



Targeted Surveys on application of core labour standards Singapore

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This report has been developed to provide a picture of the application of core labour standards in Singapore. The report is based on a combination of desk research and stakeholder interviews. The assessments of the issues covered in the report are based on the views of credible international organisations, national governments, employer organisations, trade unions, experts and other stakeholders.

Progress

- Improved employment outcomes and reductions in discrimination for older workers
- Promotion of gender equality in the workplace through flexible working arrangements

Challenges

- Government employees barred from forming / joining trade unions
- Close alliance between ruling PAP and NTUC (trade union federation) may constrain effective social dialogue
- Poor reporting record to ILO monitoring bodies
- Limited legislation on non-discrimination in employment

Key context

The EU and Singapore recently completed negotiations for a Free Trade Agreement, the final text of which needs to be formally agreed by the European Council and European Parliament. Pending their approval, it is anticipated that the agreement will enter into force before the end of the current mandate of the European Commission in November 2019. The negotiated agreement 'reaffirms the commitments to effectively implementing the ILO Conventions that Singapore and the Member States of the Union have ratified respectively' and states that 'the Parties will make continued and sustained efforts towards ratifying and effectively implementing the fundamental ILO conventions and they will exchange information in this regard' (EU-Singapore FTA, Trade and Sustainable Development chapter, Art 12.3).

Singapore has a highly-skilled and highly-educated labour force. According to the latest labour force survey, 55% of workers hold tertiary qualifications and 56% are employed as professionals, managers, executives and technicians, according to government figures (MoM, 2018). Singapore's labour market also relies heavily on migrant workers, particularly in low-wage sectors of the economy. In December 2017, there were 1.37 million registered foreign workers in Singapore, representing 38% of the total workforce – one of the highest foreign-to-local labour ratios in the world (TWC2, 2017). Approximately 70% of foreign workers are employed in low or semi-skilled jobs, including as domestic workers (25.6%) and in the construction sector (29.5%) (MoM, 2018).

Concerns relating to the application of core labour standards and broader decent work issues, both in law and in practice, generally relate to foreign workers in low-wage and low-skilled sectors. Foreign workers' vulnerability is closely linked to Singapore's use of a sponsorship system whereby migrant workers' employment and residency is contingent

on continued sponsorship by their employer, severely limiting their bargaining power and increasing their vulnerability to exploitation.

Freedom of association and collective bargaining

Singapore has not ratified C87. However, in general there is a robust legal framework that governs freedom of association and collective bargaining. Nevertheless, there are specific shortcomings with relevant ILO conventions, including that government employees are prohibited from joining trade unions and that foreign citizens are not permitted to become trade union officers.

The industrial relations landscape in Singapore is characterised by a collaborative approach to labour management relations, and broad agreement on the necessity of maintaining a business-friendly, low-regulation economy. In this context, there are some concerns that trade unions lack independence in practice. The National Trades Union Congress (NTUC) is openly allied with the ruling People's Action Party (PAP) and the former's official policy prohibits union members who support or supported opposition parties from holding office in its affiliated unions. Given that almost all unions are affiliated with the NTUC, there are some concerns regarding the effectiveness of social dialogue and independence of collective bargaining processes.

There are also concerns about the right to strike, both in law and in practice. There is a strict legal framework surrounding the right to strike, especially for broadly defined essential services. Public sector employees, along with workers in water, gas and electricity services, are prohibited from striking. Workers in other broadly-defined 'essential services', including bus drivers, must provide 14 days' notice before striking. There are also strict procedural requirements, including that 50% of trade union members in an enterprise must approve strike action. Violations of legal requirements on the right to strike are subject to severe penalties, including the possibility of short-term prison sentences and deportation of foreign workers.

Forced labour

Singapore denounced C105 in 1979. The law prohibits and criminalises forced and compulsory labour, but there is no clear definition of forced labour in national legislation.

Although forced labour is not a prominent concern among stakeholders, other reports indicate that some migrant workers experience conditions indicative of labour trafficking in Singapore. Alleged practices include the illegal withholding of pay, threats of repatriation without pay, withholding of travel documents and passports, restrictions on movement, and physical abuse affecting migrant workers, most notably in domestic work and in the construction sector. There are also reports of forced labour onboard fishing vessels that transit through Singapore or its territorial waters.

Elements of Singapore's sponsorship system for migrant workers create vulnerabilities to forced labour. Under the system, employers are required to post a SGD 5,000 (approx. EUR 3,150) security bond for all Work Permit holders (issued to low-skilled and semi-skilled workers, usually in the domestic work and construction sectors), which is forfeited if the migrant worker 'absconds' and remains illegally in Singapore. The possibility of losing the security bond sometimes leads employers to seek to control workers' movements, and it is reportedly common practice for employers to withhold passports. The sponsorship system also ties work permits to an individual employer, and (with

limited exceptions) requires foreign workers to be repatriated if their employment is terminated. These provisions contribute to workers' unwillingness to speak out about abusive or exploitative practices.

Child labour

The government's latest report to the UN Convention on the Rights of the Child stated that 'in general Singapore does not have a problem with the economic exploitation of children, including child labour'. The government has further reported that no infringements have ever been identified relating to the employment or working conditions of children below the age of 16 years, and that no violations of the provisions of the Employment Act relating to children's employment have ever been charged.

There are some reports relating to child domestic work, despite a minimum age requirement for all foreign domestic workers set at 23 years. The Ministry of Manpower reports that it has taken enforcement action against 98 employment agencies in the last three years for failing to ensure that foreign domestic workers meet the minimum age requirement, although it has not specified how many of these cases involved the recruitment of children. Local NGOs report that there has been a recent increase in underage domestic workers, particularly from Myanmar, although it is not known whether these cases primarily relate to children or young adults. In May 2018, two employment agencies were charged with recruiting Myanmar 13-year olds to work as domestic workers.

Discrimination

National law contains few specific provisions relating to non-discrimination. Instead, Singapore relies primarily on a promotional approach to address discrimination in employment, principally through the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP). The TAFEP's Tripartite Guidelines on Fair Employment Practices set out recommendations on employment practices to prevent discrimination through progressive human resource practices. The TAFEP is also responsible for examining complaints of workplace discrimination and 'identifying and engaging with companies that have scope to improve their practices'. In cases where employers fail to improve practice, the TAFEP can report breaches of the guidelines to MOM, who, at their discretion, can impose administrative sanctions such as 'stern warnings' and 'curtailment of work pass privileges' (a requirement for hiring foreign workers).

There are some limitations to Singapore's promotional approach to non-discrimination issues. Specifically, in the absence of national law, there is no clear right to recourse for workers facing discrimination, and there are no express obligations on employers not to discriminate. Similarly, although there are guidelines in place, these are not legally binding and they are not attached to specific enforcement measures such as reinstatement or compensation.

In practice, there are particular concerns about discrimination affecting employment opportunities and workplace treatment of women, foreign nationals, and people with disabilities. For example, there is both vertical and horizontal occupation segregation by gender in the public and private sector, while women are severely underrepresented on corporate boards. Similarly, a 2016 survey found that 66% of women in Singapore report experiencing gender discrimination in terms of career progression opportunities, remuneration, performance appraisal, and recruitment.

There are also reports of discrimination against migrant workers, especially female foreign domestic workers, and against disable workers, who employers reportedly seek to recruit on a 'client-contractor' basis to avoid perceived insurance costs and employment benefit regulations. Discrimination on the basis of age is a prominent issue nationally and one of the few forms of discrimination that is explicitly recognised in national law (albeit only in relation to dismissal). Human resource policies and processes, including those relating to recruitment and compensation, often show a bias against older workers. Finally, there are specific concerns about discrimination on the basis of sexual orientation, which is not expressly referenced in the TAFEP guidelines.

Status of ratification and reporting

Singapore maintains ratification of five ILO fundamental (core) conventions without reservations. It has not ratified C87 or C111, and it denounced C105 in 1979. Singapore has ratified one out of four ILO governance (priority) conventions (C81). However, Singapore is not up-to-date with its reporting obligations to the monitoring bodies of the ILO. At the most recent International Labour Conference (ILC) in June 2018, Singapore was identified as a 'case of serious failure by member states to fulfil reporting obligations' and it was noted that information was not received for most observations and direct requests of the Committee in recent years (ILC, 2018).

		Application issues - latest ILO CEACR observations and direct requests on core conventions
Freedom of association & collective bargaining	C87	<i>Convention not ratified.</i>
	C98	<i>Reporting not up-to-date.</i>
Forced Labour	C29	<i>Reporting not up-to-date.</i>
	C105	<i>Convention denounced.</i>
Child Labour	C138	<i>Reporting not up-to-date.</i>
	C182	<i>Reporting not up-to-date.</i>
Discrimination	C100	<i>Reporting not up-to-date.</i>
	C111	<i>Convention not ratified.</i>

References

EU-Singapore FTA, [Trade and Sustainable Development chapter](#)

ILO CEACR, [Observations and Direct Requests for Singapore](#)

International Labour Conference (ILC), 2018, [Application of International Labour Standards 2018](#)

Ministry of Manpower (MoM), 2018, [Foreign Workforce Numbers](#)