and social protection rights equivalent to those of other workers. In addition, improved regular migration pathways for domestic workers should allow domestic workers to change employers, and address issues of isolation and restriction of freedoms that can result in forced labour. In particular, it is recommended that in addition to the overarching recommended actions, the Government of Malaysia:

- ▶ Devise a government scheme aimed at detecting abuse, including forced labour, and ensure that this scheme include random house checks and domestic worker interviews.
- ▶ Include migrant domestic workers under minimum wage protections and ensure a day off is legislated for and provided to all domestic workers.
- ▶ Establish regularization programmes that recognize the migrant domestic workers already in country in order to provide access to labour and social protection.
- ▶ Enable recruitment of domestic workers by companies for deployment to multiple households and to live out.
- ▶ Extend migrant domestic workers' eligibility to invalidity, survivors and unemployment insurance schemes.
- ▶ Strengthen efforts to increase coverage of migrant domestic workers in SOCSO schemes.
- ▶ Develop a post-arrival programme for migrant domestic workers (following the Singapore settling in programme) covering topics such as adapting to working and living in Malaysia, conditions of employment, working safely, and relationship and stress management.
- ▶ Develop and make compulsory an orientation programme for first-time employers of migrant domestic workers on decent work for domestic workers, with regular follow up support systems. Emphasize within the programme the ethical and legal requirements to provide personal freedom and integrity for migrant domestic workers, including the right to hold identification documents communicate with family, privacy and freedom of movement.
- ▶ In line with ILO standards and guidance, eliminate worker-paid recruitment fees and related costs by reducing fees and costs controlled by governments (such as work permits, visas, passports, and so on) and by transferring other fees and costs to employers.
- ▶ Provide full rights to freedom of association and collective bargaining by providing migrant domestic workers with the right to form trade unions.

## Singapore

Singapore should take focussed action to improve working conditions of migrant domestic workers, as workers in Singapore reported the most hours worked, with four out of ten working a seven-day week, and the highest recruitment fees and costs paid by workers. Though technically limited to domestic cleaning services and not direct care work, the development of the Household Services Scheme in Singapore is a strong indicator of the important role that household-based care and services will take in the future of Singapore's care economy, and moreover, the importance that migrant domestic workers will play in delivering these services. The scheme also demonstrates that migrant domestic workers can potentially deliver household and care duties while living out of the home; and that this work can be protected by labour rights and wage protection. Building on the concepts in this model can serve as an entry point to ensuring protection of all migrant domestic workers providing both direct and indirect care services in the home, specifically by regulating working time and overtime payments (as both factors are significant in the prevalence of forced labour). Specifically, it is recommended that in addition to the overarching recommended actions, the Government of Singapore:

- ▶ Consider how the Household Services Scheme and live-out arrangements can be expanded and made accessible to more households.
- ▶ Commit to equivalence of regular working hours and wages with other workers, possibly through the adoption of the progressive wage model (the Singapore alternative to a minimum wage) for domestic workers in line with that used in the cleaning sector.
- ▶ In line with ILO standards and guidance, eliminate worker-paid recruitment fees and related costs by reducing fees and costs controlled by governments (such as work permits, visas, passports, and so on) and by transferring other fees and costs to employers.
- ▶ Provide domestic workers in Singapore, including migrants, the right to form trade unions, and provide clear and unfettered access to freedom of association and collective bargaining.

## Thailand

In Thailand, migrant domestic workers, enterprises and households are adopting myriad methods to navigate migration, labour and social protection laws, often to circumvent the costs associated with regular migration. This study found paying higher than average recruitment fees (often in the context of accessing regular migration channels) correlates to risk factors for forced labour, indicating changes in approach should be considered in the governance of the sector. Some of the tactics used by migrant domestic workers to create positive working experiences have resulted in situations where migrant domestic workers live out, work part-time, and have access – on the face of it – to better labour protections. In addition, there is increasing evidence (not least from this report) that those who are able to live out, autonomously change employers (or work for multiple employers) and negotiate working time hours are able to access better conditions and better pay. The Government of Thailand has the opportunity to build on these lessons and follow the direction already being adopted by workers and employers in the sector. In particular, in addition to the overarching recommended actions, it is recommended that the Government of Thailand:

- ▶ Extend full labour rights under the Labour Protection Act, including wage protection, to domestic workers, potentially through accelerating the approval process of the amended Ministerial Regulation No. 14, where relevant.
- ▶ Devise a government scheme aimed at detecting abuse, including forced labour, and ensure that this scheme includes random house checks and domestic worker interviews.
- ▶ Provide clear and unfettered access to freedom of association and collective bargaining as well as the ability for domestic workers to establish trade unions.

- ▶ Provide domestic workers access to comprehensive social protection equivalent to other workers, and in particular to Section 33 social protection coverage through required legal changes and associated measures, such as compliance, communication and administration to increase coverage.
- ▶ Develop and make compulsory an orientation programme for first-time employers of migrant domestic workers on decent work for domestic workers, with regular follow up support systems.
- ▶ Make the complaints mechanism more accessible through increased provision of interpretation support and the translation of materials into different languages.
- ▶ Expand on lessons learned from the strategies adopted by domestic workers to protect themselves, including the ability to change employers and arrange working hours autonomously, and reflect these in migration governance.
- ▶ In line with ILO standards and guidance, eliminate worker-paid recruitment fees and related costs by reducing fees and costs controlled by governments (such as work permits, visas, passports, and so on) and by transferring other fees and costs to employers.

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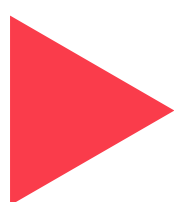
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# Annex 1. Methodology

## A1.1. Research sample and identification of survey respondents

### Employer Survey

A well-established access panel was used to conduct the survey with private employers in each of the three study countries. An access panel is a group of pre-screened respondents who have expressed a willingness to participate in surveys online. Quality panels are typically large, and panel members are verified before joining. Most panels are skewed towards younger, more affluent and urban segments of the population, with internet access and digital skills. Noting this, screening criteria (see next paragraph) and regional sample quotas (see table A1.2) were used to extract a more representative sample based on regional coverage. Table A1.1 shows the size of the panel in each country.

► **Table A1.1. Employer Survey sampling plan and sample size**

Country	Panel size <sup>a</sup>	Coverage	Sample size <sup>b</sup>	Women <sup>1</sup>	Men <sup>1</sup>
Malaysia	125 000+	National	205	191	14
Singapore	48 000+	National	202	179	23
Thailand	136 000+	National	203	170	33
Total			610	540	70

Note: a, b = total persons available on the access panel and who participated in the survey.

<sup>1</sup> The numbers in these columns refer to the sex of the main migrant domestic worker employed by each employer respondent, not the sex of the employer respondents themselves.

The actual number of private employers who hire migrant domestic workers is not known, or if known, the data is not publicly available. Hence, it was important to adopt methods that allowed this study to ensure the sample was spread across major regions of each country, thereby ensuring a variety of employers in different contexts. Table A1.1 shows the sample distribution, broken down by sex of the main migrant domestic worker employed. The employer panel survey targeted the general population aged 18 years or older nationwide, covering all major regions in each country (see table A1.2). In Singapore the sample was spread evenly across the island, save for the south region, where fewer women migrant domestic workers (and thus fewer employers) are found. Employers of a migrant domestic worker could qualify to participate in the survey, provided they had employed the worker for at least six months. No other quotas were used so that the sample would be reflective of the migrant domestic worker distribution within the panel. This included accounting for employers of male domestic workers, which provides an indication of the numbers and profile of men working in the sector. Since some employers hire more than one domestic worker, data was collected regarding the migrant domestic worker the employer regarded as their “main” worker. The Employer Survey was conducted between June and July 2022 with a total sample of 610 persons, just over 200 in each country.

► **Table A1.2. Employer Survey : Geographic coverage of survey sample**

Malaysia region	Sample (n)	Proportion (%)
Kuala Lumpur and Selangor	37	18
West Coast	35	17
East Coast	34	17
Johor	36	18
Sabah	31	15
Sarawak	32	16
<b>Total</b>	<b>205</b>	<b>100</b>
Singapore region	Sample (n)	Proportion (%)
Central	48	24
North	45	22
East	44	22
West	43	21
South	22	11
<b>Total</b>	<b>202</b>	<b>100</b>
Thailand region	Sample (n)	Proportion (%)
Bangkok	38	19
North	34	17
North-East	36	18
Central	34	17
West	28	14

South	33	16
<b>Total</b>	<b>203</b>	<b>100</b>

To have cross-country comparable results, one survey tool was designed for use in all three destination countries. The survey was translated, and the translation checked for accuracy before scripting and uploading it online. A link was set up so that the online survey could undergo testing and ensure that it was free from errors. Interim data was also examined as a validity check before commencing the full launch of the survey (the survey questionnaire can be found below in Annex 2).

### Survey of women migrant domestic workers

The Domestic Worker Survey targeted women migrant domestic workers who were 18 years or older and had worked for a private household for at least six months. A fully nationally representative sample was not feasible, given that data collection was done face-to-face. Instead, the sample was allocated to specific cities across major regions in each country, as shown in table A1.3 below.

The sample was initially allocated in approximate proportions to each region, but this had to be adjusted in consideration of where women migrant domestic workers could be found. For example, in Negeri Sembilan and Melaka in Malaysia, the southern region of Singapore, and Khon Kean in Thailand, it proved difficult to find women migrant domestic workers. Hence, part of the sample allocation was redistributed to the other regions, primarily capital cities in the cases of Malaysia and Thailand. The selection of the regions also considered representation of women migrant domestic workers from countries of origin most represented in the Employer Survey. In addition, it was decided to focus on Peninsular Malaysia and not include Sabah and Sarawak because labour laws are different outside of Peninsular Malaysia, making comparisons of working conditions and adherence to labour law more difficult. The Domestic Worker Survey was conducted between July and August 2022. The total sample was 1,201 respondents, or 400/401 in each country.

► **Table A1.3. Domestic Worker Survey: Geographic sample coverage**

Malaysia region	Sample (n)	Proportion (%)
Kuala Lumpur (Central)	162	41
Negeri Sembilan (Central)	35	9
Ipoh (North)	50	13
Penang (North)	61	15
Melaka (South)	26	5
Johor (South)	66	17
<b>Total</b>	<b>400</b>	<b>100</b>
Singapore region	Sample (n)	Proportion (%)
Central	111	28
North	92	23
East	108	27
West	80	20

South	10	3
<b>Total</b>	<b>401</b>	<b>100</b>
Thailand region	Sample (n)	Proportion (%)
Bangkok (Central)	205	51
Chiang Mai (North)	99	25
Khon Kean (East)	23	6
Phuket (South)	73	18
<b>Total</b>	<b>400</b>	<b>100</b>

Based on employer reporting of the nationalities of the migrant domestic workers they employ, quotas were set for countries of origin to enable analysis and to verify differences between women migrant domestic workers from different countries (table A1.4).

Soft quotas were also applied to ensure representation of at least 100 women migrant domestic workers who:

1. are live-in workers;
2. are live-out workers;
3. are directly employed by the household or an agency;
4. are working full-time; and
5. are working part-time (with these latter two based on self-identification, rather than the number of hours worked).

In Singapore, the vast majority of women migrant domestic workers are live-in and full-time workers. This fact was also confirmed by the survey of private employers. Hence, it was ultimately decided to only target these women migrant domestic workers in Singapore, and to forego the initial soft quotas for live-out and part-time workers in that country.

► **Table A1.4. Domestic Worker Survey: Sampling plan and sample size**

Country of origin	Malaysia		Singapore		Thailand	
	Quota	Sample	Quota	Sample	Quota	Sample
Cambodia	100	74	-	-	-	-
Indonesia	200	204	200	200	-	-
Loa PDR	-	-	-	-	100	100
Myanmar	-	-	100	81	300	300
Philippines	100	122	100	100	-	-
Domestic worker employment status	Quota	Sample	Quota	Sample	Quota	Sample
Live-in	100 - 300	195	100 - 300	401	100 - 300	136
Live-out	100 - 300	205	100 - 300	0	100 - 300	264
Full-time	100 - 300	296	100 - 300	401	100 - 300	215
Part-time	100 - 300	104	100 - 300	0	100 - 300	185
Direct employment	100 - 300	197	100 - 300	251	100 - 300	184
Employed by Co.	100 - 300	203	100 - 300	150	100 - 300	216

- = nil. Lao PDR = Lao People's Democratic Republic.

An enumerator training involving all interviewers and field supervisors was held before fieldwork commenced. The training covered the study background, sampling procedures and a detailed run-through of the survey, including roleplays and ethical considerations. A pilot test was conducted following the training, and interim data was examined as a validity check in the early stages of the survey.

All data collection was carried out using Computer-Assisted Personal Interviews (CAPI), that is, via face-to-face interviews using computer tablets connected to a secure cloud server. Because women migrant domestic workers work in private homes and were approached for interviews when outside, sampling was done via intercept methods using a combination of quota sampling and snowballing in places where domestic workers can be found, such as markets, malls, eating places and similar. This method ensured the interview could take place privately, without interference from employers. Data collection was carried out between July and August 2022.

Because quotas were used, the distribution of women migrant domestic workers based on country of origin was not exactly in line with the population, that is, the total number of migrant domestic workers present in country. Per statistical best practice, oversampling was done of some lesser represented nationalities to ensure statistical significance and the ability to disaggregate findings. The data for each country was then weighted to align with the distribution of nationalities of migrant domestic workers in the Employer Survey sample (table A1.5).

► Table A1.5. Sample weighting for the Domestic Worker Survey, based on country of origin

Nationalities of migrant women domestic workers, by destination	Migrant women domestic workers reported in the Employer Survey (n)	Proportion (%)	Unweighted sample of migrant women in the Domestic Worker Survey (n)	Proportion (%)	Weighted sample (n)	Proportion (%)
<b>Malaysia</b>						
Cambodia	8	5	74	19	21	5
Indonesia	121	80	204	51	318	80
Philippines	23	15	122	31	61	15
Total	152	100	400	100	400	100
<b>Singapore</b>						
Indonesia	77	46	220	55	183	46
Myanmar	41	24	81	20	97	24
Philippines	51	30	100	25	121	30
Total	169	100	401	100	400	100
<b>Thailand</b>						
Lao PDR	61	46	100	25	183	46
Myanmar	72	54	300	75	217	54
Total	133	100	400	100	400	100

Lao PDR = Lao People's Democratic Republic.

The survey questionnaire<sup>62</sup> was structured around topics similar to those in the Employer Survey, but asked for more details around skills, recruitment costs, qualifications obtained, work conditions (including forced labour) and social protection.

62 The complete survey questionnaire is available at: [https://www.ilo.org/asia/publications/WCMS\\_883128/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_883128/lang--en/index.htm).



## A1.2. Research ethics

Upholding the research participants' rights to confidentiality and privacy was a priority. This was particularly critical given that the research involves domestic workers and their employers, and the sensitive nature of the questions could put workers' job security (if not their personal security) and relationship with their employers at risk. It was also recognized that the researcher had a duty of care to the workers, in particular to ensure that there was access to appropriate services that can provide support to workers who find the interview distressing or need support due to a negative experience discussed during the interview. Care was taken in phrasing questions that may elicit answers related to experiences of labour exploitation or physical and sexual violence. Rapid Asia – the research firm that conducted the quantitative surveys – holds membership with the European Society for Opinion and Market Research (ESOMAR) and is thus obliged to follow well-established, international best practices for professional conduct related to data collection and data management. In accordance with these ESOMAR guidelines, standards and code of conduct, Rapid Asia applied the following in the course of collecting quantitative data:

1. Ensuring that those involved with collecting data were independent and acted with integrity and honesty when interacting with all target groups and stakeholders.
2. Ensuring that all participants in the survey understood the purpose, objectives and intended use of survey findings.
3. Being sensitive to social and cultural norms and gender roles during interactions with participants.
4. Respecting the rights and welfare of participants by ensuring informed consent and the rights to anonymity and confidentiality before the interview, that consent was freely volunteered, and that participants were aware that they could withdraw at any time without any negative consequence. For example, making sure the interview took place privately, without interference from the employer.
5. Ensuring women researchers were conducting interviews and that interviews were private. Not asking sensitive questions within hearing range of other individuals.
6. Interviewers were instructed to be ready to refer respondents to organizations that could provide assistance if it was discovered that this was needed.
7. Interviewers themselves also had the option to withdraw from the interview if they felt the situation was too risky for them.
8. If interviewees were visibly uncomfortable, the interview would not start or would be halted until the interviewee was ready.
9. Primary data and information from the interviews were treated with confidentiality, and only accessed by the study team and designated staff.
10. Limiting storage of personal data to a maximum of six months, keeping such information secure to avoid access by any third party.
11. Panel survey respondents had already voluntarily signed up to be a member of the access panel before this research started.

To increase the validity of data and to ethically assure the workers of privacy, the forced labour questions were asked in a private format. Cards depicting the answers in the respondent's native language were shown to the respondent, but only reference numbers to the answers were displayed on the tablet that the enumerator could see. This gave migrant domestic workers privacy and confidentiality even from the interviewer when disclosing indications of forced labour.

Gender equality concerns were considered throughout the process of conducting the survey, making sure women-specific issues were sensitively included. Women interviewers were used for the Domestic Worker Survey. The research team also included senior gender experts who applied a gender-responsive approach to data analysis, ensuring that the interaction between the survey results and gendered norms were considered.

### A1.3. Data analysis

The quantitative data was analysed using SPSS (Statistical Package for the Social Sciences) statistical software. Cross tabs and averages were mainly used to compare differences between countries and subsegments. The skills of migrant workers were analysed based on duties (for example, cleaning, childcare, and care work) and the average number of tasks carried out within each duty area. When the survey allowed for selection of one or more replies (such as for the forced labour estimation) calculations are based on the percentage of unique individuals responding positively. Percentages were rounded to the nearest integer, which means that totals may not always add up to exactly 100.

Multiple factors potentially contribute to domestic workers ending up in a forced labour situation. Logistic regression was carried out to gain insight into the potential risk factors, examining the relationship between forced labour and several external factors related to recruitment and work conditions. Each factor was included as a dichotomous variable in the regression analysis, which in turn produced an odds ratio when a significant relationship was found. The factors tested are shown in table A1.6 below.

► **Table A1.6. Risk factors for forced labour**

Factor	Risk factors related to recruitment process	Dichotomy
F11	Irregular migration channel (unlicensed broker, family, employer)	Yes or No
F12	Irregular job channel (family or social media)	Yes or No
F13	Paid broker or recruitment fee	Yes or No
F14	Employer or recruiter keeps ID documents	Yes or No
F15	Migration costs over average	Yes or No
F16	Years of work experience under average	Yes or No
F17	Irregular status (most relevant for Malaysia)	Yes or No
Factor	Risk factors related to work conditions	Dichotomy
F1	Work 10 hours or more	Yes or No
F2	Work 7 days per week	Yes or No
F3	On call to work at any time	Yes or No
F4	No overtime when working over 8 hours/day or 48 hour/week	Yes or No
F5	Have salary deductions	Yes or No
F6	No paid holiday/sick/maternity leave	Yes or No
F7	Have care duties (children, elderly, disabled, sick, pets)	Yes or No
F8	Live-in	Yes or No
F9	Work full-time	Yes or No
F10	Don't have own room	Yes or No

## A1.4. Analytical framework – International benchmarks for domestic worker rights

Labour right	Convention No. 189 provision (elaborated by additional international Conventions where they provide specificity)
<b>Freedom of association</b>	C.189 <sup>1</sup> , Article 3(2)(a) – Freedom of association and collective bargaining.
<b>Forced or compulsory labour</b>	C.189, Article 3(2)(b) – Elimination of all forms of forced or compulsory labour.
<b>Elimination of discrimination in respect of employment and occupation</b>	C.189, Article 3(2)(d) – Elimination of discrimination in respect of employment and occupation.
<b>Contract of employment</b>	C.189, Article 7 – Domestic workers are informed of their terms and conditions where possible through written contracts  C.189, Article 8 – Domestic workers receive contract before departure
<b>Max hours of work per day</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally  C.001 – 8 hours
<b>Max hours of work per week</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally  C.001 – 48 hours
<b>Overtime provision</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally
<b>Daily rest</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally
<b>Weekly rest</b>	C.189, Article 10(2) – 24 hours
<b>Holidays (traditional/public)</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally  C.132 – Additional to annual leave entitlement
<b>Annual leave</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally  C.132 – Paid holiday no less than three working weeks for one year of service
<b>Sick leave</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally
<b>Sick pay</b>	C.189, Article 10(1) – Equal treatment between domestic workers and workers generally
<b>Minimum wage</b>	C.189, Article 11 – Domestic workers should enjoy minimum wage coverage where it exists
<b>Work safety, hygiene and environment</b>	C.189, Article 13 – Safe and health working environment

**Maternity leave and pay**

C.189, Article 14 – Not less favourable than those applicable to workers generally

C.183 – 14 weeks leave with sufficient cash benefit

**Social protection**

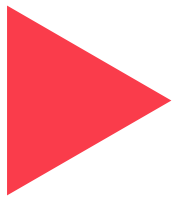
C.189, Article 14 – Not less favourable than those applicable to workers generally

1 C.189 = Domestic Workers Convention, 2011 (No. 189)

2 C.001 = Hours of Work (Industry) Convention, 1919 (No. 1)

3 C.132 = Holidays with Pay Convention (Revised), 1970 (No. 132)

4 C.183 = Maternity Protection Convention, 2000 (No. 183)



## Annex 2. Survey questionnaires

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Please see online link to the questionnaires for more information at: [https://www.ilo.org/asia/publications/WCMS\\_883128/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_883128/lang--en/index.htm).<sup>63</sup>

<sup>63</sup> More detail on the methodology and analysis available on request.





## ▶ Skilled to care, forced to work?

Recognizing the skills profiles of migrant domestic workers in ASEAN amid forced labour and exploitation

In millions of households across Asia and the Pacific domestic workers work behind closed doors to ensure the health, safety and development of those who employ their services. This work requires skills in child or elder care, cooking, cleaning, gardening, household management and other areas, but it is sometimes exploitative and forced, often underpaid, and almost always physically demanding and emotionally draining. Still, many decision-makers consider domestic work as being outside of the scope of formal work. Despite the contributions that they make to homes and communities, the exchange of domestic workers' skills, time and effort for pay is not always recognized as work, and domestic workers are regularly excluded from labour and social protection schemes, especially if they are also migrants. Consequently, a skilled and highly in-demand sector of work available to meet modern care challenges still faces stubborn resistance to the legal and policy changes that are required to enable decent work and avert exploitation.

This study presents up-to-date findings on the lived experiences of migrant domestic workers in Malaysia, Singapore and Thailand. It takes a quantitative and qualitative approach to understanding the skills profiles of migrant domestic workers across the three destination countries – as set against their working conditions and particularly indicators of forced labour.

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