



Targeted Surveys on application of core labour standards Singapore

Written by Ergon Associates
31 August 2019

Ergon



EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate D — Labour Mobility
Unit D.3 — International Issues

E-mail: empl-d3-unit@ec.europa.eu

European Commission
B-1049 Brussels

Targeted Surveys on application of core labour standards Singapore

Directorate-General for Employment, Social Affairs and Inclusion
EU Programme for Employment and Social Innovation

2019

LEGAL NOTICE

Manuscript completed in August 2019

The contents of this publication do not necessarily reflect the position or opinion of the European Commission. Neither the European Commission nor any person acting on behalf of the European Commission is responsible for the use that might be made of the following information. More information on the European Union is available on the Internet (<http://www.europa.eu>).

Luxembourg: Publications Office of the European Union, 2020

PDF ISBN 978-92-76-10514-5
© European Union, 2020

doi:10.2767/428841

KE-02-20-070-EN-N

Reuse is authorised provided the source is acknowledged. The reuse policy of European Commission documents is regulated by Decision 2011/833/EU (OJ L 330, 14.12.2011, p. 39). For any use or reproduction of photos or other material that is not under the EU copyright, permission must be sought directly from the copyright holders.

Targeted Surveys on application of core labour standards, Singapore

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

- Amendments to Employment Act extend protections to more (higher paid) workers and streamline recourse for wrongful dismissal
- Improved employment outcomes for older workers
- Promotion of gender equality in the workplace through flexible working arrangements
- Improved reporting to ILO supervisory machinery
- Ratification of ILO C155 (OSH)

Challenges

- Migrant workers, particularly women domestic workers, remain vulnerable to exploitation
- Limitations on unionisation of certain government employees
- Close alliance between ruling PAP and NTUC (trade union federation) may constrain effective social dialogue
- Limited legislation on non-discrimination in employment

Key context

Singapore is a high-income country with one of the highest gross national incomes per capita in the world. The economy is based on high-value added activities, primarily in the manufacturing (particularly electronics and precision engineering) and services (particularly transportation and finance / insurance) sectors. Overall, the country promotes itself as providing one of the world's most business-friendly regulatory environments.

The EU and Singapore concluded a Free Trade Agreement (EUSFTA) in October 2018, alongside Investment Protection and Partnership and Cooperation agreements, which were approved by the European Parliament in February 2019. The agreement will enter into force once Singapore has completed internal administrative procedures. The 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.'*

Singapore has a highly-skilled and highly-educated labour force. According to the latest labour force survey, 56% of workers hold tertiary qualifications and 57% are employed as professionals, managers, executives and technicians. The majority of Singaporeans are employed in the services industry (74%), followed by manufacturing and

construction. Unemployment and underemployment in Singapore are low, with both at around 3% in 2019.

Singapore's labour market is heavily reliant on migrant workers, particularly in low-wage sectors of the economy. In 2018, there were 1.39 million registered foreign workers in Singapore, representing 38% of the total workforce. Most foreign workers are employed in low or semi-skilled jobs, including as domestic workers and in the construction sector.

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.

Amendments to the Employment Act came into effect in April 2019. The Employment Act sets out basic terms and working conditions for employees through 'core provisions' and 'Part IV provisions' that provide additional protection relating to working hours, overtime and rest. Key modifications include: the extension of the application of 'core provisions' to managers and executives earning above 4,500 SGD (2,800 EUR) per month (though managers and executives remain excluded from coverage by 'Part IV provisions' on working hours and overtime). Managers and executives are now also entitled to bring a wrongful dismissal claim. Ministry of Manpower will no longer hear wrongful dismissal claims, which will instead now be heard by the ECT, following mediation by the Tripartite Alliance for Dispute Management (TADM).

Freedom of association and collective bargaining

Singapore has not ratified C87. There is a robust legal framework in place that governs freedom of association and collective bargaining in Singapore. However, there are specific shortcomings with relevant ILO Conventions, including that foreign citizens are not permitted to become trade union officers without obtaining prior approval from the Ministry of Manpower, and that government employees face restrictions to their right to join a union.

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. The National Trade Union Congress (NTUC) is the only trade union federation in Singapore and almost all unions are affiliated with it. At the international level, NTUC is affiliated with ITUC. Domestically, the NTUC is openly allied with the ruling People's Action Party (PAP). The main employers' organisation is the Singapore National Employment Federation (SNEF), an affiliate of IOE. Membership of the NTUC and SNEF is reportedly growing.

Forced labour

Singapore denounced C105 in 1979. The law in Singapore 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, withholding of personal documents, restrictions on movement, and physical abuse. Migrant workers in domestic work and construction are the most vulnerable. There are also reports of forced labour onboard fishing vessels transiting through Singapore and its 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 non-Malaysian 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.

Despite considerable numbers of migrant workers believed to experience conditions of labour trafficking, the Government of Singapore only secured a handful of convictions under the anti-trafficking law, which was enacted in 2015. No convictions to date have reportedly related to domestic servitude or labour trafficking.

Child labour

Singapore has ratified both C138 and C182 on child labour, and the national legal framework generally meets international standards in this domain. National stakeholders report low levels of concern about child labour violations in Singapore. Nevertheless, 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

Singapore has not ratified ILO C111. National legislation contains few specific provisions relating to non-discrimination. The government generally takes the view that the introduction of non-discrimination laws could increase business costs and undermine Singapore's economic competitiveness. However, Singapore has recently ratified the UN Convention on the Elimination of Racial Discrimination (CERD) and has submitted its first report to the UN during 2019, detailing its framework for the prevention and elimination of racial discrimination.

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 concerns about discrimination affecting employment opportunities and workplace treatment of women, foreign nationals, and people with disabilities. There are also reports of discrimination against migrant workers, especially female foreign domestic workers, and against disabled 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. Nevertheless, the Ministry of Manpower has prioritised tackling age-discrimination and supporting older job seekers in recent years, resulting in improved employment outcomes.

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 two out of four ILO governance (priority) conventions - C81 (labour inspection) and C144 (Tripartite Consultation).

Singapore has been inconsistent in its reporting to the ILO supervisory machinery. It did not meet all reporting obligations to the ILO CEACR during 2018. However, Singapore has reportedly responded to the majority of comments since CEACR's previous session (ILO CAS, 2019).

		Application issues - latest ILO CEACR observations and direct requests on core conventions
Freedom of association & collective bargaining	C87	Convention not ratified.
	C98	Report received [CEACR comments not yet available]
Forced Labour	C29	Reporting not up-to-date. Report received [CEACR comments not yet available]
	C105	Convention denounced.
Child Labour	C138	Reporting not up-to-date.
	C182	Reporting not up-to-date. Report received [CEACR comments not yet available]
Discrimination	C100	Reporting not up-to-date. Report received [CEACR comments not yet available]
	C111	Convention not ratified.

References

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

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

ILO Committee on Application of Standards (CAS) [Cases of serious failure by member states to respect their reporting or other standards-related obligations](#)

Getting in touch with the EU

In person

All over the European Union there are hundreds of Europe Direct Information Centres. You can find the address of the centre nearest you at: <http://europa.eu/contact>

On the phone or by e-mail

Europe Direct is a service that answers your questions about the European Union. You can contact this service

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696 or
- by electronic mail via: <http://europa.eu/contact>

Finding information about the EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: <http://europa.eu>

EU Publications

You can download or order free and priced EU publications from EU Bookshop at: <http://bookshop.europa.eu>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see <http://europa.eu/contact>)

EU law and related documents

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en/data>) provides access to datasets from the EU. Data can be downloaded and reused for free, both for commercial and non-commercial purposes.

