Labour Justice and Political Responsibility: An Ethics-Centred Approach to Temporary Low-Paid Labour Migration in Singapore

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I declare that this thesis is my own account of my research. It contains as its main content work which has not previously been submitted for a degree at any tertiary education institution.

........................................

Stephanie Chok Juin Mei
Abstract

The policy discourse surrounding low-paid labour migration is driven by economic utility approaches. In this thesis, I adopt an ethics-centred, justice-oriented approach in assessing temporary low-paid labour migration, a politically divisive issue in many countries, including Singapore. I argue that a labour justice approach demands shared political responsibility to ensure that managed labour migration programs are ethically robust, rather than merely economically beneficial.

This thesis situates itself as value-full, politically motivated research, and adopts activist ethnography as its primary methodology. Structural inequalities are explicitly acknowledged and academic objectives are aligned with broader imperatives for social change. Extensive fieldwork was carried out in Singapore over several periods between 2006 and 2010. The central case study involves migrant construction workers from China embroiled in labour disputes with their company, Hai Xing Construction. The workers complained of withheld wages, unfair deductions, excessive work hours and underpayment in terms of overtime and rest day pay. Hai Xing Construction, a subcontractor, employed hundreds of construction workers who were sent to the building sites of two high-profile casino developments backed by large gaming companies and supported by the Singapore government.

Sustained empirical work contributed to an exploratory framework for assessing migrant workers’ precariousness – what I term their precarity package. This framework considers the various dimensions of labour insecurity experienced by low-paid migrant workers as well as two key interdependent features of low-paid labour migration: deportability and dependency. Collectively, these mutually reinforcing dimensions and features constitute what can be conceived of as a precarity package – a confluence of factors and relations that contribute to a heightened state of precariousness, and leave migrant workers vulnerable to abuse at all stages of their employment experience. I argue that atomistic interventions
that address isolated aspects of this complex, collective experience have limited effectiveness and often result in further unintended negative consequences.

This thesis argues against conceptions of justice obligations that are narrowly legalistic, deceptively apolitical and unrealistically spatially-bound. A labour justice framework recognizes that attempts to achieve workplace democracy cannot be divorced from the concurrent need for a broader conception of worker participation. It is not merely policy reform, but a radical reorganization of decision-making processes and the democratization of institutions and regulatory regimes at the national, regional and international scale that is required. Otherwise, genuine empowerment will remain implausible and ad-hoc gains from policy modifications will operate as concessions that appear progressive while entrenching the status-quo.
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<th>Full Form</th>
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<tr>
<td>ACL</td>
<td>Assistant Commissioner for Labour</td>
</tr>
<tr>
<td>ACMI</td>
<td>Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People</td>
</tr>
<tr>
<td>AFL-CIO</td>
<td>American Federation of Labor-Congress of Industrial Organizations</td>
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<tr>
<td>AREU</td>
<td>Attractions, Resorts and Entertainment Union</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>BATU</td>
<td>Building Construction and Timber Industries Employee’s Union</td>
</tr>
<tr>
<td>BCA</td>
<td>Building and Construction Authority</td>
</tr>
<tr>
<td>CLS</td>
<td>Core Labour Standards</td>
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<tr>
<td>CSR</td>
<td>Corporate Social Responsibility</td>
</tr>
<tr>
<td>EA</td>
<td>Employment Act</td>
</tr>
<tr>
<td>EFMA</td>
<td>Employment of Foreign Manpower Act</td>
</tr>
<tr>
<td>EP</td>
<td>Employment Pass</td>
</tr>
<tr>
<td>FWO</td>
<td>Fair Work Ombudsman</td>
</tr>
<tr>
<td>GLCs</td>
<td>Government-Linked Companies</td>
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<tr>
<td>GONGO</td>
<td>Government-Organized Non-Governmental Organization</td>
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<tr>
<td>HKCTU</td>
<td>Hong Kong Confederation of Trade Unions</td>
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<tr>
<td>HOME</td>
<td>Humanitarian Organization for Migration Economics</td>
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<tr>
<td>ICA</td>
<td>Immigration and Checkpoints Authority</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>IR</td>
<td>Integrated Resort</td>
</tr>
<tr>
<td>ISA</td>
<td>Internal Security Act</td>
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<tr>
<td>LRD</td>
<td>Labour Relations Department</td>
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<tr>
<td>MBS</td>
<td>Marina Bay Sands</td>
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<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>MNCs</td>
<td>Multinational Corporations</td>
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<tr>
<td>MOM</td>
<td>Ministry of Manpower</td>
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<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>MRT</td>
<td>Mass Rapid Transit</td>
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<tr>
<td>MWC</td>
<td>Migrant Workers’ Centre</td>
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<tr>
<td>NTI</td>
<td>National Tripartite Initiative on CSR</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>NTUC</td>
<td>National Trades Union Congress</td>
</tr>
<tr>
<td>NTWU</td>
<td>National Transport Workers’ Union</td>
</tr>
<tr>
<td>NWC</td>
<td>National Wages Council</td>
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<tr>
<td>OJT</td>
<td>On-the-Job Training</td>
</tr>
<tr>
<td>PA</td>
<td>Passports Act</td>
</tr>
<tr>
<td>PAP</td>
<td>People’s Action Party</td>
</tr>
<tr>
<td>PME</td>
<td>Professionals, Managers and Executives</td>
</tr>
<tr>
<td>PMET</td>
<td>Professionals, Managers, Executives and Technicians</td>
</tr>
<tr>
<td>RWS</td>
<td>Resorts World Sentosa</td>
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<tr>
<td>SCM</td>
<td>Social Connection Model</td>
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<tr>
<td>SNEF</td>
<td>Singapore National Employers’ Federation</td>
</tr>
<tr>
<td>TAFEP</td>
<td>Tripartite Alliance for Fair Employment Practices</td>
</tr>
<tr>
<td>TFWPs</td>
<td>Temporary Foreign Worker Programs</td>
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<tr>
<td>TJS</td>
<td>Temporary Job Scheme</td>
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<tr>
<td>TWC2</td>
<td>Transient Workers Count Too</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNGC</td>
<td>UN Global Compact</td>
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<td>WICA</td>
<td>Work Injury Compensation Act</td>
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WP  Work Permit
WTO  World Trade Organization
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Dedication

To Yong and Shen, who fought for justice, despite the odds.
And to Dad, who was looking forward to completion.
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PART I

INTRODUCTION & METHODOLOGY
Chapter 1

The ‘Migration-Development Nexus’ – A Moral Dialogue

But I think we should make an important distinction between foreign workers and immigrants, immigrants meaning PRs and citizens. Foreign workers are transient. We need them to work in the factories, in the banks, hospitals, shipyards, construction projects. When the job is done, they will leave. When there are no jobs here, they will go. So temporarily, the economy is hot, I think we can accept higher numbers. For the longer term, we are pushing to raise productivity so that we can rely less on foreign workers. But meanwhile, we want to build flats, MRT lines, IRs.¹ So, please bear with the larger numbers for the time being.

Singapore’s Prime Minister Lee Hsien Loong’s National Day Rally Speech, 29 August 2010²

Globally, as sending and receiving countries entrench their structural dependence on low-paid labour migration,³ there is significant policy excitement over its role as a development tool⁴ – or, as Kilby puts it, ‘a “legitimate” form of creating wealth’.⁵ Viewed as a contributor to pro-poor growth, this makes low-paid labour migration resemble, crudely speaking, poverty alleviation by proxy. Here is a generalization of the common ‘win-win-win’ argument put forth by advocates of temporary migrant worker programs: ⁶ poorer people in impoverished countries improve their economic status by seeking employment in wealthier countries. This helps the

¹ MRT refers to Mass Rapid Transit, Singapore’s rail network and a key part of its public transport system. Since the first stations opened in 1987, the network has expanded greatly, with over 142 MRT and LRT (Light Rail Transit) stations spread across the island and more being planned. IRs are Integrated Resorts, of which there are currently two in Singapore: Marina Bay Sands and Resorts World Sentosa. They are large casino-based visitor attractions that comprise hotels as well as other recreational draws (such as theme parks, museums and shopping arcades) and convention facilities. See Land Transport Authority, ‘MRT & LRT Trains’, http://tinyurl.com/kg5drlu (accessed October 25, 2013); Marina Bay Sands, http://www.marinabaysands.com/ (accessed October 25, 2013); Resorts World Sentosa, http://www.rwsentosa.com/ (accessed October 25, 2013).

² Prime Minister Lee Hsien Loong, ‘National Day Rally Speech (English)’ (speech presented at the University Cultural Centre, National University of Singapore, August 29, 2010), http://tinyurl.com/mcreghc (accessed March 5, 2012).


⁶ Martin terms this ‘win-win-win’ proposition the new ‘big idea’ that is too good to be true. See Martin, ‘Be My Guest Worker’, 32.
wealthier receiving country by stimulating economic growth and filling critical labour shortages with greater flexibility than if local workers were hired.\textsuperscript{7} These migrant workers gain new skills and improve the financial situation for their families back home, while their remittances boost the revenues of their native countries. (Remittance money from migrant workers was reported to have topped USD$530 billion in early 2013, making it three times larger than global aid budgets.)\textsuperscript{8} While this is not an inaccurate portrayal, it is a \textit{partial} description with a disproportionate emphasis on shared economic benefits.\textsuperscript{9}

As Datta et al. point out, this surge of ‘remittance euphoria’\textsuperscript{10} conspicuously ignores the ‘often exploitative nature of the labour market conditions under which remittances are produced and the economic and emotional sacrifices that migrants make in order to remit’.\textsuperscript{11} Piper similarly notes low-paid migrant workers’ heightened exposure to abusive work practices and their tendency to fall prey to ‘double exploitation’ – a situation where they are exploited by recruitment agents in their origin countries, then yet again by employers in destination countries. The popular win-win portrayal of current migration processes loses further currency when questions are raised over ‘who benefits most, economically speaking, from the prevailing forms of economic migration’.\textsuperscript{12} Meanwhile, there are other political advantages (at least in the short- to mid-term) to be gained by an aggressive

\begin{itemize}
  \item \textsuperscript{9} In the Philippines, critics of the government’s reliance on overseas workers’ remittances say such reliance is an ‘unhealthy dependence’ and ignores social costs such as the longer-term consequences of divided families. This reliance also relieves the government from doing more to ‘build a sound economy that produces good jobs at home’. See Norimitsu Onishi, ‘Toiling Far From Home for Philippine Dreams’, \textit{New York Times}, September 18, 2010, http://tinyurl.com/2dub2u6 (accessed November 18, 2010).
  \item \textsuperscript{10} For Datta et al., ‘remittance euphoria’ has led to remittances being seen as a ‘new mantra’ for development funding in the global South. See Kavita Datta, Cathy McIlwaine, Jane Wills, Yara Evans, Joanna Herbert and Jon May, ‘The New Development Finance or Exploiting Migrant Labour? Remittance Sending Among Low-Paid Migrant Workers in London’, \textit{International Development Planning Review} 29, no. 1 (2007): 43.
  \item \textsuperscript{11} Ibid.
\end{itemize}
emphasis on emigration, where it becomes ‘a substitute for development rather than a contribution to it’. Rather than committing to solve domestic socio-economic woes, a country may shift its emphasis to ‘the export of discontent and reduction of political tension’, thus cementing a ‘culture of emigration’ over time.13

The Migration-Development Nexus: Replicating a Problematic Development Discourse

The migration-development nexus has been hailed ‘the new mantra’, due to the academic and policy enthusiasm surrounding labour migration and its perceived benefits to the (economic) development goals of poorer countries.14 Yet the ‘nexus’, in which the relationship between international migration and development is explored, has been noted as lacking in conceptual clarity as well as a critical cognizance of migrants’ rights.15 In effect, high-level policy debates regarding migration as a contributor to development frequently mirror those taking place within related concepts of international development and sustainable development, which are equally politically charged. Influential development institutions often rely on the expertise of development economists,16 who disproportionately favour policy prescriptions viewed as economically pragmatic – this decision-making paradigm tends to commoditize ethical considerations such as social and political rights; furthermore, such rights may lose their ‘currency’ when weighed against perceived trade-offs such as economic growth and expansion.

According to the ‘rights-numbers trade-off’ argument, the greater the number of temporary migrant workers, the fewer their rights, because rights have costs (from the perspective of employers and receiving countries).\textsuperscript{17} Financial pragmatists who subscribe to this view may then justify labour migration regimes which restrict rights for migrant workers, arguing that they lead to increased economic benefit overall, as it allows larger numbers of overseas workers into countries with increased job opportunities and higher relative incomes.\textsuperscript{18} This is a problematic argument, for it equalizes the moral value of rights with the economic utility of jobs, an ethically contentious stance. This argument also ignores socio-political reasons for the restriction of rights which, in authoritarian regimes, also applies to other marginalized groups.\textsuperscript{19} Framing temporary labour migration in such terms reflects the pervasiveness of what Chambers views as economic reductionism in development discourse and practice.\textsuperscript{20} Poverty, despite being recognized as a multi-dimensional issue,\textsuperscript{21} continues to be assessed purely in terms of income; a reductionist employment focus, concerned only by the presence or absence of jobs, rather than the more complex concept of sustainable livelihoods,\textsuperscript{22} dominates.

In Crocker’s paper on development ethics, he highlights the need for ‘critical and explicit reflection on the ends as well as the means of development, on the \textit{what} as

\textsuperscript{17} The authors’ basic argument is that there exists a ‘trade-off, \textit{i.e.,} an inverse relationship between the number and rights of migrants employed in low-skilled jobs in high-income countries’, with the primary reason being that ‘employer demand for labour is negatively sloped with respect to labour costs, and that more rights for migrants typically means higher costs’. As a result, ‘more migrants tend to be associated with fewer rights for migrants, and vice versa’. See Martin Ruhs and Philip Martin, ‘Numbers vs. Rights: Trade-Offs and Guest Worker Programs’, \textit{International Migration Review} 4, no.1 (Spring 2008): 251.


\textsuperscript{20} Chambers, ‘Poverty and Livelihoods’, 173-204.

\textsuperscript{21} Chambers, for examples, views poverty as encompassing broader dimensions of deprivation. While it includes a ‘lack of physical necessities and income’, other dimensions of deprivation include physical weakness, isolation, vulnerability and powerlessness. Ibid., 188-191.

\textsuperscript{22} For Chambers, sustainable livelihood refers to ‘a living which is adequate for the satisfaction of basic needs, and secure against anticipated shocks and stresses’. A sustainable livelihood approach appreciates the complex and diverse livelihood strategies of the poor; it mitigates against the short-termism poor people are often presumed to apply in their livelihood strategies. Ibid., 175, 191-193.
well as the *how*. In other words, we need to engage in an ‘explicit “moral dialogue” in which values and ethical principles are articulated, defended and applied’; such a critical dialogue should be applied in conjunction with relevant empirical investigations of development. This thesis is a contribution to such a moral dialogue. Through an ethics-centred, justice-oriented framework applied to a sustained empirical investigation, it offers a conceptual perch from which to critically analyze migration policies, programs and processes within a specific sociopolitical context. By explicitly highlighting the normalized oppression of low-paid migrant workers, this thesis hopes to create the necessary ruptures required to expose our contingent relationships to persistent labour injustice in our midst. Through detailing the institutional and social constraints imposed upon migrant workers at various stages of their employment experience, it challenges normative beliefs that the ethical orientation of our current development paradigm, narrowly premised on economic growth and its alleged trickle-down effects, is sustainable and beneficial.

**Temporary Low-Paid Labour Migration: A Necessary Discomfort?**

The term ‘migrant labour’ encompasses a range of non-citizens working in a foreign country, with increasingly hierarchical immigration and labour policies dictating the attendant rights and privileges various groups are accorded or denied. Essentially, these are graduated distinctions between the ‘wanted’ versus the ‘unwanted’ (but needed). The complexity and diversity of labour migration processes and their varied empirical consequences – including the overlaps with non-labour market induced migrations, such as with refugees – make it necessary to establish the particular social group being studied. This thesis is specifically interested in

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24 Ibid., 467.
27 Castles, in fact, refers to a ‘migration-asylum nexus’, in which the multiple motivations of migrants, who may move to escape both impoverishment and human rights abuses, make it difficult to
temporary low-paid migrant workers, essentially non-resident contract workers who enter labour-receiving countries on employer-controlled, time-restricted work permits to fill a range of low-paid occupations. This practice of employer-sponsored labour migration is sometimes referred to as the *kafala system* and, although routinely criticized, is practiced in many countries. In the United States and Canada, such programs, in which migrant labour is ‘controlled and temporary’, are termed guest worker programs. In these cross-border arrangements, established flows of transient labour leave poorer labour-sending for wealthier labour-receiving countries under a bilateral labour regime, in which their temporariness is institutionalized. This is a critical distinction and departure from settler programs in which integration into the host country is possible and encouraged. Rather, what is being entrenched is a pattern of ‘circular migration’, characterized by a ‘continuous moving backwards and forwards’ between sending and receiving countries, according to the regulatory whims and manipulations of states and perceived labour market demands. Miller further notes:


28 Though now practiced in other countries, including Singapore, this system is typically associated with the countries of the Gulf Cooperation Council (GCC). The *kafala* (sponsorship) system, in its contemporary form, refers to a system in which a sponsor-employer (*kafel*) assumes full legal and economic responsibility for the contract worker, including repatriating the worker when his/her contract expires. The sponsor-employer has the sole right to employ the migrant worker, whose legal status is wholly dependent on this sponsorship. This creates a grave power imbalance between migrant workers and their employers, with such systems likened to ‘slavery’. See Amrita Pande, ‘“The Paper that You Have in Your Hand is My Freedom”: Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon’, *International Migration Review* 47, no.2 (Summer 2013): 418-419; Mohammed Harmassi, ‘Bahrain to End “Slavery” System’, *BBC*, May 6, 2009, http://tinyurl.com/kznmrjn (accessed October 2, 2013); Human Rights Watch, ‘As If I Am Not Human’: Abuses Against Asian Domestic Workers in Saudi Arabia (New York: Human Rights Watch, July 2008), 26-28; Anh Nga Longva, ‘Keeping Migrant Workers in Check: The Kafala System in the Gulf’, *Middle East Report, Trafficking and Transiting: New Perspectives on Labor Migration* no. 211 (Summer 1999): 20-22.


30 Martin, ‘Be My Guest Worker’, 32.

31 Caspersz has noted this significant shift in Australia’s migration framework, from a settler program, in which immigrants were gradually integrated into Australian society, to one in which a growing variety of temporary visas and seasonal arrangements are introduced. This has led to temporary migrants either equaling or outnumbering settler migrants in recent years. See Donna Caspersz, ‘Organizing International Migrant Labour: International Comparisons’, *Journal of Industrial Relations* 55, no.2 (2013): 172.

Systemic temporary worker rotation or repatriation is characteristic of cases in which temporary worker employment is strongly linked to national security or foreign policy disputes and where democratic norms are absent or not applied to temporary workers.33

It is thus revealing that temporary contract migration of low-paid migrant workers is the dominant mode of international migration in the Asia and Pacific region.34 Temporary contract migrant workers also constitute about 75 per cent of Singapore’s significant foreign workforce.35 In East Asia, such permits generally prohibit permanent settlement and family reunification; in Malaysia and Singapore, the restrictions extend to marriage rights, with low-paid migrant workers barred from marrying locals without state approval.36 While in-country migration from rural villages to industrialized cities is also a significant phenomenon,37 this thesis is primarily focused on low-paid migrant workers who cross national borders to participate in state-endorsed labour migration programs in high-income capitalist countries, specifically Singapore. Such programs, in which employment and residency rights are legally contingent,38 mean migrant workers inhabit a tenuous space where a combination of regulatory controls, enforcement strategies, policy contradictions and other shifting circumstances easily result in irregularities in their status.39 While acknowledging such complexities – and the different levels of non- or


37 For example, in China, there are an estimated 262 million rural migrant workers who are marginalized as a result of China’s household registration (hukou) system, which restricts their access to social services. They are similarly concentrated in low-paid occupations such as construction, manufacturing, transport and services, and are subject to poor housing and greater risks of workplace injury. See China Labour Bulletin, ‘China’s Migrant Workers Seek Answers Closer to Home’, July 1, 2013, http://tinyurl.com/lss3ryc (accessed July 9, 2013).

38 Miller, ‘Temporary Worker Programs’, 740.

semi-compliance in low-paid labour markets40 – this thesis primarily focuses on workers who are authorized to reside and work in Singapore.

Increasingly viewed as indispensable,41 temporary low-paid labour migration programs are growing in ‘scope and complexity’,42 a revival Piper credits to the paradigm shift in migration policymaking focused on ‘managed migration’.43 This has led to an emphasis on designing ‘orderly, legal migration schemes’ that balance the economic interests of sending and receiving countries, as well as individual migrant workers; temporary labour migration schemes are perceived as best able to fulfil these objectives.44 Yet this assumption of temporariness is increasingly being challenged.45 Martin, for example, has noted that temporary migrant worker programs ‘tend to get larger and to last longer than anticipated’ – this is attributed to the effects of economic distortion and a structural dependence that develops as sending countries grow reliant on remittances, and employers in host countries fail to consider alternatives to hiring migrant labour.46 While Martin asserts that in the United States, it is only a minority of employers that hire temporary migrant workers, in Singapore, most key industries are migrant worker-dependent, with this dependency deepening over the last few decades. As Martin suggests, the reliance on migrant workers does more than satisfy the needs of labour markets, this reliance ‘create[s] artificial labor markets that, left unperturbed, produce their own economic and social momentum’.47 A vicious cycle emerges, with employers lamenting the lack of local workers to fill a range of jobs,48 therefore calling for the state to loosen

41 Ruhs, for example, perceives that many countries are bereft of ‘viable alternatives’ to temporary labour migration programs. See Martin Ruhs, Temporary Foreign Worker Programmes: Policies, Adverse Consequences, and the Need to Make Them Work (Geneva: International Labour Office, 2003), 31.
43 Piper, ‘On the Eastern Front’, 400.
44 Ibid., 399-400.
45 Ibid., 403.
46 Martin, ‘Be My Guest Worker’, 36.
47 Ibid., 40.
migration policies to allow the hiring of more migrant workers.\textsuperscript{49} Locals may then shun such industries as they are perceived to be ‘filled with foreigners’. Not only are temporary labour migration schemes demonstrating a permanence contrary to stated policy objectives, individual migrant workers, through serial contract renewals, may end up spending a considerable number of years in countries determined to keep them transient.\textsuperscript{50}

\textit{Temporary Low-Paid Migrant Workers in Singapore}

As in many industrialized countries around the world, labour migration is a politically divisive issue in Singapore, the third most densely-populated country in the world.\textsuperscript{51} Citizens are increasingly vocal over their displeasure at the ‘influx’ of foreigners, citing frustration over strained public infrastructure and increased competition for jobs and other public goods and services, from housing to transport.\textsuperscript{52} There are also concerns over growing income inequality\textsuperscript{53} and underlying anxieties about the loss of cultural dominance and a ‘cohesive’ national identity,\textsuperscript{54} with growing tensions taking on racialized tones.\textsuperscript{55} This explosive debate, of course, is inextricably intertwined with immigration policies, which pertain to more permanent settlement and the granting of citizenship. In public expressions of displeasure, distinctions are not always made between temporary low-paid migrant workers – who have no claims to permanent settlement or rights to family


\textsuperscript{50} As Piper notes, continuity is sometimes valued by employers of foreign domestic workers, as the latter engage in ‘reproductive and “emotional” labour’, such as looking after children and the elderly. See Piper, ‘On the Eastern Front’, 403.


\textsuperscript{53} The notion that Singapore has become ‘a playground for the rich and the people who can afford it’ is an increasingly expressed sentiment. See Didi Kirsten Tatl, ‘Singapore’s Immigration Debate, Sign of Asia’s Slipping Middle Class?’, \textit{International Herald Tribune}, February 17, 2013, http://tinyurl.com/m89fk3b (accessed July 9, 2013).


reunification, much less access to entitlements such as education or housing subsidies – and higher-paid expatriates, who may ease into different migration categories over time, such as permanent resident or ‘new citizen’. In reality, the various ‘problems’ attributed to foreigners – as a generalized category – often have different causal relationships to the specific categories in which they are admitted, as these class/gender/occupation/nationality-based stratifications generate new inequalities and tensions. The opening quote by Prime Minister Lee is an attempt to exploit these inequalities to placate frustrated Singaporeans, by reminding them the largest percentage of foreigners in the country are merely ‘transient’.

Generally, while reassuring Singaporeans they remain a priority for the state, the Singapore government continues to emphasize the importance of attracting and maintaining a foreign workforce to maintain the country’s competitive edge. Its labour migration framework is ‘highly utilitarian and calculative in its purpose’, designed to achieve the economic as well as political priorities of the ruling power elite (the actual success of such strategies notwithstanding). This has resulted in a highly stratified system that commodifies and reduces particular groups of foreigners to ‘disposable units of labour-power’. As of June 2012, the city’s total population of 5.31 million included a foreign workforce of 1.23 million – approximately 931, 200 were low-paid migrant workers concentrated in the construction, manufacturing, marine, healthcare and service industries (the latter includes retail, contract cleaning, hospitality, food and beverage, as well as the

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56 As local debates about projected population increases grow increasingly heated, distinctions are often made between ‘new citizens’ – those who have only recently been granted citizenship – and ‘born-and-bred’ Singaporeans. In January 2013 this year, the Singapore government revealed it plans to give citizenship to between 15,000 to 25,000 foreigners a year; it has been granting citizenship to an average of 18, 500 foreigners a year over the past five years. See Goh Chin Lian, ‘Goal: 15, 000 – 25, 000 New Citizens a Year’, *Straits Times*, January 30, 2013.

57 In his 2012 May Day rally speech, PM Lee spoke of the need to ‘strike the right balance in the supply of foreign workers’ to grow the economy, but also stressed: ‘Singaporeans will always be our top priority. This is the purpose of all our policies.’ See Leslie Koh, ‘S’poreans Will Always Be Top Priority: PM’, *Straits Times*, May 2, 2012.


‘entertainment’ industry), and domestic work.\(^\text{61}\) Hailing from countries in the region – Bangladesh, China, Indonesia, India, Philippines, Myanmar, Thailand and Sri Lanka;\(^\text{62}\) in recent times, even Cambodia\(^\text{63}\) and Taiwan\(^\text{64}\) – these low-paid migrant workers are regulated via a carefully calibrated work pass system that imposes sector-specific quotas and levies as well as restricts their mobility and access to the local labour market.\(^\text{65}\) Cohen suggests that the discriminatory labour migration policies which privilege some while marginalizing others results in the construction of different subgroups – citizens are the most privileged, followed by ‘denizens’ (‘privileged aliens’ like highly paid expatriates), then ‘helots’ (those excluded from privileges and granted limited rights, such as low-paid migrant workers).\(^\text{66}\) These realities challenge any claims that labour migration in a globalized world is democratizing the labour market, particularly for those at the lower rungs of the economic ladder. By focusing on temporary low-paid labour migration, it is clear that the unjust social patterns which exacerbate hardship in struggling economies, leading many to leave, are often replicated in the wealthier industrialized destinations that poorer people from the region gravitate to for better opportunities.

**Labour Justice and Low-Paid Labour Migration: Towards an Ethics-Centred, Justice-Oriented Framework**

While sensationalist media portrayals of tyrannical employers and recruitment agents who abuse migrant workers generate outrage and disgust, this can distract from the reality that lawful employment arrangements, under current labour migration regimes, are also culpable of enabling oppressive workplace conditions.\(^\text{67}\)

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\(^\text{61}\) Ministry of Manpower, ‘Manpower Realities’.

\(^\text{62}\) While the total number of non-resident workers is cited in the media, specific breakdowns according to nationality and occupation are not given – such figures are viewed by the state as ‘politically sensitive’ and unavailable to the public.

\(^\text{63}\) Amelia Tan, ‘Maids From Cambodia Due in July’, *Straits Times*, April 29, 2013.


While employers’ hiring practices play a critical role in shaping labour migration streams, governments remain a ‘critical ally’ in enabling the economic and political advantages employers gain from hiring ‘hyperflexible’ migrant workers under a stratified, ‘use-and-discard’ system. Over time, community and institutional tolerance normalizes the everyday exploitation that underpins economic growth patterns, leading to a structural dependence on foreigners for the ‘jobs that no one else wants’. The oppressive work conditions become normalized as an ‘economic situation of immigrant labor’ when, as Rodriguez asserts, ‘it is actually a political condition that develops from government action or more precisely, inaction’.73

The politicized terrain low-paid migrant workers navigate on a daily basis is insufficiently acknowledged, particularly in Singapore. This is evident in legalistic approaches that treat recruitment processes and labour relations between workers, recruiters and employers as purely economic transactions among persons with equivalent bargaining power. It is revealed by a lack of appreciation for coercive conditions, an insistence that a signed contract – no matter how exploitative or unreasonable the terms – indicates the acquiescence, out of the ‘free will’ of the worker, to participate in such an employment arrangement. A depoliticized view of the institutional contexts that shape migrant workers’ oppressive employment realities undermines attempts at remedying injustices. It promotes a tendency to reduce social injustice to issues of unequal distribution of material goods and services; restitution consequently entails redistribution, but does not necessarily demand fundamental challenges to the institutional and social arrangements that

69 Ibid., 470.
71 Anderson, ‘Migration, Immigration Controls’, 300.
produce and reproduce inequalities. Yet as low-paid labour migration and its troubling manifestations become an integral part of our global economy, it is incumbent on us to ask (and struggle to answer): is a structural dependence on underpaid, marginalized labour for economic expansion an ethically acceptable development strategy? What are the long term ‘ethical costs’ of institutionalizing and entrenching such relationships of domination and subjugation, such that they become viewed as an unremarkable yet indispensable feature of modern day labour markets?

Heavily influenced by political philosopher Iris Marion Young and her perspectives on social justice and political responsibility, this thesis adopts an ethics-centred, justice-oriented approach in assessing low-paid labour migration. I term this a labour justice approach, formulated as a response to inadequacies in mainstream approaches towards labour exploitation. A relatively uncommon term – in academia and otherwise – labour justice has been used to refer to access to the formal justice system with regards to the enforcement of labour rights. This is not in my view an adequate understanding of labour justice. In this thesis, labour justice represents a ‘value-full’, principled orientation applied to assessing labour relations, in which the genuine democratization of institutions is viewed as crucial in achieving social justice, of which labour justice is an integral part. This view of democratization

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75 In examining Australia’s guest worker program, Reilly concludes: ‘If these conditions of the labour contract entrench a relationship of domination and subjugation, they have an unacceptable ethical cost, and will affect Australia’s relationship with Pacific countries into the future.’ See Reilly, ‘Seasonal Labour Migration’, 149.


77 This is not to imply that other approaches are value-less but to indicate my choice as a researcher for ‘an ethically reflexive scholarship’, based on the view that it is necessary for us ‘to interrogate and understand ethical and moral positions’. See Jim Macbeth, ‘Towards an Ethics Platform for Tourism’, *Annals of Tourism Research* 32, no.4 (2005): 963, 975.

78 For Young, ‘democracy is an element and condition of social justice, not just in government institutions, but in principle all institutions’. See Iris Marion Young, *Justice and the Politics of Difference* (New Jersey: Princeton University Press, 1990), 81.
necessitates a reorganization of decision-making rules in all institutions (not just
government institutions). Democratic deliberation, however, does not equate a
view of unhindered freedoms for all. A justice-oriented perspective is critical for
evaluating human freedoms, in which some are viewed as central to the project of
social justice, while others – such as the ‘freedom’ to discriminate against or abuse
others – are evidently harmful. This is a political exercise to be guided by fairness
and empathy, rather than a fictitious notion of neutrality.

The use of the term labour justice corresponds to Young’s view of our obligations to
respond to instances of labour exploitation, even if they involve ‘distant strangers’,
whether abroad or in our midst. (Young herself uses the term labour justice in her
first article developing her ideas around political responsibility and global justice,
but in a subsequent article uses the terms social justice and global justice.) As a
social group, low-paid migrant workers in Singapore experience various forms of

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79 Ibid., 81.
81 Nussbaum has proposed an open-ended list of human capabilities viewed as necessary for a
‘minimum account of social justice’. These include the freedom to enjoy good bodily health, be treated
with dignity, ‘participate effectively in political choices’, as well as nurture ‘meaningful relationships of
mutual recognition with other workers’. Ibid., 40-42.
82 Ibid., 46.
83 This view of empathy coheres strongly with Porter’s notion of compassionate empathy and the
exercise of ‘compassionate justice’ or ‘political compassion’ in the public sphere, such that we are able
to realize what Porter terms ‘compassionate politics’. See Elizabeth Porter, ‘Can Politics Practice
Compassion?’ Hypatia 21, no.4 (Fall 2006): 97-123.
84 Young, in fact, argues that the pretext of impartiality serves ideological functions and
disadvantages the oppressed; it allows the perspectives of dominant groups to function as universal.
Policy decisions that are branded as impartial are framed as the best decision, one ‘any rational person
can adopt’, thus negating the need for discussion or participation in decision-making. See Young,
Politics of Difference, 112.
87 Young, ‘Social Connection Model’, 102-130.
88 Young defines a social group as ‘a collective of persons differentiated from at least one other
group by cultural forms, practices or ways of life. Members of a group have a specific affinity with one
another because of their similar experience, which prompts them to associate with one another more
than with those not identified with the group, or [identified] in a different way’. Moreover, groups are
‘an expression of social relations; a group exists only in relation to at least one other group’. See Young,
Politics of Difference, 43.
oppression within a broad range of relationships in their everyday lives. It is not simply the case of an oppressed group coerced by a tyrannical agent, although there are some direct relations between abusive employers and migrant workers that resemble this. A much broader view of oppression as structural and embedded is adopted in this thesis, whereby oppression extends to

the vast and deep injustices some groups suffer as a consequence of often unconscious assumptions and reactions of well-meaning people in ordinary interactions, media and cultural stereotypes, and structural features of bureaucratic hierarchies and market mechanisms – in short, the normal processes of everyday life.90

By implication, structural oppression cannot be eliminated simply by substituting a leader or tweaking the law, for it is ‘systematically reproduced in major economic, political and cultural institutions’.91 This perspective raises complex questions about individual as well as collective obligations of justice, which Young argues arise by virtue of the social processes that connect us to each other.92 Such an orientation requires a conscientious contemplation of our ‘practical moral commitments’,93 a process of calling into question ‘what is normal and acceptable’, and a recognition of ourselves as political and moral agents with a capacity and responsibility to reason about our actions and how they relate to structural injustice.94 Through its emphasis on structural injustice, labour justice recognizes ‘quasi-coercive’ employment realities,95 a distinguishing feature of low-paid labour markets, particularly low-paid labour migration. This perspective issues fundamental challenges not only to

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90 Ibid., 41.
91 Ibid., 2.
92 Ibid., 41.
93 Young, ‘Social Connection Model’, 102-130.
current labour migration practices but also to complex employment arrangements pervasive in our global economy, such as subcontracting.  

Labour justice warns against conceptions of rights and responsibilities that are narrowly legalistic, deceptively apolitical and unrealistically spatially-bound. There is an urgent need, particularly in the policymaking arena, to counter dogmatic legalism’s tendency to ‘incessantly [translate] wide-ranging political questions into more narrowly framed legal questions’.Labour rights, as applied in this thesis, are subsumed under the human rights rubric and rights are viewed primarily as ‘ethical demands’ rather than ‘putative legal claims’. While human rights can ‘inspire legislation, this is a further fact, rather than a constitutive characteristic of human rights’. This is important, particularly in our current socio-political contexts, for ‘not all legal rights are grounded in moral rights . . . States create and modify legal rights for a variety of reasons’. Though frequently expressed as entitlements to ‘goods’, rights are not merely tangible utilities (like housing benefits or a living wage); situations of structural injustice are not remedied by redistributive mechanisms alone. Socio-economic restructuring, an important goal, is recognized as intertwined with the need for broader political reform and significant ‘cultural or symbolic change’.

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99 Ibid., 319.
Thesis Structure and Contributions

Part I – Introduction and Methodology

This introductory chapter, Chapter 1, has given a broad overview of the thesis and its approach, including the ethical framework that underpins an expanded view and application of labour justice. The following chapter, Chapter 2, delves into the politics of research, in particular, ‘politically-motivated research’, which is explicitly concerned about structural injustice and demonstrates solidarity with oppressed groups. Activist-oriented perspectives in academia, generally advocated by feminist researchers, now have an established voice, although such approaches remain controversial. In the spirit of reflexive scholarship, this chapter details some of the key challenges faced in aspiring towards ‘critically engaged activist research’, including the practical difficulties of conducting ethnography, particularly in the area of labour relations.

Part II – Context: Analytical and Sociopolitical Context

Labour justice is the overarching framework for assessing labour relations in this thesis and Chapter 3 details the key tenets of this ethics-centred, justice-oriented approach. An ethical exploration, it repoliticizes debates on low-paid labour migration and raises questions over how migrant workers are framed and labelled in our global division of labour, as well as the moral politics of differential justice in our treatment of migrant workers.

Chapters 4 and 5 aim to illustrate the social, political and institutional context of low-paid labour migration in Singapore. Chapter 4 begins with a brief discussion on Singapore’s foreign workforce, before detailing its complex and stratified work pass system, with an emphasis on temporary low-paid migrant workers on renewable R-Pass Work Permits, as they are termed in Singapore. The chapter then delves deeper


to reveal the contradictions that result from policy interaction with labour market realities. This is done through exploring the concept of semi-compliance, in which employers, recruiters and migrant workers persistently violate certain work pass regulations, with migrant workers bearing disproportionate risks. Chapter 5 adds to the contextualization of Singapore’s labour migration regime by examining the political climate in Singapore for organized labour, and the implications for migrant worker organizing and collective action.

**Part III – Ethnography: Conceptualizing Precarity and Seeking Access to Justice**

Chapter 6 further contextualizes the situation for low-paid migrant workers in Singapore through exploring the concept of precariousness/precarity. This is done through the conceptualization of a framework I term migrant workers’ *precarity package*. Deriving strongly from ethnographic data obtained during my fieldwork, this framework examines the multiple dimensions of labour insecurity faced by migrant workers, the interaction between these dimensions, and the complex socio-political context within which such precariousness takes place. I adopt Standing and Watson et al.’s multi-dimensional framework for assessing labour insecurity, but add an additional layer of analysis by including two key interdependent features of low-paid labour migration: deportability and dependency. Collectively, these mutually reinforcing dimensions and features constitute what can be conceived of as a precarity package.

Chapters 7 and 8 form the central case study chapters. Specifically, Chapter 7 details the (mis)adventures of a group of migrant construction workers, hired by a subcontracting company, Hai Xing Construction, as they fight for their salary arrears. I met these workers, from China, just as they started their mediation proceedings and was involved, not only as a researcher but primarily as an NGO volunteer, in assisting with their claims. The chapter details their struggles and

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delays, from postponed mediations to employer threats and, finally, forcible removal by repatriation companies and time spent in detention and police custody.

**Chapter 8** continues this examination of migrant workers’ access to justice. After the Hai Xing workers in Chapter 7 returned to China, more disgruntled construction workers from the same company continued to surface. While most did not go beyond mediations presided by staff at the Ministry of Manpower (MOM), two Hai Xing workers, Yong and Shen, decided to reject settlement offers and stay on to bring their case to Labour Court, a quasi-judicial mechanism presided over by a senior MOM official. Chapter 8 presents an overview of the Labour Court proceedings, which stretched from June to November 2009, and a summary of its outcome.

**Part IV – Discussion and Conclusion**

**Chapter 9** moves on to consider obligations of justice in relation to labour injustice. It explores the key challenges to establishing responsibility when labour rights violations occur, which include the depoliticizing strategies of states and companies through the aggressive push for greater corporate self-regulation through voluntary Corporate Social Responsibility programs. Under such apolitical approaches, labour rights is no longer a contentious issue and the more radical elements of rights activism are displaced and morphed into more service-oriented forms – prioritizing worker welfare over empowerment, and technocratic solutions rather than structural change. Additionally, the legitimization of consumer-driven activist strategies, along with a simultaneous discrediting of more politicized approaches, commodifies resistance to corporate power. The chapter also examines entrenched economic configurations in our globalized economy, including dense subcontracting relationships that transcend national borders (thereby embodying debates over jurisdiction and ultimate responsibility), and the formidable hurdles they present to achieving labour justice. The chapter advocates a more encompassing model for responsibility that recognizes our interdependencies, namely, Young’s social connection model, which views achieving global justice as a shared political
responsibility requiring collective action from a diversity of social actors and significant social and political change.

Chapter 10 emphasizes the importance of repoliticizing migration and development discourse, which needs to critically engage with the core principles of sustainable development. As temporary migrant worker programs continue to be viewed by many countries as inevitable and beneficial, it remains vital to challenge policy prescriptions that prioritize narrowly defined economic solutions to wide-ranging development issues, including the lack of sustainable livelihood alternatives for those who do not wish to migrate, and safer, more just forms of migration and employment for those who do. The chapter also reflects on the limitations of this study and opportunities for further research.

In summary, this thesis contributes to the debate on temporary low-paid migration in a number of ways. It emphasizes the ethical dimensions of a highly politicized phenomenon from a justice perspective, in contrast with the dominant neoliberal paradigm of economic pragmatism that dominates the discourse. The latter approach externalizes the social, political and ethical costs of temporary migration, or else views them as necessary trade-offs for economic gains. The strong adherence to empirical relevance, through the use of ethnography, allows for a context-rich understanding of temporary low-paid migration within the specific, localized setting of Singapore. It has also contributed to the conceptualization of new analytical frameworks that advocate more holistic, multi-dimensional and value-full perspectives through a ‘labour justice’ framework and the ‘precarity package’. Through its emphasis and methodology, this thesis embodies the tensions and complexities involved in undertaking critically engaged activist research, thus contributing to debates about research ethics, researcher responsibilities and the politics of activist research, which can be especially contentious in socio-political settings where positivistic, apolitical paradigms are valorized.
Thesis Terminology

Temporary Low-Paid Migrant Workers

As already emphasized, this thesis is focused on the employment arrangements for non-resident contract workers in low-paid sectors – they are not immigrants or immigrant workers, being effectively denied settlement rights. Due to the label ‘foreign worker’ having attained negative connotations in Singapore’s local context – in its specific reference to a group persistently accorded a lower societal value – I prefer the term temporary low-paid migrant workers. In subsequent chapters, the term low-paid migrant worker or migrant worker may be used interchangeably, but in reference to this particular category of migrant workers.

As with Datta et al., the term ‘low-paid’ is preferred, as a signifier of the socially and politically constructed situation in which certain groups of workers are persistently underpaid in comparison to other sectors. Where possible, I have also selected income rather than skill as a marker of migrant worker categories – as in higher/high-paid or low-paid, rather than high-skilled, low-skilled or unskilled workers. The latter are highly problematic and contested categorizations; terms like low- or unskilled grossly devalue certain types of work and skills sets (see Chapter 3). Thus, they are only used when directly citing official material in which the terms are applied.

Neoliberal Re-Regulation

The dominant policy framework underpinning key economic shifts over the past quarter century are often referred to as deregulation, economic liberalism, neoliberalism, economic rationalism and economic fundamentalism.105 Such terms are sometimes construed as representing a retreat of the state and an unregulated epoch of ‘free market’ forces. As Watson et al. note, however, ‘there is no such thing as a “deregulated” sphere of activity’.106 The authors prefer the term ‘market regulation’, in which they locate the issue as being the source of regulation – whether through formal arrangements such as political institutions, or whether ‘regulation is

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105 Watson et al., Fragmented Futures, 10-11.
106 Ibid., 11.
imposed informally by those with more power'.

This thesis similarly avoids the term deregulation and the autonomy it suggests, and veers towards what Aguiar terms ‘re-regulation’. The term refers to new forms of intervention that have transformed the regulatory environment, a process actively facilitated by governments (see Chapter 3). Economic rationalism, when used, refers to the primacy of a certain ideology of pragmatism, in which decision-making is guided by an ‘economic-utility-driven’ framework. This rationality reflects a neoliberal ethos, in which neoliberalism is conceived as a ‘political philosophy’ and a ‘hegemonic project’, characterized by: the expansion of commodity and financial markets, the privatization of services and depoliticized notions of citizenship (emphasizing individualistic rather than collective modes of action). Rather than an indiscriminate pulling back from the state, what is noteworthy is the diminishing of the welfare state’s ‘protective and supportive functions’, along with a simultaneous ‘expansion of coercive functions’ (primarily to protect business interests). Of particular concern is how the neoliberal political economic agenda has resulted in diminished employment protection and weakened labour movements, and facilitated the growth of precarious work. A neoliberal epistemology refers, more generally, to the imposition of competitive market relations as the key organizing principle of society (see Chapter 9).

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107 Ibid.
111 Ibid., 28.
Migration Intermediaries: Migrant Brokers, Labour Contractors, Recruiters, Agents, Smugglers and Traffickers

Agunias uses the term ‘migration intermediaries’ to describe the ‘key actors that facilitate, and sometimes drive, migration within and across borders’. The author further categorizes intermediaries broadly into five groups: 1) social networks, such as the relatives, friends and neighbours of a prospective migrant; 2) private recruitment agencies and their chain of informal sub-agents or brokers; 3) quasi-intermediaries, who may be involved in other businesses, such as travel agencies, immigration lawyers or entertainment agencies; 4) smugglers, who assist in the illegal border crossing of a smuggled person for material benefit; 5) traffickers, defined as ‘clear criminal actors’ whose actions involve coercion and deception. Lindquist, Biao and Yeoh, meanwhile, use the term ‘migrant broker’ or ‘middlemen’ to refer to ‘a party who mediates between other parties, in this case the migrant and the employer or client’. The authors recognize the variance between brokers and their methods, as well as ‘the uneasy distinctions between state and market, formal and informal, regular and irregular’. Frequently entrenched in ‘complicated networks’, they recommend that brokers not be viewed as a ‘fixed identity’, but ‘considered in relation to location, time and power’. Martin, in examining the situation in East Asia, refers to intermediaries who receive fees for recruiting, transporting as well as supervising the workers required by employers as labour contractors (or labour brokers).

Locally, migrant workers and NGOs tend to make reference to employment agents, recruitment agents, recruiters or, simply, ‘agents’, with such references covering a range of intermediaries and their diverse responsibilities both in sending countries

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115 Ibid., 3-8.

116 Johan Lindquist, Biao Xiang and Brenda S.A. Yeoh, ‘Opening the Black Box of Migration: Brokers, the Organization of Transnational Mobility and the Changing Political Economy in Asia’, *Pacific Affairs* 85, no.1 (March 2012): 8.

117 Ibid.

and in Singapore. This disconcerting lack of clarity reflects the convoluted and layered processes involved in transnational migrant worker recruitment, and the difficulty of trying to establish liability when complaints arise over abusive and exploitative recruitment practices. In light of such complexities, this thesis does not discriminate between the various terms used – migration intermediary, migrant broker, labour contractor, employment agent, recruiter, agent – but acknowledges that such ‘loose’ and fluid references need to be understood as generalized terms that, in reality, implicate a range of actors applying different forms of expertise in order to sustain the business of recruiting, employing as well as managing and controlling low-paid migrant workers.

**Third World/First World, North/South**

It is noted that the terms ‘Third World’ and ‘First World’ are problematic and will be used sparingly, either in instances where they are part of a quotation, or else in recognition of its contested associations, of the ‘Third World’ as ‘backward and regressive’, and the ‘First World’ as ‘enlightened and progressive’. The terms ‘North’ and ‘South’ have also been challenged, but tend to be widespread in the literature consulted and cited. As per Datta et al., rather than referring to specific geographical locations (that is, referring to countries located in the Southern or Northern hemisphere), the two terms are used as a broad marker for spatial injustice, in which the South refers to areas where there are, in relative terms, greater concentrations of ‘poverty and disadvantage’, and the North refers to areas where there are broader concentrations of ‘wealth and privilege’. Singapore, therefore, is part of the ‘North’.19

**Pseudonyms**

Pseudonyms are used for all migrant workers interviewed and personally encountered during my fieldwork. Exceptions are examples cited which quote workers featured in the local media or in NGO reports, in which case pseudonyms may or may not have been applied by the organization or reporter in question.

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19 Datta et al., ‘New Development Finance’, 44.
Similarly, NGO volunteers and Ministry Of Manpower (MOM) officers are also given pseudonyms (see Chapters 5, 6, 7 and 8), except in situations where they have already been identified in news reports or social media references (these include blog posts and Facebook notes, see Chapter 5). The situation is less straightforward for the names of companies cited throughout the thesis, as the names of subcontractors are easier to code than those of major developers and the main contractors involved in high-profile development projects that are easily identifiable. For this reason, the key company referenced in my case study chapters, Hai Xing Construction, is a pseudonym (see Chapters 7 and 8), but others are not. This somewhat complicated compromise is a result of trying to adhere to the requirements of my research ethics application but within the context of documenting events and places that have received considerable media attention in a small country.

**Conclusion**

Temporary labour migration schemes, despite the political promises made, have demonstrated a resilience contrary to the regulatory measures designed to foster transience. While migrant workers may indeed be perceived as the ‘lucky ones’ due to the economic opportunities newly available in their host countries – relative to the lack of such opportunities back home, and in comparison to peers who wish to leave but are unable to – Datta et al. argue that this should not obscure the sobering reality that ‘these migrants are parts of the engine that is driving an inequitable global system, and an unethical shift in global development policies’. Labour injustice is a result of structural inequalities that are ‘socially caused’; it must be accepted as a political issue that is divisive primarily because it involves political struggles between and within groups with competing interests. Discourses that disproportionately emphasize economic costs and benefits to sending and receiving

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120 Ibid., 63.
121 Young, ‘Equality of Whom?’, 15.
countries must be broadened to accommodate growing demands to recognize the rights and wellbeing of migrant workers.¹²²

In his warnings about temporary worker programs, which are predicted to dominate global policy making agendas, Martin asks how international labour migration should be managed, in order to ‘make it legal and orderly’.¹²³ This thesis is motivated by a rather different question: What would an ethically robust framework for labour migration resemble, and how could it guide migration processes so that they result in greater, not lesser, inter and intra-generational equity?¹²⁴ The following chapters are a partial, exploratory and critical attempt to answer that question, a journey that involves problematizing the half-truths that continue to buttress portrayals of temporary low-paid labour migration as a predominantly favourable and indispensable arrangement.

¹²² Piper, ‘On the Eastern Front’, 399-411.
¹²³ Martin, ‘Be My Guest Worker’, 41.
¹²⁴ Inter and intra-generational equity is a core principle of sustainable development, in which intergenerational equity refers to equity between human generations (past, present and future), and intra-generational equity relates to equity concerns among members of a present generation, both domestically and globally. See G.F. Maggio, ‘Inter/Intra-Generational Equity: Current Applications under International Law for Promoting the Sustainable Development of Natural Resources’, Buffalo Environmental Law Journal 4, no.2 (1997): 163-164.
Chapter 2

Researcher Politics and the Politics of Research

This chapter aims to demystify the research processes involved in an ethnographic study on a politically sensitive subject – the exploitation of low-paid migrant workers in Singapore.\textsuperscript{125} The chapter begins by clarifying my (critical) research paradigm before discussing the key tensions involved in what the anthropologist, Shannon Speed, terms ‘critically engaged activist research’.\textsuperscript{126} The challenges of adopting ethnographic approaches are discussed, with specific reference to my fieldwork experiences, including issues of access, research ethics and political action. The final section deals briefly with select ethnographic methods, namely participant observation, documentation and communication.

‘Engaged, Emancipating, Empowering’: A Critical Research Paradigm

A paradigm encompasses a particular worldview and thereby a framework for analysing complexities.\textsuperscript{127} It directs research by deciding ‘what is important, what is legitimate, what is reasonable’.\textsuperscript{128} As they constitute categories of philosophical assumptions – about reality, about methodology, as well as ethics and epistemology\textsuperscript{129} – they influence research choices, choices that are never neutral.

Sarantakos identifies three main paradigms in the social sciences: positivistic, interpretive and critical. This thesis heavily identifies with Sarantakos’ descriptions of a critical paradigm. A critical perspective recognizes dynamism, complexity and contradictions in society, as opposed to the ‘objective structure’ positivists impose on reality; it recognizes human beings’ potential for creativity and political action,


\textsuperscript{126} Speed, ‘Critically Engaged Activist Research’, 66-76.

\textsuperscript{127} Sotirios Sarantakos, Social Research (Melbourne: Macmillan, 1993), 30.

\textsuperscript{128} Michael Q. Patton, Qualitative Evaluation and Research Methods (Newbury Park: Sage, 1990), 37.

even as it acknowledges the oppressive social structures that constrain this. A critical social science is an engaged science that assumes a researcher’s involvement and activism – ‘researchers don’t only study reality; they act on it’.

Critical social science endeavours to expose destructive myths and carries within it a transformative hope – its goals are to understand, to empower, and to ultimately change unjust social structures that dominate and oppress. Rather than being deductive, controlled and value-free, science is viewed by critical researchers as ‘engaged, emancipating and empowering’.

Such a research paradigm shares much with what has been identified as ‘feminist research’, which also emphasizes the value-laden nature of research and the need for reflexivity, reciprocility and political engagement. The research process is viewed as dialectical, a ‘constant motion of deconstruction followed by reconstruction’, and back again; it is incessant, ‘moving between concepts and data as well as society and concrete phenomena, past and present issues, appearances and essence’. Reflexive research is an incremental process of constructing and refining a coherent analytical framework, re-examining, reflecting, correcting and refocusing. This ‘dialectical deconstructive-reconstructive process’ examines structural relations, exposes ideologies driving unexamined assumptions, and seeks to ground the enquiry in a specific and rich context.

A critical engagement with the theory and practice of social science research can lead researchers into ethically contentious territory – to sites of inquiry marked by (cumulative) disadvantage, divisiveness and stark inequalities, including power

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131 Ibid., 30-39, 59.
imbalances between researchers and their research subjects. The tensions and contradictions inherent in activist research, however, should not be concealed or avoided, but embraced and openly scrutinized.

Critically Engaged Activist Research – Embracing the Tensions of Human Rights-Based Research

The intersection of scholarly research with human rights struggles collides with controversies over cultural relativism, individual versus collective rights, research ethics, power inequalities in research relationships and critiques of rights activism. Speed, a researcher and human rights activist working with an indigenous community in Chiapas, Mexico, highlights the problematic tensions between an emphasis on short-term legal goals often favored by activist scholars versus cultural critique approaches which address wide-ranging political questions.

Speed challenges researchers in advocacy roles, suggesting that retreating from a critical analytical focus only serves to entrench neoliberalism, ‘by facilitating the fixing of cultural identities in law and reinforcing the legal regimes that underpin neoliberal power’. The author recommends a collaborative research approach that merges activism and cultural critique – she terms this ‘critically engaged activist research’. By ‘critically engaged’, Speed refers to critical cultural analysis that contributes ‘not just to our theoretical understanding of social dynamics but also to concrete political objectives on the ground’. The term ‘activist research’ refers to the ‘overt commitment to an engagement with our research subjects that is directed toward a shared political goal’. While often treated as distinct, and therefore carried out separately, Speed argues that critically engaged activist research is a way of merging the two in productive practice.\(^{135}\)

\(^{134}\) An explicit rights-based approach can lead to accusations of being ‘unobjective’, if positivist perspectives that value neutrality are dominant. Within rights activism, there are also heated debates over how legalistic approaches are depoliticizing resistance movements and reasserting oppressive structures (more in Chapter 3). See Speed, ‘Critically Engaged Activist Research’, 70, 72.

\(^{135}\) Ibid., 67, 71.
Challenges abound, including the charge of being ‘interventionist’, and considerations over what constitutes ethical/unethical ‘meddling’. Yet, as Speed points out, many social actors are involved in shaping human rights struggles, including researchers – activist research attempts to make such interactions and its effects open to scrutiny. The tensions between universalism and relativism, as well as between individual and collective rights, need to be negotiated, theoretically as well as practically. These are tensions that cannot be resolved. Speed recommends, instead, that we acknowledge the ‘contingent nature of human rights’, and base our actions as researchers on ‘our own “situated knowledges”, our own social positionings’. Further complications arise in the unequal valorization of academic researchers as ‘experts’, and of privileging ‘scientific’ knowledge over local, indigenous knowledge. When academic specialists, rather than those embroiled in human rights struggles, are given the authority to speak, champion and legitimate, it reinforces the hierarchies of knowledge activist researchers seek to challenge. Speed herself confronted this discomforting contradiction when asked to testify as a ‘culture expert’.136

A particularly vexing problem relates to rights struggles and legalism, in which rights struggles, often encompassing and complex, are ‘rendered manageable . . . through delimiting, restricting, and reducing them by definition in laws and regulations’. Legal activists, focused on the short-term goal of winning key cases, need to consider the implications of complicity in such reductionism, or what has also been referred to as ‘strategic essentialism’, in which essentializing identity or culture is viewed as strategically necessary for making practical gains in rights struggles. Speed questions, therefore, whether activist researchers’ short-term focus on immediate political goals jeopardizes their ability to maintain a critical analysis.137

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136 Ibid., 72.
137 Ibid., 72-73.
These political realities were uneasy companions throughout my research journey. Labour rights struggles, which frequently and increasingly involve legal battles, are fraught with tension, as legal strategists, for the sake of potential landmark wins, may resort to ‘legal maneuvering’, rather than issuing broader challenges to legal structures that result in the continued oppression of marginalized workers. Conflicting agendas and political beliefs between and among what could be a wide range of stakeholder groups exacerbate tensions, for commitment to social justice alone rarely guarantees consensus on the processes involved in achieving ‘the ends’. Hierarchical relations between researchers and those directly embroiled in rights struggles, as well as elites in positions of power and influence, further complicate collaborative efforts. Yet these complexities only serve to highlight the importance of acknowledging the problematic contradictions inherent in rights struggles, including a researcher’s involvement in ways that may, in fact, reinforce oppressive structures. Critically engaged activist research, Speed contends, is vital in this regard; it allows such tensions to be managed in ways that are ‘ethically viable and productive’ – this includes ensuring critical and respectful dialogues, anchored with a sense of solidarity. Ultimately,

activist research allows us to merge cultural critique with political action to create knowledge that is at once empirically grounded, theoretically valuable, and contributes to the ongoing struggle for greater social justice.\footnote{138}{Scott L. Cummings, ‘Hemmed In: Legal Mobilization in the Los Angeles Anti-Sweatshop Movement’, \textit{Berkeley Journal of Employment and Labor Law} 30, no.1 (2009): 73.}

This approach is not prescribed as a solution to the problems posed. Speed does not make false promises about resolving contradictions and tensions, but reminds us of the need to be alert and accountable to their presence. For a researcher who has found herself grappling with the strain of engaging in politically motivated research, Speed’s approach has provided an ‘ethically and practically warranted’ guide for managing the fraught endeavor that activist research frequently is.\footnote{139}{Speed, ‘Critically Engaged Activist Research’, 74-75.}

\footnote{140}{Ibid., 75.}
Ethnography – Up Close and Political

Ethnography is the primary methodology employed for this study, although Brewer believes ethnography is more a ‘style of research’, in which ‘method and methodology are interpolated . . . to the point of being almost indistinguishable’.141 The motivations behind this research align it with what has been termed ‘critical ethnography’, which seeks ‘the unmasking of power structures’ and aims ‘to empower and emancipate’.142 Payne and Payne suggest that while traditional ethnographers were concerned with creating detailed records of daily life, for contemporary researchers, ethnographic evidence contributes to the development of theoretical ideas.143

Ethnography was a choice to engage with ‘“real world” messiness’, of participating in the ‘struggle to produce inter-subjective truths, to understand why so many versions of events are produced and recited’.144 There is an explicit focus on sociopolitical contexts, and cultural patterns are significant means to understanding social processes. This form of ‘naturalism’ allows researchers to determine ‘the cumulative effect of multiple forces on people’s actions’, a contrast to research that isolates individual factors.145 Extended periods of time are spent immersed in a particular setting in order to understand the fragments of a social or cultural system,146 through the use of observational techniques, as well as through the direct participation, both overt and covert, in people’s daily lives.147 Unlike social surveys, which are brief encounters, Payne and Payne describe ethnography as involving a ‘prolonged, systematic, first hand and direct encounter with the people concerned, as

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143 Ibid.
144 Crank and Cook, Doing Ethnographies, 14.
they act out their lives in a range of interactional contexts’.\textsuperscript{148} Participant observation, the primary method, is supported by supplementary sources of information – informal conversations, individual or group interviews and documentary materials.\textsuperscript{149} Contemporary ethnography commonly involves ‘triangulation of methods’, whereby immersion, detailed note-taking and participant observation is complemented with ‘personal documents, vignettes and discourse analysis’.\textsuperscript{150}

Ethnographic studies of work and workplaces are particularly demanding, and pose various practical challenges. Direct observation is time-intensive, gaining and maintaining access to research sites is often difficult, and managing different stakeholder groups ‘requires a great deal of political skill and interpersonal sensitivity’.\textsuperscript{151} Even if access is gained, detailed recording, particularly if one strives to be unobtrusive, can be problematic. Fieldwork success thus ‘requires persistence, trial and error, and a certain amount of luck’.\textsuperscript{152} These observations apply to my own fieldwork experience, which could be described as ‘intermittent, partial and disrupted’.\textsuperscript{153} The following sections detail three key issues that dominated and influenced the research process – \textit{access, ethics} and \textit{political action}.

\textbf{Access to Organizations: Work Your Way In?}

My fieldwork, conducted in phases primarily between 2006 and 2010, involved various changes. While my central case study (see Chapters 7 and 8) involves Chinese migrant construction workers hired by a particular subcontractor, this focus only developed at a much later stage (from October 2008, to be precise). My initial intent was to research low-paid labour in the hospitality industry more broadly. Frustrated attempts to gain access to this group of under-represented and under-

\textsuperscript{148} Payne and Payne, \textit{Key Concepts}, 73.
\textsuperscript{149} Giampietro Gobo, \textit{Doing Ethnography} (London: SAGE, 2008), 5.
\textsuperscript{150} Brewer, ‘Ethnography’, 100.
\textsuperscript{151} Friedman and McDaniel, ‘Eye of the Beholder’, 121.
\textsuperscript{152} Ibid.
studied workers prompted me to apply for a low-paid service job;\textsuperscript{154} but the actual experience revealed other dimensions of access in the social and cultural domains that were closed to me. Operating in a hierarchical society where social stratification is pronounced meant that overcoming sociocultural barriers was challenging. This was the case when I was ‘studying up’\textsuperscript{155} power elites – an emerging research area posing its own set of methodological challenges\textsuperscript{156} – and equally pervasive when I was interacting with low-paid workers.

From their experience of researching international hotel groups, Okumus, Atlinay and Roper note that gaining and maintaining access is a key issue for in-depth qualitative case studies and requires considerable time, effort and patience. In general, organizations are ‘dynamic and complex places’ suspicious of outsiders, especially those armed with ‘sensitive and awkward questions about firms and managerial actions’.\textsuperscript{157} While there have been instances of academics gaining access to ‘sensitive’ workplaces\textsuperscript{158} (for example, Grey’s study of meatpacking plants)\textsuperscript{159} as consultants, or through personal connections,\textsuperscript{160} such strategies for access ‘are not

\textsuperscript{154} I responded to an advertisement for night shift (11pm-6am) kitchen cleaners and chambermaids for five-star hotels. The hotels had outsourced these functions to a contract cleaning company, who placed the advertisement. The salary offered was $825 a day, which works out to about $63.50 (USD$82.83) per hour. We signed our employment contracts on the spot, just before starting the shift, and were not given a copy.


\textsuperscript{158} Burawoy reflects on the ethnographies he conducted of industrial workplaces in over 40 years of research, from working in a mining company in Zambia in 1968, to becoming a machine operator in a Chicago factory in 1974, to varied stints in Hungary between 1982-1988 (including at a steel works factory, where he worked as a furnace man for 11 months), and an intense two-month study of a rubber plant in Russia in 1991. See Michael Burawoy, ‘Ethnographic Fallacies: Reflections On Labour Studies in the Era of Market Fundamentalism’, Work, Employment and Society, 27, no.3 (2013): 526-536.


\textsuperscript{160} Pun Ngai, who is known for her groundbreaking ethnographic research on female factory workers (‘dargonme’, or ‘working girls’) in China, worked in an electronics factory from November 1995 to June 1996, on the production line. She managed to get access and approval for this as the
always appropriate for every situation and for academics at different stages in their careers’. Consultancies are generally awarded to academics with established careers and contacts. Progressive organizations may see the value in collaborating with independent and critically-minded researchers, but this has generally not been the case in Singapore, my field study site, where ‘closed-door’ attitudes prevail. Negotiating access, therefore, has been a crucial determining aspect of my fieldwork.

While I managed to obtain permission from my university ethics committee to undertake direct participant observation, it soon became clear that gaining physical access is just one aspect of the difficulties of participant observation. As noted by Johnson, Avenarius and Weatherford, a major difficulty facing an ethnographer in the field is ‘his or her status as a stranger or outsider to the social system under study’. This ‘outsider’s status’ can severely limit access to information and ‘the success or failure of a project may hinge on the ethnographer’s ability to deemphasize such a status’. Other problems facing the fieldworker in a particular setting include production constraints, language, social stratification, degrees of social homogeneity, government influences, the need to establish working relationships with particular ethnic groups, and the cultural groups’ experience with previous scrutiny. Payne and Payne note the ‘over-confidence’ of researchers regarding their acceptance into social groups and their ability to grasp cultural meanings, pointing out that ‘some sub-settings will remain closed’. For example, young males may be ostracized by mother and toddler groups, women continue to be viewed as purveyors of ‘bad luck’ in certain social settings, persons in positions of racial or material privilege may be viewed as unable to empathize with those who are stigmatized and socially excluded.

company director, also a major shareholder, was a good friend of her family. See Pun Ngai, Made In China: Women Factory Workers In A Global Marketplace (Durham, NC: Duke University Press, 2005), 16.


163 Ibid.

164 Ibid.

165 Payne and Payne, Key Concepts, 75.
In my case, I was denied access to informal banter and gossip (the ‘hidden transcripts’ of the workers) due to my inability to speak Malay, which most of the workers communicated in. While most of them spoke (at least) a basic level of English, the preference to chat in their ethnic tongue meant I could gain verbal information only by asking specific questions. Further thwarting my imperative to be an ‘unobtrusive’ observer was my demographic misfit. Among the other local workers, I was a bit of a curiosity by virtue of my race (Chinese), manner of speaking (English-educated) and residential address (a visibly middle class suburb). During our coffee break, I received stares and a similar series of questions in the staff canteen: ‘Chinese?/’Married?’/’What do you do?’ [sic]/’Where you stay?’ [sic]. I was also asked questions I could not answer convincingly – for example, ‘Your English is good, why are you working here?’

My clumsy efforts to ‘deemphasize’ my outsider status only served to accentuate how class-conscious and socially stratified we were as a society. The strain of secrecy made me nervous and created a barrier – whether real or perceived – to building rapport with other workers. Filled with anxiety after I caught the supervisor eyeing me with apparent suspicion, I hastily decided to discontinue until I had worked out a longer-term strategy for gaining and maintaining access. A key concern was the ‘worst possible outcome’ of researching working conditions – the possibility that a worker might lose their job as a result of sharing information.

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166 Malay is one of the four official languages of Singapore (along with English, Chinese and Tamil). My second language in school was Chinese, but most of the service workers in that particular establishment were either Malay Singaporeans or Malaysians (both Indian and Chinese Malaysians, who spoke Malay as well as their own ethnic languages), which led to a preference for communicating in Malay. It was also mostly women. Some time after my stint in September 2007, it appears the company had started to hire contract cleaners from China; the company’s administrative manager was charged in September 2011 for making false salary declarations in the hiring of these migrant workers so as to qualify for the requisite work passes (see Chapter 4 for more on Singapore’s work pass system and issues of ‘semi-compliance’).

167 This anxiety was exacerbated by the fact that the two-page contracts we had to hurriedly fill in, sign and hand over had asked for extensive personal information (our Singapore identity card numbers if applicable, date of birth, address, race, highest educational qualification, and family details including the occupation of immediate family members such as parents and siblings). Also, the supervisor retained our identity cards for ‘cross-checking’ till the end of our first shift.

In retrospect, almost six years since the event, regret lingers: much could have been gained from greater tenacity in dealing with the ethical concerns raised by participant observation under cover. Many of the anxieties I carried as an early researcher – ‘fitting in’, establishing rapport, managing social/power relations – are not unique to covert research. In fact, ethical dilemmas remained a constant companion throughout the twists and turns of the research process.

*Playing Detective-Researcher – The Ethics of Investigating Unethical Practices*

Investigating employment conditions and codes of conduct through value chain mapping in a globalized economy is ‘a complex process, [involving] piecing together a wide range of information from diverse sources, much of it informal or anecdotal’. It therefore requires ‘the skills of a detective as much as a researcher’.169 Not only was obtaining access to organizations complicated, so too was gaining information about complex corporate structures, determining liability, and understanding causal relationships between business strategies and political decisions. When it comes to obtaining evidence of labour exploitation, it can be difficult verifying verbal accounts by workers, who are frequently bereft of critical documents required to back up their claims. For example, despite plenty of anecdotal evidence, it was extremely challenging – if not impossible – to procure absolute proof of illegal payments (‘kickbacks’) extracted from migrant workers by recruitment agents and employers; paper trails are either avoided or else salary slips vaguely or deceptively itemized.

In the exploratory phase of this thesis, some visits were made to employment agencies to determine recruitment processes for low-paid migrant workers. This was generally low-risk research but somewhat deceptive in my expressions of interest, as a ‘potential employer’, in hiring workers. In one agency, breaches of employment regulations regarding minimum salary benchmarks were accepted. Matter-of-factly, the recruitment agent admitted ‘about 50 percent’ of her clients paid less than the legally stipulated salaries, but ‘this is between you and your

169 Ibid., 61.
worker; we don’t have to know’. Generally, their imperative was to convince employers to sign on for agency services rather than safeguard the wellbeing of the agency’s other clients, namely, migrant workers seeking overseas employment opportunities, who are in fact the ones paying the bulk of agency fees. I was also encouraged to hire workers of ‘X’ nationality rather than ‘Y’, because workers from ‘Y’ country are ‘not so nice looking’.\footnote{170}{Conversation with a local recruitment agent, October 24, 2008.}

In some cases, I was advised, as a potential employer of a migrant domestic worker, to engage in exploitative practices such as denying days off; withholding salaries until the two year contract was completed (for the worker’s ‘own good’); and banning mobile phones (it will cause ‘much headache’).\footnote{172}{In September 2007, I visited six local employment agencies and expressed interest in hiring a foreign domestic worker. These comments were made during those visits. Three out of the six said no to days off for the domestic workers they placed (two said it was up to the employer, one said yes for all Filipino domestic workers and experienced Indonesian domestic workers, but only after their loans were fully paid up, which could take up to seven months). Four out of the six advised against allowing domestic workers to have mobile phones. These were relatively established employment agencies, some with several branches.}

When it came to the recruitment of foreign students for low-paid work placements via private educational institutions,\footnote{173}{These anecdotes are based on visits to four private schools, as well as the attendance of two recruitment drives by a private school (one for potential students, the other for student recruiters) in September–October 2007.} there were questionable promises of extended work stints (most likely illegal); monthly salaries (termed ‘allowances’) ranged from S$500 to S$800 a month. There was even one offer from a private hospitality school of on-the-job training (OJT) for female overseas students at karaoke lounges, where female ‘hostesses’ ply men with drinks and, in certain cases, sexual services.\footnote{174}{Teh Joo Lin, ‘Illegal KTV Hostesses Living On The Edge’, \textit{Straits Times}, January 11, 2011.}

There were limits, though, to how long this investigation could be sustained. Despite my commitment to uncovering ‘worker truth’, there was residual guilt and
some apprehension. On several occasions, I was greeted with mild to overt suspicion, limiting interactions. There was also concern about future impacts – was I, as Whitfield and Strauss put it, ‘fouling the collective nests of researchers’? There was a constant tussle between almost contradictory requirements to determine ‘the truth’ about accounts of unethical practices, but in as ethical a way as possible. At a later stage, I did manage, via a mutual acquaintance, to locate an ‘ethical’ recruitment agent who was willing to speak to me. However, this was facilitated by our shared commitment to ethical recruitment practices. In instances where there is a clear values clash, transparency of motives may result in the withholding or altering of information, even outright hostility. Ultimately, this was the heart of my dilemma: How does one behave as an ethical researcher when investigating unethical practices? Institutional requirements for ‘ethical research’ placed demands on me to be explicit about my research objectives and methods. This, however, presupposes strong stakeholder support for the research project to succeed.

It may appear ironic that some level of dishonesty is required to uncover ‘truth’. Yet the practical reality is that certain types of truth cannot be uncovered through transparent approaches. The way an unethical recruitment agent ‘markets’ a worker to a potential employer will be markedly different from how that same agent relates to an investigative reporter, researcher or enforcement officer. This is why investigative journalists often find it necessary to pretend to be potential customers, clients, employers or employees. Practical concerns in such instances may range from ‘blowing one’s cover’, to personal safety and libel. Such undercover research is generally accepted as justifiable where it is pursued in the wider consumer/community interest. Reporters routinely take risks to expose a ruse. Are these, however, legitimate approaches for academic researchers and how far do institutional boundaries concerning codes of conduct stretch?


In ‘Ten Lies of Ethnography: Moral Dilemmas in Field Research’, Fine argues that ‘all trades develop a body of conceits that they wish to hide from those outside the boundaries of their domain; so it is with ethnographers’. As Fine points out, ‘the illusion of being more sympathetic than we are aids research but is deceptive’. Investigative research further limits informed consent – the information provided is often less than what subjects would wish to know, and what researchers recognize they should report. According to Bello, ‘to really do good research, you sometimes have to break the law’. Bello’s groundbreaking bestseller, Development Debacle: the World Bank in the Philippines, was based on documents he and colleagues stole from the World Bank offices in the Philippines. As Bello relates, the World Bank was ‘very non-transparent. When you tried to figure out what this giant institution was up to, all you got were sanitized press releases’. In the end, Bello and some colleagues resorted to breaking into the offices, taking documents over a three-year period. The book has been credited, says Bello, for mobilizing the middle class against the Marcos regime.

It remains unclear to me what practical ethical strategies exist for extracting ‘truthful’ information from those with vested interests in keeping such information hidden, particularly when they remain protected by those in positions of power. In cases where exploitation and oppression are allowed to persist, due in part to the censorship or withholding of information, a broader question should also be asked: whose interests are protected if risks are not taken to gain such information? Is it really theft when we strive to obtain evidence that should not be kept secret in the first place? In such situations, ethical considerations should strive equally for fairness and justice as balancing principles, as well as an acute awareness of power imbalances that exist between those ‘in-the-know’ and those ‘trying-to-know’.

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178 Ibid., 271.
180 Ibid., 437.
Losing Focus or Gaining Perspective? From Participant Observation to Political Action

In October 2008, as a volunteer with a local migrant worker non-governmental organization (NGO), I met Ren and Tung, migrant construction workers from China who were building a prestigious new tourism development. Squatting by the corner of a gilded skyscraper in the Central Business District, the two men, with their worn attire and anxious demeanour, cut incongruous figures. I approached the men to hand them helpline cards, with a local number to ring for assistance. Initially taken aback by my intrusion, they gradually opened up, and conversation shifted to their employment situation. The men revealed that they had stopped work. Having worked in Singapore for almost half a year, they were deeply unhappy with their working conditions. They worked long hours, every day of the month, and received no overtime pay; their wages were withheld for three months. Now, the men wished to resign but their company, Hai Xing Construction, was penalizing them by deducting ‘breach of contract’ fees. Instead of being given what they were owed in wages, the men ended up owing their company money. Having toiled for months on backbreaking shifts, the suggestion they now owed their company money was viewed by the men as outrageous.

This proved to be a dramatic turning point in my dissertation journey. The encounter led to interaction with growing numbers of migrant workers involved in employment disputes. Between October 2008 and January 2009, I met with over 60 migrant workers from China. Eventually, as I grew more involved in the case – primarily as an NGO volunteer case worker, rather than academic researcher – I got to know more Hai Xing workers, including Yong and Shen, who decided to take their employer to Labour Court in June 2009; when that produced unsatisfactory results, the case proceeded to High Court, where it was heard almost a year later, in July 2010. These involvements formed the basis of my central case study and are detailed in Chapters 7 and 8.
One concern was my twin role as researcher and NGO volunteer. I wondered whether workers would view me as having a hidden agenda, of assisting them for the sake of mining ‘data’. I also grew increasingly confused by my multiple roles as researcher/NGO volunteer/activist and was aggravated by the difficulties of fulfilling each role simultaneously. As DeLyser notes, ‘when insider researchers choose topics in which they are deeply embedded in their personal lives, the entanglements can become difficult to unravel’.\textsuperscript{181} The overlap of roles can prove arduous, as researchers divide their time between the pursuit of longer-term academic achievements and the often pressing and immediate objectives of activist campaigns. Roca-Servat, a union organizer and, later, graduate researcher, revealed that it was difficult writing about her research on a union organizing campaign for Latino migrant construction workers as ‘both an insider and an outsider to the object of inquiry’. Roca-Servat managed the tensions by being as attentive and carefully descriptive as possible, and through practicing a ‘reflexive sociological approach’ to her study.\textsuperscript{182}

Over time, this arrangement proved to be less of a concern than a satisfying means of achieving multiple goals as a critically engaged activist researcher. I informed migrant construction workers I was assisting about my status as a graduate student writing a thesis about low-paid migrant labour. This news was greeted in a number of ways – some were nonchalant, others quite enthused (assisting me by conspiratorially collecting ‘evidence’); one worker requested a copy of my chapter detailing their plight. At all times, the priority was their case and its resolution; the process of ‘data production’\textsuperscript{183} was determined largely by the demands of each dispute. In the process of resolution much time was spent with workers calculating complex salary claims, translating documents, explaining court procedures and examining local labour laws. I also attended Labour Court hearings for months at a


\textsuperscript{183} Ramazanoglu and Holland, Feminist Methodology, 154.
stretch, taking detailed notes and translating the proceedings to the workers after each hearing. A close working relationship was forged with local migrant worker organizations, and insights gained were shared for the purposes of public and policy advocacy. Anxieties also lessened as I started encountering, with greater frequency, research that merged explicit activist involvement with scholarly analysis, particularly in the area of migrant worker organizing. 184

This manner of ‘full participation’, as opposed to ‘passive participation’, is increasingly being recognized as a valid means of doing ethnography. Johnson et al. cite examples of ethnographers engaging in various types of work ‘to lessen conspicuousness and aid in establishing rapport’ – one worked as a line corrections officer in a maximum security prison, another trained in a police academy in order to study the police. I underwent six weeks of helpline training along with other volunteer case workers in the NGO, in which we were briefed on local labour laws relevant to migrant workers in Singapore. This form of participation rewards ethnographers with a ‘culturally understandable identity’. In fact, these roles – rookie officer, volunteer case worker – enhance that of ethnographer, granting access to information and observations closed off to other researchers. The obligations they demand also accentuate ethical and activist commitments beyond academic objectives. It has been noted, however, that a researcher’s choice for a more active role is frequently ‘an evolutionary process rather than an a priori choice’, for it is usually the case that an ethnographer ‘move[s] naturally from a peripheral role to a more active role in the course of the ethnographic process’. 185

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This certainly described my experience, where levels of involvement accelerated as workers’ disputes unfolded. It was not only an intense fieldwork period, it was also a time of rapid political awakening. I was little prepared for stormy confrontations as I became further drawn into the battlefield (I was shooed off one ministry’s premises, yelled at by employers and intimidated by case officers). My ‘well-planned’ field trips were frequently extended and at one stage I applied for a temporary suspension of my studies. Witnessing workers’ daily indignities and thwarted attempts at justice for an extended period of time afforded invaluable insights into the entrenched structural problems as well as the sociocultural barriers many migrant workers face in my country. A key motivation was concern for these ‘client-informants’, for whom that label grew increasingly deficient.

The issue of getting close to participants and the impacts on our research is another topic that should, perhaps, be discussed more openly. For Tunnell, ‘getting close to participants means confronting, with head and heart, the myth of value-free sociology’. The decision to safeguard a participant-turned-friend is not the result of ‘some rational standard of scientific evaluation’ but of ‘emotion work’. As scholars, the relational and emotional aspects of our work are rarely emphasized. The dominant positivist paradigm that drives mainstream research prizes objectivity – subjective elements like ‘emotion’ tend to be ignored or disparaged as ‘unprofessional’. Blee, a researcher who studied racist activists in organizations such as the Ku Klux Klan, argues that qualitative research on social movements will

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187 Ibid.


benefit from greater attention to the ‘emotional dynamics of fieldwork’. Milton, an anthropologist with a special interest in exploring the relationship between human emotions and environmentalism, argues that ‘emotions are fundamental to human life; they define its quality and motivate action’. This extends to the research experience as well: our emotional responses to our research subjects, the landscapes we explore, and the conditions we work under affect the dynamics of our fieldwork experience, inadvertently influencing our subsequent interpretation of it.

My fieldwork was marked with incredible highs and lows. There was deep frustration and despair as group after group of workers were repatriated without their rightful salaries, returning home to huge debts and disappointed families. Despite my best attempts at diffusing expectations, I was sometimes treated with ‘unwarranted deference’ by migrant workers, who believed that as an English-speaking local, and an NGO volunteer, I wielded some influence over the outcome of their cases. The feminist impulse to institute more egalitarian or collaborative approaches collided with ‘barriers . . . lodged within deeply rooted mechanisms of social stratification’, in a deeply stratified society.

My growing involvement also led me to reevaluate the obligations of researchers who confront daily injustices and rely on information from persons in distress. Davis, for example, takes the view that ‘when research agendas address issues of inequity, there is a responsibility to use the information in the service of social change’. Identifying herself as a ‘politically engaged anthropologist’, Davis seeks to ‘link thought, research and action’ in her work, or what she terms ‘pracademics’. Academics are viewed as active, multidimensional participants in the research process, for we are ‘critics and scholars in the academic world; we work for

193 Ibid., 340.
communities, movements and operational institutions . . . and we are linked to
direct action as members of a community or social movement’. It is an honest
description, one that diminishes the artificial boundary between academics as
‘scholars’ and activists as ‘political actors’, and any suggestion that the two are
mutually exclusive.

At the same time, public expectations are placed on academic researchers to appear
impartial, regardless how ‘false this perception may be’. This is particularly so in
the fraught area of labour relations, where ‘much information is kept confidential,
the environment is highly politicized, and strained relations can easily be
disrupted’. In such instances, Friedman and McDaniel believe additional effort is
required ‘to ensure that the researcher is perceived as politically neutral’, so support
for the research can be gained ‘from both sides’. This ‘balance’ was not only
challenging, it was, towards the end, impossible to maintain. After some time, my
visibly activist stance either made it difficult for me to secure interviews with
political and business elites, or else changed the tenor of the interviews.

When non-interventionist, non-partisan paradigms are valorized in the
sociopolitical setting in which research takes place, adopting an activist stance can
expose researchers to attacks on their academic integrity. For Wakefield, a dilemma
arises when criticisms about a perceived lack of objectivity threaten to diminish the
effectiveness of the organization or campaign with which a researcher is publicly
involved. The means, for Wakefield, are just as important as the ends, and ‘critical
praxis’ requires researchers to negotiate potential trade-offs and pay ‘appropriate
recognition to “what we are” . . . and how that intersects with where we find
ourselves’. This remains a difficult and on-going struggle.

196 Friedman and McDaniel, ‘Eye of the Beholder’, 123.
197 Ibid. 123.
Speed views activist research as ‘overtly interventionist’ and acknowledges that a researcher’s concern for a community’s wellbeing does not negate the possibility of adverse consequences. At the same time, Speed points out that communities – particularly the ones viewed as vulnerable – interact with a variety of social actors anyway; activist research makes these interactions ‘open to definition and the effects open to scrutiny by both the researcher and the community’.199 For Speed,

an activist engagement with research subjects, at a minimum, demonstrates a shared desire to see their rights respected, a promise to involve them in decisions about the research, and a commitment to contribute something to their struggle through one’s research and analysis.200

I have claimed, at the opening of this chapter, that I aspired to critically engaged activist research; ambiguity lingers, long after the field research, over what I have actually achieved. While I certainly shared a desire for low-paid migrant workers’ rights to be respected, I would hesitate to claim they wielded a significant decision-making role in my research and its product (this thesis). Despite explicitly positioning myself as adopting an activist perspective, the research process has been less inclusive and emancipatory than a radical feminist methodology would demand. Davis, for example, translates her views of politically engaged anthropology into research principles that emphasize ‘inclusion, equal rights and equal access’.201 In such instances, research tools are developed to empower marginalized social groups who are partners in the research process. Nonetheless, I was engaged in advocacy for migrant workers in Singapore at several stages of this study. These efforts included contributing to NGO research projects and a submission to the United Nations’ Special Rapporteur on Contemporary Forms of Racism.202 I also participated in campaigns to improve migrant workers’ living and working conditions, sometimes through the use of ethnographic material outside of

199 Speed, ‘Critically Engaged Activist Research’, 72.
200 Ibid., 71.
academia, on platforms such as citizen journalism websites, personal blog posts, and through writing letters to the newspapers.

Finally, a qualifying caveat is necessary – an extensive and supportive network made fieldwork of this nature possible and sustainable. Institutional contexts bear considerable influence on research choices, particularly when funding is involved. I was fortunate to have supportive supervisors comfortable with unorthodox research methods and accepting of unexpected changes to research schedules due to the protracted nature of the workers’ salary and legal disputes. As research was done in my country of residence, certain practical concerns were avoided, such as the need to constantly extend visas (or the risk of being denied one), and finding a place to stay on short notice and over unpredictable lengths of time. While I was an ‘outsider’ with regards to the migrant worker community, I was familiar to one key set of gatekeepers – local migrant worker NGOs – as I had already been a volunteer prior to undertaking my PhD. While fieldwork can be – and certainly was, on many occasions – an ‘anxiety-provoking endeavor’, familiarity and a network of kin and like-minded activists greatly facilitated the often urgent need to locate resources for


205 The titles of these letters were determined by newspaper editors and reflect local usage of the terms ‘helper’, ‘maids’ and ‘foreign workers’. See Stephanie Chok, letter to the editor (‘Asking Helper to Sleep in Living Room Contradicts MOM Guideline’), Forum, Straits Times, February 5, 2013; Stephanie Chok, letter to the editor (‘Punish Criminal Acts But Deter Errant Bosses, Too’), Voices, TODAY, July 29, 2011; Stephanie Chok, letter to the editor (‘Let There Be Transparency in ‘Blacklisting’ of Workers’), Voices, TODAY, June 7, 2011; Stephanie Chok, letter to the editor (‘Cut Maid Levy, Beef Up Pay’), Forum, Straits Times, February 14, 2011; Stephanie Chok, letter to the editor (‘Maids With “Attitude”? Employers, Look in the Mirror’), Voices, TODAY, January 24, 2011; Stephanie Chok, letter to the editor (‘Victimised Migrant Workers – Protect, Don’t Punish’), Forum, Straits Times, August 21, 2010; Stephanie Chok, letter to the editor (‘Stricter Measures Needed’), Voices, TODAY, January 12, 2010; Stephanie Chok, letter to the editor (‘They’re not Cargo’), Voices, TODAY, August 21, 2009; Stephanie Chok, letter to the editor (‘Exploited Foreign Workers – Let’s Acknowledge the Underlying Reasons for Leaving Jobs’), Forum, Straits Times, June 18, 2009.

206 Ramazanoglu and Holland, Feminist Methodology, 149.

207 Johnson et al., ‘Active Participant Observer’, 112.
migrant workers in distressed situations; the sense of solidarity was also a welcome source of comfort when faced with an onslaught of demoralizing outcomes.

**Ethnography – Observation, Documentation, Communication**

**Participant Observation**

Participant observation included a wide range of settings: from sitting in on Labour Court proceedings and a High Court hearing, to waiting alongside migrant workers at the Ministry of Manpower for their turn at mediation, or at hospitals for medical treatment; institutional settings aside, there were less formal occasions such as meal times for ‘hanging out’ with participants.\(^{208}\) During a particularly harrowing period in November and December 2008, events included forceful removal of migrant workers by a repatriation company, their detention by immigration authorities and time spent in police custody (see Chapter 7); my involvement thus included interacting with repatriation agents and police as well as immigration officers.

For the business ethnography aspect of this research (see Chapter 9), I attended five Corporate Social Responsibility training courses,\(^{209}\) two CSR conferences (one in Singapore, another in Thailand),\(^{210}\) one Human Capital Summit (which included a forum on tripartism organized by the National Trades Union Congress),\(^{211}\) a Social Venture Philanthropy workshop,\(^{212}\) a workshop on Access to Remedies for Corporate-Related Human Rights Impacts in Southeast Asia,\(^{213}\) and numerous corporate social responsibility-related talks and lectures organized by CSR

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\(^{208}\) Roca-Servat, ‘Justice for Roofers’, 345.


\(^{211}\) Organized by the Ministry of Manpower and the Workforce Development Agency, the inaugural Singapore Human Capital Summit was held in Singapore on 22 October 2008. The National Trades Union Congress’ Roundtable on Tripartism was held on 23 October 2008.

\(^{212}\) The Social Venture Philanthropy talk and workshop was organized by the Lien Centre for Social Innovation on 27 November 2008.

\(^{213}\) This two-day workshop, organized by the Centre on Asia and Globalization, Lee Kuan Yew School of Public Policy, National University of Singapore, took place on March 28-29 2011.
organizations in Singapore,\textsuperscript{214} the most recent being a ‘Multi-Stakeholder Forum on Business and Human Rights’ (BHR) in May 2013.\textsuperscript{215} These were mostly programs targeted at the corporate sector (with the exception of the Social Venture Philanthropy and Access to Remedies workshops) and were usually sponsored by high-profile multinational companies. Attending these events offered the opportunity to ‘study up’, and gain perspectives on the status of CSR and labour rights discourse, locally as well as regionally. This was especially important as official interviews with public sector or corporate representatives were few: there was an interview with the Executive Director of Singapore’s national CSR society, two with union representatives, and another with a Ministry of Manpower official (who declined a follow-up interview after discovering my NGO affiliations). In mid-2010, due to a family connection, I was able to interview a human resource officer as well as a management supervisor of a local construction company; through mutual friends, I also managed to speak with two other professionals who worked in the construction industry, and one employment agent who professed to run an ‘ethical recruitment agency’. Unexpectedly, Vivien, the 老板娘 [lady boss] of Hai Xing Construction, approached me for a talk after the Labour Court hearings concluded, a surprising but valuable opportunity to hear from ‘the other side’.

In 2007, I also attended a Business and Human Rights training program in Indonesia run by a non-governmental organization,\textsuperscript{216} in which I was able to meet with civil society activists from around the region. This capacity building program, which sought to improve human rights education and awareness, was a welcome opportunity to engage in discussions with activists and gain knowledge on the availability and limitations of legal instruments for rights advocacy. The grassroots

\textsuperscript{214} These include talks and lectures with titles such as ‘Catch the Business Competition Sleeping – Your Next Innovation Looks Good, Sells Good and Does Good!’ (October 2007), ‘The Real Purpose of Industrial Organizations’ (September 2007), ‘Responsibilities and Challenges for Small and Medium Enterprises’ (September 2007), ‘CSR as a Competitive Advantage: The Fuji Xerox Experience’ (November 2008) and ‘Demystifying the Business and Human Rights Agenda’ (September 2009).

\textsuperscript{215} The Multi-Stakeholder Forum on Business and Human Rights was organized by the Singapore COMPACT, and was held on 28 May 2013.

\textsuperscript{216} The training program, ‘Human Rights Advocacy and Business – A Training Program for Community Advocates’, was organized by the Diplomacy Training Program, an NGO that seeks to advance human rights in the Asia Pacific region, and held in Indonesia from 20-25 August 2007.
challenges faced by human and environmental rights activists in the region served as a stark contrast to the glibness with which gross rights violations were depoliticized or omitted in the corporate social responsibility events and conferences I subsequently attended. This straddling of different ethnographic personalities may have been strenuous, but it provided the impetus to confront the contradictions I was witnessing between corporate and state rhetoric versus the daily empirical realities of low-paid migrant workers.

When it came to low-paid migrant workers, there were no ‘formal interviews’ as such. My encounters with migrant workers were very much centred on their labour disputes, and their immediate needs shaped the nature of our interactions. It was the prolonged nature of my immersion in some of these cases that allowed a greater variety of conversations to take place over time; it also allowed me to ask follow-up questions related to emerging themes. While the case study chapters highlight events that took place from October 2008 to July 2010, in actuality, I never left ‘the field’. Desmond questions the artificiality of any bounded construction of ‘fields/spaces of study’, for they are hybrid, and ‘not in the least fixed, homogenous and distinct from each other, the research and myself’. Throughout the writing process (intermittently from 2007-2009, more intensely from 2010 to late 2013), regular communication took place with persons involved in migrant worker advocacy, and I have continued to maintain an active interest in the discourse surrounding low-paid labour migration in Singapore. Insights gained from participant observation were complemented with other relevant sources of information, including informal conversations, newspaper articles, NGO case studies and reports, and attendance at NGO events.

Finally, playing a significant yet concealed role in the ‘making of’ this thesis are many displaced voices and stories that have shaped perspectives and the contours of what has finally emerged. My personal involvement with migrant worker

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217 Desmond, ‘Methodological Challenges’, 263.
218 Ibid., 264.
advocacy allowed me to attend closed-door meetings with bureaucrats, private meetings with lawyers, and meet a diverse range of migrant workers entangled in a variety of stressful situations. I have read confidential exchanges, witnessed ethically contentious negotiations and been privy to rather scandalous – but difficult to substantiate – rumours and accusations. These encounters and conversations have not been directly ‘translated into academic knowledge’\textsuperscript{219} – I am also bound by corresponding ethical obligations as an NGO volunteer – but they have left an indelible mark on this research.

\textit{Documentation}

Documentation was especially challenging and happened in a number of ways. In formal settings such as in Labour Court or High Court, I would take written notes of proceedings; I also obtained a copy of the Labour Court proceedings as recorded by the Commissioner of Labour (see Chapter 8). During informal interactions with migrant workers – such as sharing a meal – note-taking would have been inappropriate; I would record aspects of the conversation as soon as possible after it had taken place. Documentary evidence, in terms of work records, employment contracts and pay slips, was obtained with the permission of the workers. However, migrant workers were often denied such evidence by their employers, and the Labour Court hearing, in which the employer was compelled to produce this evidence, was an important and instrumental event that allowed access to such data. Yet it was not just records that were studied, but the nature of interactions – the tensions, the confrontations, the ways in which coercive realities were mis/understood and dismissed; these were the rich ethnographic rewards for being present.

\textit{Communication}

While my spoken Mandarin is adequate for simple conversation, I can only read basic Mandarin and my written Mandarin is poor. This meant that I would take notes in English, despite conversing with migrant workers in Chinese; words or

\textsuperscript{219} Ibid.
phrases that I could not translate, I would note phonetically in hanyu pinyin\textsuperscript{220} and seek translation assistance later (though I did try to have a bilingual colleague present during particularly important conversations). This was a disappointing aspect of the research and I would have strongly preferred to be more proficient, language-wise. I carried an electronic English-Chinese dictionary and verified critical facts with others who were effectively bilingual. Information sent via text messages was similarly translated with assistance, as were other written documents in Chinese, such as employment contracts.

A fellow researcher once pointed out three aspects of translation: 信, 达, 雅. In translating something, one strives for veracity, but this has several dimensions. The translation needs to be accurate but also sensitive to the intent and emotional tenor of the original speaker/writer; this is why translation work is difficult, and sometimes regarded as more of an art than a science. Despite my limited language capabilities, I hope my translations, with the indispensable assistance of others, have managed to capture the multiple dimensions of 信, 达, 雅, by taking into account not only the words that were uttered but the ways in which they were spoken and the context of the situation.

Conclusion

As Crang and Cook suggest, in relation to questions of practical ethics, ‘most researchers make uneasy and improvised compromises . . . as their research progresses’.\textsuperscript{221} So it has been with this study, which started out with a comprehensive and ambitious research plan involving extended covert research and large numbers of multi-stakeholder interviews. Gradually, early researcher naivety was replaced by neophyte activist rage, the latter at first obscuring, almost paralyzing my academic objectives. Time, reflexivity and the conviction of established activist researchers such as Speed were vital moderating influences,


\textsuperscript{221} Crang and Cook, Doing Ethnographies, 45.
through exemplifying a satisfying, though by no means comfortable, way of managing the ‘productive tensions’ of politically charged research. While this project was undertaken with a personal commitment to social change, expectations over what can or will be achieved through it remain modest. Political transformations geared towards broader social change objectives require collective action and multiple, prolonged interventions. This piece of research, while ‘active and committed’, 222 is but one targeted contribution.

PART II

CONTEXT

Analytical and Sociopolitical Context
Chapter 3

The ‘Migrant Worker Problem’: Adopting the Lens of Labour Justice

This chapter discusses *labour justice*, the ethical framework applied to assessments of labour migration processes and employment relations. Developed incrementally as this study progressed, it is informed by sustained empirical work and heavily influenced by political philosopher Iris Marion Young’s views on social justice, specifically applied in this case to the analysis of labour relations. A value-full approach to achieving justice for marginalized workers, labour justice is concerned with examining processes, not only outcomes, and is underpinned by an acute emphasis on acknowledging structural injustice.

Power is viewed as ‘a relation rather than a thing’,223 it ‘exists only in action’.224 Injustice is therefore assessed by the presence of institutionalised domination and oppression,225 it is not defined by the (mal)distribution of particular goods and services alone, neither is it bound by narrow, legalistic arguments over compliance with current laws. Labour justice recognizes the politics of modern-day skill categorization and deconstructs pejorative labels such as ‘cheap labour’.226 A ‘collar-blind’ approach, labour justice views meaningful work as an inclusive project that is not restricted to the domain of white-collar employees in ‘high skill, high income’ jobs (usually termed professionals). With its emphasis on structural injustice, it acknowledges coercive employment realities, a distinguishing feature of low-paid labour markets, particularly low-paid labour migration. This perspective on labour rights, as demonstrated in a labour justice framework, is informed by empirical

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223 Young further posits that ‘conceptualizing power as relational rather than substantive, as produced and reproduced through many people outside the immediate power dyad, brings out the dynamic nature of power relations as an ongoing process . . . power exists only in action’. See Young, *Politics of Difference*, 31-32.

224 Ibid., 32.

225 Ibid., 15.

realities and shaped by ethical reflections on the complexities of establishing fair and just workplaces in the current context of neoliberal restructuring, the rise of precarious employment, and stratified migration patterns.

**Labour Justice and the Politics Of Labelling**

Broadly, labour justice is an aspirational vision of achieving safe, healthy and fulfilling workplaces governed by egalitarian workplace relations; participatory democracy is a key function and condition of labour justice. This moral position is generally encapsulated in the International Labour Organization’s Decent Work for All campaign, which acknowledges that ‘decent work sums up the aspirations of people in their working lives – their aspirations for opportunity and income; rights, voice and recognition; family stability and personal development; and fairness and gender equality’. While Decent Work for All is the utopian goal, the proliferation of *indecent* work is the current grassroots reality – exploitative workplaces today need to be assessed in a more encompassing way. While we collectively articulate the desire for ‘good jobs’ and ‘better labour standards’, there is growing contention over what constitutes a ‘lousy job’ and, saliently, for *whom* such jobs are considered a better option than being unemployed. Neoliberal forms of market regulation, in which more areas of economic and social life are subject to market forces, have

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227 In her study of a cooperative coal mine previously run as a conventional, hierarchical organization, Hoffman demonstrates the positive, empowering effects of its presently more egalitarian organizational culture – characterized by a flatter, less bureaucratic management structure – on dispute resolution processes. See Elizabeth A. Hoffmann, ‘Confrontations and Compromise: Dispute Resolution at a Worker Cooperative Coal Mine’, *Law & Social Inquiry*, 26, no.3 (July 2001): 555-596.

228 This is a paraphrase of Young’s assertion that ‘participatory democracy is an element and condition of social justice’. See Young, *Politics of Difference*, 183.


232 Watson et al., *Fragmented Futures*, 11.
severely undermined labour standards and workers’ protection. Consequently, legal compliance alone is no longer an adequate marker to assess whether a workplace is exploitative. The ‘point of reference’, for what is viewed as acceptable/unacceptable, has shifted.\(^{233}\) Making this debate additionally complex is the diversity in the globalizing low-paid paid labour market, which could be described as a ‘larger field of multiple, intersecting struggles against multiple, intersecting injustices’.\(^{234}\) Gender, class, age, ethnicity and nationality intersect and the insertion of growing numbers of migrant workers into the low-paid labour market has given rise to new complexities and contradictory policy responses.\(^{235}\)

**High, Low or No: Skill Categories and Their Consequences**

Low-paid workers are often synonymously categorized as ‘low-skilled’ and, in certain cases, ‘unskilled’ workers. These categories and their assumed causal relationship with low wages are problematic. There is a presumption that persons in low-paid jobs must have low (or no) skills, regardless of the difficulty and demands of their work.\(^{236}\) Shulman views this as a ‘distancing device’ that allows us to dismiss low-paid workers as ‘undeserving, somehow flawed’. For Shulman, this ‘denigration’ is related to how certain jobs, especially those traditionally considered ‘women’s jobs’, have been ‘historically trivialized’.\(^{237}\) With labour migration, this selective devaluing of certain forms of work has transnational implications. Parrenas illustrates this starkly in her examination of Filipino domestic workers and how class and gender inequalities in both sending and receiving countries result in a new international division of reproductive labour – class-privileged women in labour-receiving countries rely on the services of migrant Filipina domestic workers,

\(^{233}\) Aguiar, ‘Sweatshop Citizenship’, 447.
\(^{234}\) Fraser, *Justice Interruptus*, 32.
\(^{237}\) Ibid., 9.
who simultaneously relegate their reproductive labour to even poorer women left behind in the Philippines.\textsuperscript{238}

With regards to migrant workers, demarcations of ‘skilled’ and ‘unskilled’ have wide-ranging material consequences. Currently, state policies in migrant-receiving countries favour stratified migration patterns, through ‘selectively opening up their economic routes of entry and providing differential rights and entitlements according to the migrant’s apparent utility to the economy and his/her social esteem’.\textsuperscript{239} As identified by Piper, two crucial ‘axes of differentiation and stratification’ that demarcate a particular migrant worker’s ‘bundle of rights’ are classifications between the ‘skilled’ versus the ‘unskilled’, as well as the ‘legal’ versus the ‘illegal’. Consequently, where a migrant worker is positioned in relation to such axes crucially affects access to various entitlements, for example family reunification,\textsuperscript{240} and in the case of Singapore, reproductive and marriage rights (see Chapter 4). There is the additional complication of migrant workers’ qualifications and skills being undervalued or viewed as irrelevant in terms of the receiving country’s priority industries requiring temporary migrant labour.\textsuperscript{241} As noted by Böhning, ‘high-skill workers’ can be found in various status groups of migrant workers, including those in irregular employment and temporary migrants in low-paid occupations.\textsuperscript{242} Wickramasekara refers to this as ‘brain waste’, resulting in a ‘triple loss’ for sending countries (who lose valuable skills), receiving countries (unable to benefit from such skills) and migrant workers (prevented from making full use of and benefit from their potential).\textsuperscript{243}

\textsuperscript{238} Rhacel Salazar Parrenas, ‘Migrant Filipina Domestic Workers and the International Division of Reproductive Labour’, \textit{Gender and Society} 14, no.4 (August 2000): 560-581.
\textsuperscript{239} Piper, \textit{“Migration-Development Nexus”}, 285.
\textsuperscript{240} Ibid.
\textsuperscript{241} Datta et al., in their study of migrant labour in London’s low-paid economy, found that de-skilled migrants included those who previously worked as doctors, teachers, engineers and in various managerial positions; in London, they were now trapped in low-paying jobs due to ‘a combination of language problems, the non-transportability of qualifications and discrimination’. See Datta et al., ‘Coping Strategies’, 415.
\textsuperscript{243} Wickramasekara, ‘Development, Mobility’, 187.
Choi and Lyons’ study on Filipino migrant nurses in Singapore illustrate clearly how tiered skill-based labour migration programs crucially shape migrant workers’ employment realities and opportunities for mobility.\(^{244}\) Gendered views of care work and the positioning of nursing as a ‘semi- or low-skilled’ occupation contribute to the undervaluing of nursing work, despite the high qualification levels required. This devaluing process is reflected officially at the state level: in February 2013, there was a public uproar when it was noted that the Singapore government’s controversial \*Population White Paper\*\(^{245}\) listed nursing as a ‘low-skilled job’.\(^{246}\) The government’s skill classification system for nurses results in a situation whereby Filipino nurses’ competencies are not reflected in their wage levels. Experienced migrant nurses with higher level qualifications may find themselves accorded lower status classifications (and therefore lower pay) due to criteria determined by the state, as well as labour market demands that shape recruitment channels and dictate where migrant nurses eventually find themselves employed (whether hospital or nursing home, with salaries much lower for the latter). Once in Singapore, structural discrimination and a lack of employer support can severely hamper migrant nurses’ job mobility, such that transcending the low pay and restricted rights they are accorded on a lower skill categorization – and thereby work pass – becomes a protracted and expensive process.\(^{247}\)

Categories of skill, therefore, should not be mistaken for ‘some kind of “independent variable” which is a fixed attribute of a particular job’, they function


as a ‘politically contested designation that reflects who is doing the work’.

The current hierarchical division of labour in industrialized countries assumes a pyramid of scarce, prestigious and high-income positions at the top, buffered by many low-paying and lower status positions at the bottom – this design of societal relations is generally accepted as given. This corresponds with a split between ‘task design’ from ‘task execution’, essentially a ‘social class division between professional and non-professional jobs’. Such segregation relies on the valuation of particular criteria as superior to others, thereby deserving of higher pay and its accompanying privileges, an evaluative process that is ‘always political’, though rarely acknowledged as such. This current division of labour is unjust, asserts Young, for it legitimates domination and oppression.

In relative terms, nonprofessionals frequently lack decision-making power in the workplace regarding the scope of their work or nature of their working conditions (this is considered domination). Their condition is oppressive because it entails exploitation, powerlessness and cultural imperialism. Their labour, while enabling that of professionals, is often ‘invisible’, though the latter receives a higher income and greater recognition for it, thereby accruing greater power and authority. Exploitation is exacerbated by the way production processes are designed by professionals, who are driven by the profit motive to maximize productivity. To achieve this, the work process is further stripped from any design decisions and autonomy; workers become mere executors of tasks directed by others. This process exacerbates exploitation for it ‘cheapens labour, makes it amenable to automation, and tighten[s] control over workers’. An extreme example of this process is revealed in how Foxconn, the notorious electronics contract supplier for famous brands like

250 Ibid.
251 Ibid., 201.
252 Ibid., 218.
253 Ibid., 218-219.
Apple,\textsuperscript{254} has designed its production regime. The production process is simplified to such a degree that no specialist knowledge or training is required to perform most tasks. Engineering technicians even use stop watches and other devices to ‘test’ workers – once they are able to meet the quota, production targets are increased to the maximum possible.\textsuperscript{255} Efficiency through standardization is rigorously enforced, and each assembly line worker specializes in ‘one specific task and performs repetitive motions at high speed, hourly, daily and for months on end’. It is a ceaseless production system that ‘removes feelings of freshness, accomplishment or initiative toward work’.\textsuperscript{256} In 2010, Foxconn made the headlines when 18 factory workers attempted suicide at the factory’s sprawling Longhua facility, in which 400,000 employees made ‘137, 000 iPhones a day, or around 90 a minute’.\textsuperscript{257}

A caveat here about the dichotomy between ‘professionals’ and ‘non-professionals’, an increasingly hazy distinction. In discussions about class, there are indications that traditional categories – defined as working class, middle class and upper class – are inadequate to describe the stratification within such categories. One study done in the United Kingdom in early 2013 indicated that there may, in fact, be seven social classes, ranging from the elite (the most privileged) to the established middle class, the technical middle class, new affluent workers, the traditional working class, emergent service workers and, finally, the precariat (the most deprived, lacking not just economic, but also social and cultural capital).\textsuperscript{258} Similarly, when it comes to hierarchies at workplaces, power asymmetries operate beyond the ‘professional’ and ‘non-professional’ divide, with categories of white-collar workers also experiencing curtailment of their autonomy at the workplace. The discussion above,

\begin{flushleft}
\textsuperscript{255} Chan, ‘Suicide Survivor’, 88.
\textsuperscript{256} Ibid.
\textsuperscript{257} Chakrabortty, ‘Woman Who Nearly Died’.
\end{flushleft}
however, is useful in highlighting the politics behind normalized divisions of labour and the relative social status that accompanies these divisions.

‘Cheap Labour’: The Hidden Costs of Low-Paid Work

The term ‘cheap labour’, a common label for low-paid migrant workers, is so entrenched it almost functions as an objective description of their condition. Elson attacks the labeling of female manufacturing workers in the South as ‘cheap labour’, pointing out that the term carries ‘undertones of condemnation of the workers themselves’.259 There are not just sexist but racist implications as well when applied to non-white persons, since the ‘cheap labour’ association with the global South implies that ‘people of color are “cheap labour” because they are “culturally backward”’.260 While acknowledging that low-paid labour does undermine wages and working conditions for those relatively better off, Elson asserts this is not the fault of the former. It is, in fact, ‘the result of circumstances which force some people to accept inferior wages and conditions; the result of sexist, racist and imperialist social structures’.261

Currently, the proliferation of unattractive, dead-end jobs means that high-income countries, despite their unemployment rates, may consequently have to contend with labour shortages for such occupations. This not only contributes to persistent demands for low-paid migrant workers to fill such jobs, it has the added impact of casting the local unemployed in unflattering ways for ‘refusing’ to work. Local resentment often grows in tandem with visible increases in migrant worker numbers, with accusations that the ‘influx of cheap labour’ is to blame for any downward spiral in wages and working conditions. This leads us to the issue of structural injustice and how it underpins a particularly virulent yet common tendency: the pitting of one disadvantaged group (the locally unemployed or the working poor) against another (low-paid migrant workers). In debates over labour

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260 Ibid., 9-10.
261 Ibid., 10.
shortages in welfare states like Australia, America and the United Kingdom, the locally unemployed are often implicated in unflattering ways – portrayed as ‘dole bludgers’ 262 who prefer accepting welfare payments over industrious work. Invariably, such debates take on racialized tones, reflecting the sociocultural realities of poverty in a particular country. 263 Structural causes for such inequalities are often obscured in mainstream debates. Yet questions need to be raised about patterns of ‘paternalism, dependency and coercion’ that historically underpin and characterize labour relations in a region’s political economy and how such patterns are being transferred to new groups of marginalized workers moving into a region. 264 McDaniel and Casanova, for example, studied the timber industry in Alabama, an area where rural poverty affects a disproportionate number of African Americans, yet large numbers of Mexican migrant workers are hired by the expanding timber industry. The authors point out that despite significant growth in the timber industry, much of Alabama’s Black Belt remains impoverished. In such areas, African Americans have been kept ‘dependent and economically weak’, due to the political and economic elite successfully ‘blocking industrial diversification, controlling local and political judicial systems, and maintaining social stratification in educational systems, employment opportunities, and community affairs’. 265 Such socio-historical approaches highlight the process of domestic labour substitution.

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263 In Australia, the Rudd government’s plan to bring in Pacific Islander guest workers for a seasonal fruit-picking scheme was juxtaposed against high levels of Aboriginal unemployment. An article in The Australian was headlined, ‘Call to Cut Dole If Aborigines Won’t Work’. It quoted indigenous leader Warren Mundine: ‘There has to be tougher rules, because indigenous people just aren’t taking up the jobs . . . If you’re not prepared to put your hand up for a job, no matter where it is, we shouldn’t have to continue paying the dole.’ A similar view was expressed by Tony Abbott, Opposition Indigenous Affairs spokesperson, who ‘supported a dramatic overhaul of the welfare laws to force people to take up jobs’. See Patricia Karvelas and Stuart Rintoul, ‘Call to Cut Dole if Aborigines Won’t Work’, The Australian, August 21, 2008.


265 Ibid., 79-80.

These debates also highlight the importance of distinguishing the nature of work from conditions of work. Often, migrant workers are associated with ‘3D’ jobs, that is, jobs perceived as ‘dirty’, ‘dangerous’ and ‘difficult’ (sometimes termed ‘demeaning’ or ‘demanding’).\footnote{Khalid Koser, ‘Introduction: International Migration and Global Governance’, Global Governance 16 (2010): 306; Philip Martin, ‘Migrants on the Move in Asia’, Asia Pacific Issues 29 (December 1996): 3, http://tinyurl.com/pm9ce42 (accessed November 15, 2010).} Some jobs may be unusually dirty, dangerous and demanding due to the working environment (for example, mining coal or fighting fires) or tasks involved (like slaughtering poultry or handling toxic chemicals). In theory, special safety regulations and higher wages are meant to account for and reflect the additional risks involved. This is markedly different from cases where any combination of the following create or exacerbate employment situations so that work becomes needlessly dirty, dangerous and demeaning: supervisory neglect, managerial bullying, cost-cutting measures, inadequate provision of appropriate resources,\footnote{Zlolinski, in her work on Mexican immigrant janitors in the United States, highlights how they were frequently angered over the inadequate supplies they were given to do their jobs, including being given cafeteria napkins instead of standard towel paper used in janitorial work; adding insult to injury, supervisors instructed the janitors to ‘borrow’ such napkins from the cafeteria of the building they cleaned, exposing them to the risk of being caught by security officers. See Christian Zlolinski, ‘Labor Control and Resistance of Mexican Immigrant Janitors in Silicon Valley’, Human Organization 62, no.1 (2003): 43.} under-staffing, overworking and discriminatory practices.\footnote{Grey’s research at a meat-packing plant showed how superficial training for new workers in knife skills, along with the devaluation of the tools of their trade (knives were poorly and unevenly sharpened), made workers’ jobs more difficult, dangerous and frustrating than necessary. See Grey, ‘Immigrants, Migration’, 23.} Cumulatively, this can lead to jobs being known or experienced as demeaning, difficult and/or dangerous due to their empirical realities, regardless of a worker’s agency. Such jobs, tainted as low wage and low status, become interminably locked into often racially and gender-typed ‘migrant worker jobs’, a term almost...
interchangeable with ‘jobs shunned by locals’. Ruhs views this as a two-way causal relationship that is reinforcing, a structural demand characterized by ‘permanent versions of the very shortages of natives, which the migrants were imported to cure’.

Meanwhile, the labeling of migrant workers as ‘cheap labour’ requires further review. Burawoy, for example, raises the question of ‘costs associated with migrant labour’, including high turnover rates, recruitment expenses, and costs borne by the state in sustaining the reproduction of a system of migrant labour – these costs, both tangible and intangible, create a ‘complex balance sheet’, such that ‘the notion of cheap labour, in practice if not in principle, may become impossible to handle’. The framing of migrant workers as ‘cheap labour’ is challenged by assertions that a) the collective fiscal burden incurred by the state and industry may not make hiring migrant workers ‘cheaper’ than sustaining a native workforce; b) any cost savings made from this ‘cheaper’ workforce is due to persistent and widespread ‘wage theft’, a situation where workers ‘do not receive their legal or contractually promised wages’ through a variety of infractions including non-payment of overtime, not paying for all hours worked, not paying minimum wage, or not paying at all; and c) migrant workers are preferred to local workers not only because they are paid less, but also because they have less labour power. Law-abiding employers may not profit from abetting irregular employment or receiving

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270 Preibisch, for example, points out how farm work in Canada has been ‘socially constructed as undesirable’ as a result of ‘consistently low wages and poor working conditions, even in the face of high unemployment levels’. These associations are also held by migrant workers. McDaniel and Casanova spoke to migrant Mexican timber workers who made comments such as, ‘Americans prefer easy work, they leave the hard work to us’, and, ‘Well, because these are our jobs’. See Preibisch, ‘Pick-Your-Own Labour’, 428; McDaniel and Casanova, ‘Pines in Lines’, 92.

271 Ruhs, Temporary Foreign Worker Programs, 12.


273 In response to the claim that migrant labour is ‘cheap’, Burawoy asks, ‘Cheap for whom?’ He points out that there may be secondary costs (such as taxation) borne by the state that, incidentally, relies on industry for economic support. Ibid., 1057.

cash ‘kickbacks’, but they benefit from how the architecture of temporary low-paid labour migration regimes have shaped a more ‘compliant’ worker. A key feature of low-paid migrant workers in Singapore is their arrival with hefty debt burdens, sometimes equivalent to ten months or more of their contracted wages (this varies between nationalities and occupations; see Chapter 6). A newspaper article about service sector staff from China featured 20 year-old Zhang Jia Le, who borrowed S$7000 (USD$5,387) to work in a department store. The store’s human resource manager believes Chinese workers are ‘more committed to their jobs’ due to the large recruitment fees they pay, acknowledging the amount ‘can be as high as $8,000’. The chairman of a restaurant association reinforced the point that Chinese workers ‘are cheap to hire and unlike Singaporeans, are willing to work long hours and on public holidays to pay back their loans’. Such sentiments reflect a ‘conscious management policy’ reliant on the ‘opportunistic exploitation of circumstances fortuitous to management’, thus raising the contentious issue of industry as well as state complicity.

The allure of migrant worker programs is, after all, a sum of parts – policy restrictions and flexibilities, market incentives and disincentives, relative privilege and disadvantage. This deliberate dynamic reinforces state and industry power while relieving them, at least in the short term, from addressing the root causes of long-standing problems such as ‘labour shortages’ and ‘high turnover rates’. As Rodriguez notes, sometimes a labor shortage does not mean ‘too few workers but

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275 In America, cash kickbacks have been described as a situation where employers demand the return of overtime payments already paid. In Singapore, kickbacks tend to refer to the money employers receive in return for hiring migrant workers, either from recruitment agents or workers themselves, although the above situation – where money paid is demanded back – also occurs (more in Chapter 6). See Art Levine, ‘Revelations of Extreme “Slave-Like” Working Conditions and Billions in Wage Theft Drive Nationwide Protests’, Alternet.org. November 13, 2010, http://tinyurl.com/38hdc6z (accessed November 18, 2010); Khushwant Singh, ‘Kickbacks for Hiring: First Boss Penalised’, Straits Times, September 16, 2009.

276 Mavis Toh and Shuli Suderuddin, ‘How Much is This? And Please Speak in English’, Straits Times, December 9, 2007.

277 Ibid.

too few workers to keep wages down to the lowest possible levels’. It is the combined economic, cultural, spatial and political advantages of hiring ‘tractable immigrant labor’ that maintains this structural dependence on the part of employers, a situation critically enabled by governments that design and implement labour migration programs. This status quo position ‘represents a major gain for employers in the class struggle over working conditions’. Instead of tackling the erosion of labour standards and disintegrating work rights, recruitment policy shifts towards reliance on workers lacking in power in the labour market. This dovetails with the concurrent celebration of the ‘perceived qualitative differences’ in migrant workers’ attitudes, namely their strong ‘work ethic’, demonstrated by a willingness to work long hours when required and follow management instructions. These stereotypes of the ‘industrious’, ‘cooperative’ and ‘reliable’ migrant worker contrasts with the ‘demanding’, ‘recalcitrant’ and ‘lazy’ local that is the bane of employers struggling to fill low-paid positions. As Binford, whose research involves Mexican migrant workers on the Seasonal Agricultural Workers Program in Canada, points out:

When Ontario growers acclaim Mexican workers’ reliability and desire to please, treating these as intrinsic cultural or even ‘ethnic/racial’ characteristics, they engage in a convenient form of social amnesia involving the erasure of their coercive power over workers and the consequences of that power for workforce compliance.

In fact, there remains a simmering ambivalence towards migrant workers, one whose tenor appears to rest on their level of cooperativeness. There is, it appears, ‘an inbuilt obsolescence’ to the ‘good work ethic’ of migrant workers, which may be eroded the longer they become established within a community and the labour market. Management personnel interviewed by Mackenzie and Forde suggested that workers become more ‘demanding’ as awareness grows over their entitlements.

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280 Ibid., 454-456.
281 Ibid., 456.
282 Mackenzie and Forde, “Good Worker”, 150, 155.
284 Mackenzie and Forde, “Good Worker”, 150.
and alternative opportunities.\textsuperscript{285} For employers’ decisions are not just influenced by ‘quantitative changes in availability but also by qualitative changes in the attributes that management most valued’.\textsuperscript{286} Workers who do not fit into the tidy, profit-yielding stereotype of the resilient yet compromising migrant worker are, in effect, an aberration of a calibrated system designed to moderate non-compliance. Such ‘troublemakers’ become liabilities, overriding any ‘competitive advantage that relied on the human attributes of employees, rather than just minimizing labour costs’.\textsuperscript{287} When workers are dismissed for ‘attitude’ problems, there is often no acknowledgement of possible causal links between increasingly lackluster work performances (lateness, inattentiveness or general sullenness) and workers’ exploitative work conditions (verbal abuse, overwork, lack of rest days, wage deductions). A system that allows employers to swiftly and unilaterally hire and fire employees does little to encourage employers to improve working relationships with their workers. Instead, this revolving door approach cements migrant workers’ disposability.

‘But No One Put a Gun to Their Head’: Recognizing ‘Quasi-coercive’ Employment Realities

The constraining and enabling elements of structural injustice underpin two interdependent themes that are a constant thread in discussions of low-paid labour migration: coercion and choice. Common bureaucratic notions of ‘choice’ demonstrate little empathy for choices confronted by those with limited resources and diminished bargaining power. A situation commonly encountered by migrant construction workers from China enroute to Singapore – to sign or not to sign – is described by Qiu: Workers like him are presented their employment contracts at the airport, just before boarding the plane bound for Singapore. Thousands of (borrowed) dollars in agency fees have already been paid. There is generally little time to peruse the contracts in detail, contracts with exploitative terms that often

\textsuperscript{285} Ibid.
\textsuperscript{286} Ibid.
\textsuperscript{287} Ibid., 151.
contradict earlier verbal promises about wages and working conditions. However, as Qiu says, ‘If you don’t sign, you don’t board the plane.’ Workers will not be able to get their recruitment fees back either if they refuse to sign. One construction worker, Yong, was even asked to backdate the contract, to make it appear the contract was signed on a much earlier date. Consequently, in the event a dispute arises between employer and worker, such contracts are drawn out as proof of a worker’s prior ‘consent’ to their own exploitation. Yong’s employer did later exclaim, during a Labour Court hearing, ‘Did I use a knife to force you? If the contract is so unreasonable, why did you sign it?’ (See Chapter 8)

Challenging the perceived autonomy of marginalized workers is not an attack on the agency of individual persons. In fact, the exercise of agency is an explicit objective of empowerment approaches favored by rights-based advocates. What needs to be exposed, however, is the myth of ‘free choice’ and how it camouflages uncritical assumptions about status-quo conditions being inherently objective and fair. Politicians keen to uphold a veneer of democratic rule often present a misleading picture of a ‘level playing field’ by dispensing rhetoric about fair treatment for all social groups. Under this rubric, contracts between employers and workers are viewed as an agreement between two consenting adults, regardless of the structural inequality and coercive situation in which this contract was signed. Policy prescriptions favour helping workers make ‘informed choices’, as if it were simply the lack of information that drives thousands of men and women into exploitative recruitment and employment situations. The base assumption that workers are merely uninformed, as opposed to being politically and socially marginalized, negates the complexity of their oppression.

288 Author’s interview with Qiu, a construction worker from China, January 9, 2009.
289 Author’s interview with Yong, a construction worker from China, June 20, 2009.
290 Yea’s work on women involved in transnational commercial sexual labour draws out the complexities involved in the contentious notion of choice in the ‘prostitution debate’ in relation to sex trafficking. Through exploring the migration trajectories of trafficked Thai women, Yea shows how these women, though traumatized by their experience of being trafficked, may, at a later stage, re-enter ‘volatile forms of migrant sex work’ under voluntary agreements. This decision results from their newfound circumstances representing other forms of hardship, as well as a certain ‘normalization’ of sex work performed under adverse conditions, conditions the women ‘could not previously have imagined nor accepted voluntarily’ prior to their being trafficked. These women’s narratives
In examining the ethics of seasonal labour migration schemes in Australia, Reilly argues that the dynamics of the employment relationship between migrant workers and their employers necessitates a reconsideration of what the term ‘freedom to leave’ (an exploitative situation) means.291 If one defines freedom as the absence of domination (not merely the absence of interference), then states should protect migrant workers from the possibility of being dominated over by others; it is inadequate for states and other powerful vested institutions to simply ‘not interfere’. Reilly adopts Pettit’s definition of dominating power, described as a ‘capacity for an intentional and negative form of influence on what the other agent chooses’ – when applied to low-paid labour migration, it is clear migrant workers, considered ‘aliens in a relationship of domination while residing in the state’, are not ‘free to leave’ poorly-paid jobs or abusive employment relationships in the unambiguous manner the term suggests.292

Perceptions of autonomous action need to engage with the empirical reality that often, poor quality employment options are accepted (even welcomed) under a status quo of ‘quasi-coerciveness’.293 In such situations, a person’s choices have been reduced in an indirect way, by unfair structures and social practices.294 In discussing the situation for workers asked to take on hazardous jobs for low pay, Daniels conceives that a proposal would be considered quasi-coercive

if it imposes or depends on a restriction of someone’s alternatives in a way that is unfair or unjust; that is, a just or fair social arrangement would involve a range of options for the individual both broader than and strongly preferred to the range in the proposal situation.295

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291 Reilly, ‘Seasonal Labour Migration’, 143.
292 Ibid.
293 Daniels, ‘Does OSHA Protect’, 54.
295 Daniels, ‘Does OSHA Protect’, 54.
In such situations, there is a ‘diminished freedom of action’. Quasi-coerciveness works in a ‘more subtly restrictive fashion’ than through direct force via ‘an indirect, yet pervasive erosion of that [choice] space as a result of unjust or unfair social practices and institutions’. If accepted ‘standard practice’ within our society is generally quasi-coercive, proposals that appear no more coercive will be camouflaged, by blending in and thereby not appearing coercive at all. In fact, these proposals may be ‘welcomed’ by those who routinely suffer from unjust practices. As Sen warns, when it comes to pressing development issues like poverty, an over-reliance on what he terms a ‘utilitarian calculus’ can be misleading, for it masks ‘valuational distortions’. In other words, it

neglect[s] the substantive deprivation of those who are chronically disadvantaged but who learn, by force of circumstances, to take pleasure in small mercies and get reconciled with cutting down their desires to ‘realistic proportions’.

Take the common observation that migrant workers are accepting of lower wages – often below mandated minimum wage levels – because these wages ‘compare favourably with potential earnings back home’. As MacKenzie and Forde have noted, ‘structural forces shape migrants’ expectations regarding the experience of work’; there is often a ‘resigned recognition’ tempering grievances over workplace inequities, as if it were an expected feature of low-paid, low status work. There is also a temporal element to this realism. Certain hardships may be tolerated because they are viewed as temporary – such as living in overcrowded and unsanitary accommodation or subsisting on poor quality food. There may be expectations such discomfarts will be ameliorated at a later stage – when the debt is repaid, a new employer is found, or the contract expires. Transitory tolerance of exploitative conditions, as well as exceptional displays of resilience under grave socio-economic

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296 Ibid., 54.
297 Ibid., 55.
298 Ibid., 54.
299 Ibid., 53.
302 Mackenzie and Forde, ““Good Worker”, 145.
strain, should not be exploited to legitimize inaction – or half-hearted attempts – in correcting unjust status-quo conditions. As Sen argues, ‘A theory of justice . . . has to be alive both to the fairness of the processes involved and to the equity and efficiency of the substantive opportunities that people can enjoy.’ Examining labour migration regimes for low-paid migrant workers routinely exposes how quasi-coerciveness is camouflaged and hidden, both by the cumulative process of societal acceptance (‘everyone else is doing it’) as well as the institutionalizing of unjust arrangements. Daniels acknowledges that assessing whether situations are quasi-coercive requires the exercise of moral judgment and the insertion of a moral baseline upon which to make these judgments.

Shifting Moral Baselines: One Man’s ‘Lousy’ is Another Woman’s Sweatshop

In the United States, it is suggested that over 30 million Americans form part of the working poor, persons who ‘work hard every day, and yet struggle to take care of their families’. Over-represented in the service sectors, they include workers in nursing homes, home health-care, poultry processing, retail stores, hotels, janitorial services, childcare centres and call-centres. Inadequate wages is just one problem, there is also the lack of basic job benefits – health care, sick pay, disability pay, paid vacation and retirement. Working conditions are often ‘physically damaging and emotionally degrading’, characterized by high injury rates and oppressive managerial control. These low-paid workers in America, argues Shulman, have ‘little labor, market, or political power’. Unlike persons who have been excluded from employment opportunities, America’s ‘super-exploited’ constitute the core of

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304 Daniels, ‘Does OSHA Protect’, 53-54.
305 Shulman, Betrayal of Work, 7.
306 Ibid., 5-6.
307 Ibid., 8.
308 Ibid., 11.
the new economy. For Shulman, ‘Their poverty is not incidental to their role as workers, but derives directly from it.’

In Canada, meanwhile, Aguiar argues that janitors are increasingly suffering from what he terms ‘sweatshop citizenship’, a ‘combination of disintegrating workplace rights and eroding social citizenship rights’. This is a situation ‘institutionalized by neoliberal state policies’, which have promoted privatization and outsourcing but, conversely, lacked the comprehensiveness necessary to deal with the negative consequences. Characteristics of the janitors’ poor terms of employment similarly include: ‘lowered wages, the intensification of work, growing job insecurities, labor market precariousness, and having to take on increased responsibilities without corresponding increases in compensation’. This widespread rise of deteriorating working conditions across industrialized countries signals a need to review what we consider a ‘sweatshop’. Aguiar is critical of narrow legalistic definitions which view sweatshops purely as businesses which violate wage, child labour and health and safety laws. Under this framework, other forms of exploitative work may be ‘lousy’ but don’t fit into the prevailing concept of the sweatshop. Compliance with prevailing laws is no longer an adequate measure. Exploitative labour standards which were previously illegal are now legitimized by governments as they neoliberalize the workplace. There are low-paid jobs, for example, that may meet mandatory minimum wage requirements as well as occupational health and safety standards, but still fail to provide an adequate standard of living for workers and their families, such as the working poor Shulman refers to. The moral baseline for judging workplace conditions has been diminished, despite there being ‘laws in place’ to protect workers. Aguiar recommends moving beyond the ‘crude dualism’ of whether companies are breaking the law to a more encompassing assessment that ‘centers upon the absence of a “living wage” and good working conditions’. This

309 Shulman, Betrayal of Work, 4.
310 Ibid.
312 Ibid.
313 Ibid.
314 Ibid., 466, 447.
guards against ‘governments “defining away” the problems of sweatshops by simply legalizing what were previously illegal activities’.\textsuperscript{315}

The ‘structurally anchored’\textsuperscript{316} employment problems Aguiar discusses are related to the consequences of subcontracting (or ‘contracting out’). Subcontracting, as noted by Wills, is now sufficiently widespread to be considered ‘paradigmatic.’\textsuperscript{317} Many workers no longer share a direct employment relationship with the organization where/for whom they work.\textsuperscript{318} This new form of employment significantly impacts upon ‘the conditions, experience, and politics of work’; it allows employers to effectively ‘cut costs, shed responsibility, increase flexibility, and disempower the workforce’.\textsuperscript{319} There is greater emotional and spatial distance between workers and their ‘real employer’ – in particular, the decision-makers who crucially influence the conditions of their work.\textsuperscript{320} Intense competition and the award of tenders to the lowest-priced bidder further depress workers’ wages.\textsuperscript{321} There is also often an intensification of work, despite a reduction or stagnation of wages,\textsuperscript{322} decreased worker autonomy and job security, and obstacles to workers organizing for collective action.\textsuperscript{323} Meanwhile, governments actively facilitate this process, not only in the withdrawal from market activity which ‘deregulation’ suggests, but through new forms of intervention Aguiar terms ‘re-regulation’ – a transformation of the regulatory environment through measures to curtail labour and encourage corporate self-regulation, rather than state-controlled regulation of corporate (mis)behavior.\textsuperscript{324}

\textsuperscript{315} Ibid., 448.
\textsuperscript{316} Ibid., 451.
\textsuperscript{317} Wills, ‘Subcontracted Employment’, 444, 456.
\textsuperscript{318} Ibid., 443.
\textsuperscript{319} Ibid., 444.
\textsuperscript{320} Ibid.
\textsuperscript{321} Aguiar, ‘Sweatshop Citizenship’, 453; Wills, ‘Subcontracted Employment’, 452.
\textsuperscript{322} Wills, ‘Subcontracted Employment’, 451.
\textsuperscript{323} Aguiar, ‘Sweatshop Citizenship’, 452-455.
\textsuperscript{324} Ibid., 450.
There are often multiple reinforcing processes at work. In discussing how public policy and private employers shape the contemporary low-paid work experience in the United States, Haley-Lock and Ford Shah emphasize two policy trends: policy stratification and market regarding behaviour. Policy stratification refers to ‘processes by which public policies . . . generate unequal levels of employment supports’ among workers. 325 By market regarding, the authors refer to policy makers’ wariness of imposing regulation that might infringe on ‘the smooth functioning of economic activity’ . 326 Yet such wariness to interfere directly with some forms of market activity contrasts with the political imperative for governments to be highly interventionist in other areas that influence business activity. In the case of Singapore, the government eschews mandating a minimum wage, citing free market rhetoric as the basis for setting ‘competitive’ wages; 327 at the same time, draconian legislative measures have been taken to ensure that organized labour is compliant, so as to facilitate foreign investment (see Chapter 5). The cumulative effects of deteriorating labour market conditions for certain groups of workers, due to policy stratification, interacts with selective market regarding behavior to the overall detriment of low-paid workers, such that cause-and-effect become difficult to ascertain.

Aguiar’s view of sweatshop citizenship refers specifically to the virulent combination of ‘distintegrating workplace rights and eroding social citizenship rights’ , 328 including a ‘dismantling of the welfare state, the privatization of public services, and the spread of workfare programs’. 329 Workfare programs tie welfare benefits to certain requirements that generally involve participation in work or

326 Ibid., 486.
329 Ibid., 441.
searching for work. A regressive phenomenon, sweatshop citizenship negatively impacts the ‘productive and reproductive spheres’ of janitors’ lives, affecting their ability to enjoy what were previously perceived as ‘inviolable’ rights of citizenship, conceived broadly as civil rights, political rights and social rights.

Aguiar’s notion of sweatshop citizenship lends a useful perspective to the study of low-paid labour migration in the following ways. Firstly, it identifies and exposes sweatshop conditions ‘right in our midst’. The discourse on sweatshops tends to frame these exploitative workplaces as a ‘Third World’ problem intertwined with ‘Third World’ politics, a situation that, presumably, needs to be remedied with ‘First World’ technocratic approaches (including monitoring and auditing by experts trained in the North). Addressing labour injustice in poorer countries remains an urgent task. However, it is equally important for high-income industrialized countries, generally viewed as more progressive, to critically scrutinize how precarious forms of employment have become generalized in their societies. It is imperative to dispense with the deceit that dangerous and exploitative labour practices are only endemic ‘elsewhere’, for sweated labour is not just bound to industries such as manufacturing and agriculture, which are frequently targeted for ‘slave-like’ working conditions. As Gordon notes, ‘no barrier keeps sweatshop conditions . . . in traditional sweatshop industries’. The combined distinguishing features that characterize a typical sweatshop in the South – excessive working

330 Several countries have workfare programs, including Australia, Canada and the Netherlands (where it is called Work First). In Singapore, specifically, the Workfare Income Supplement Scheme (WIS) is a program whereby cash, as well as cash credits to a worker’s forced savings fund, are given to low-paid citizen workers who meet certain criteria – involving their age, monthly salary, the value of their property – and on the condition that they have worked at least two months in any three month period. See Workfare, http://www.workfare.sg (accessed March 22, 2013).
331 Aguiar, ‘Sweatshop Citizenship’, 441.
332 Ibid., 449.
333 AFL-CIO, Responsibility Outsourced.
337 Gordon, Suburban Sweatshops, 13.
hours, poverty-level wages, hazardous work environments – can be identified across industries in the North, including labour-intensive, service-based industries like hospitality, cleaning, as well as construction and domestic work. In many countries, including Singapore, these ‘non-offshorable’, low-paid jobs are disproportionately performed by temporary migrant workers, with these new ‘everyday sweatshops’ reflecting major economic shifts from manufacturing to service work. The concept of sweatshop citizenship also explores the relationship between subcontracting and sweatshop practices. Cowie, who warns against the term sweatshop being used too loosely, views subcontracting as a highly competitive system of production that pressures contractors to ‘sweat’ their earnings straight out of workers’; contractors adopt exploitative and unsafe work practices as strategies for business survival. The subcontracting system interacts with and exacerbates existing inequalities in the labour market to provide a structural explanation for sweatshops.

Aguiar’s analysis acknowledges state-capital complicity in entrenching workplace oppression; it highlights the challenges of achieving labour justice for disparate groups of ‘difficult to organize’ workers. Most importantly, it encourages a more encompassing means of assessing complex employment realities and recognizes the mutually reinforcing relationships between eroding workplace protections and diminished rights in other spheres; it provokes an examination of how workers’ productive and reproductive lives are intertwined. At the same time, there is a need to acknowledge contextual differences: Traditionally, citizenship is viewed as bestowing particular civil, political and social rights; the expectations as well as demands placed on states to provide such rights to temporary migrant workers are inherently more complex and contentious.

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338 For Gordon, when work involves ‘long hours, illegally low wages, and staggering rates of injury, it is sweatshop labor all the same’. Gordon, Suburban Sweatshops, 2.
342 Ibid.
The ‘Migrant Worker Problem’: The Moral Politics of Differential Justice

Kabeer notes that concepts of citizenship often adhere to a notion of justice hinged on ‘when it is fair for some people to be treated the same and when it is fair that they should be treated differently’. Ansley similarly highlights how pro-immigrant campaigns raise the issue of ‘who in the global economy has the “right to have rights” in the first place’, bringing into question the ‘exclusionary, “fortress” side of Northern citizenship’. With regards to temporary migrant workers, contestation arises when certain rights (and their attendant benefits) are viewed as entitlements of citizens within state boundaries. This is bound to the belief that rights correspond to duties – for example, the view that because one pays taxes or serves the nation through military service, there is an entitlement to state-dispensed benefits such as pensions, unemployment payouts and subsidized healthcare and education. This arrangement is conceived as a balancing act, whereby the rights dispensed by virtue of one’s proven membership to a given nation-state is balanced by that citizen’s adherence to obligations towards the community and state. In modern welfare states, the notion of such a ‘social trust’ agreement justifies immigration restrictions, for ‘a nationally unified community is a necessary prerequisite of various redistributive programs (themselves required by justice)’.

Global immigration patterns, including more transient forms of labour migration, are particularly destabilizing for such delicate conceptions of citizenship. A competitive view of limited resources can easily lead to alarmist responses from a disenfranchized citizenry, the more so the greater stratified it is. To deal with this, politicians are often quick to point out the ways in which citizens’ interests are not compromised but in fact enhanced by immigration policies; distinctions between the benefits enjoyed by duty-bound citizens versus residents and non-citizens are also

sharpened (at least in rhetoric, if not practice). The Singapore government, in response to palpable dissatisfaction by citizens over the ‘influx’ of foreigners, has resorted to similar measures.347

Diverse interest groups may sit anywhere along an ambivalent continuum with regards to labour migration (and labour migrants). Moreover, individuals within such groups share different relationships and interactions with migrant workers as the latter’s presence diffuses into social spaces inhabited by locals; in their housing estates, eating establishments, recreational facilities, retail outlets as well as public services such as hospitals and public transport. This can influence the (shifting) moral positions adopted towards low-paid labour migration and what is viewed as the ‘migrant worker problem’. Cohen highlights the multiple pressures and contradictions that often result in a ‘mixed response’ from state officers. Politicians, he notes, have to fulfill the simultaneous need to respond to popular public opinion as well as the media (both of which tend to press for immigration controls) while respecting international human rights treaties and ensuring an adequate labour supply to keep the economy growing.348 Additional complications arise when there are divisive lobby groups – some advocating for better protection of migrant workers rights, others demanding greater restrictions. As a response to these contradictory pressures, there is often a ‘great show of immigration control’.349 In reality, however, this frequently ‘debouches into forms of ideological and social exclusion rather than effective prevention of entry or facilitation of exit’.350

At times, interests converge and traditionally hostile groups may find themselves aligned in achieving a common objective. Anderson, for example, identified a ‘rare

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347 In a Ministerial Forum in 2009, Prime Minister Lee tried to reassure Singaporeans that ‘the interests of citizens will always come first’. He added that there will be ‘clearer and sharper distinction [sic] between citizens, permanent residents (P’Rs) and non-residents in terms of the benefits afforded to each group’. He also emphasized, ‘Our immigration policy is to benefit Singaporeans, not foreigners’. See Jason Hau, ‘PM Lee: Singapore Citizens Benefit Over Long Term’, Campus Observer, September 18, 2009, http://tinyurl.com/mlh9a6 (accessed August 26, 2013).

348 Cohen, Migration and its Enemies, 3.

349 Ibid.

350 Ibid.
coincidence of interests’ between the UK government and migrant worker advocates in combating exploitative labour conditions for migrant workers: the unfairness of such a situation was identified by the UK Home Office as being one where migrant workers in ‘shadowy jobs in the grey economy undermine[s] the terms and working conditions of British workers’.  

Ultimately, however, Anderson concludes that UK’s immigration controls are in fact reinforcing exploitation:

> Concerns about the impact of immigration on ‘British workers’ may ultimately be a conjuring trick, a masterpiece of public misdirection, when what merits attention are issues of job quality, job security, and low pay. Immigration restriction and enforcement are not only insufficient to reduce migrant precarity, but actively produce and reinforce it.  

Ultimately, the convergence of interests did not reflect a convergence of value positions, and differential power relations between stakeholders influenced the problem-solving direction. It is therefore important for assessments of policy failures to include a critical interrogation of official goals – fearful of opposition, policymakers may, after all, be hiding their true objectives. A recommended yardstick to determine hidden agendas is ‘the failure to use effective measures to achieve declared objectives – even when such measures are obvious and available’. A given example is the failure to impose employer sanctions to prevent illegal employment in countries like the United States and Japan. As Carens notes:

> It may sometimes be the case that the ineffectiveness of employer sanctions is intended, at least by some of those designing or implementing the policy, because the presence of the restrictive policy on the books satisfies one political constituency, while weak implementation satisfies another.

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352 Ibid., 313-314.  
354 Ibid.  
Rights, Ethics and the Law – Implications for Advocacy

When labour rights are violated, a problematic dissonance sometimes occurs between legal versus moral obligations of justice. As mentioned in Chapter 1, this thesis views human rights as primarily ethical demands. This ethical understanding of human rights is distinguished from a ‘law-centered approach’ that sees human rights ‘as if they are basically grounds for law, almost “laws in waiting”’. This distinction has implications for what Sen views as alternative means (other than legislation) to advance the cause of human rights. There is the ‘recognition route’, which utilizes the ethical force of human rights by ‘giving it social recognition and an acknowledged status’, regardless of enforcement efforts. Emphasizing the ethical foundations of rights claims guards against such claims being ignored or rejected because they lack feasibility (that is, that such rights are not wholly accomplishable) or ‘institutionalization’ (that rights are only authentic when they are institutionalized). Sen also mentions ‘active agitation’, where advocacy efforts are organized around encouraging compliance with rights claims and generating sufficient social pressure in situations where such rights are violated (including monitoring and name-and-shame campaigns). In the era of neoliberal re-regulation and eroding work rights, it is necessary to acknowledge that legal rights are ‘historically and politically contingent choices that judges and legislators have made, rather than accurate representations of reality, incarnations of absolute principles, or markers of the just’. It is a problematic reality that legalistic mechanisms currently overlook those who have been treated ‘unjustly but not illegally’.

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358 Ibid., 326.
359 Ibid., 343.
360 Ibid., 346-348.
361 Ibid., 343-344.
362 Jennifer Gordon, Suburban Sweatshops, 173.
363 Ibid., 222.
An ethics-centred, justice-oriented approach endorses rights-based efforts directed towards progressive legislative reform; this discussion should not be regarded as a quarrel over the relevance of legislative *versus* other advocacy efforts. A labour justice approach, however, aims to foreground the moral claims upon which legislative changes are or should be made, and warns against narrow legalistic approaches that prize the rule of law without critically examining the social and institutional contexts within which the law operates. Advocates of the rule of law approach emphasize the implied procedural objectivity in rule-making and application ‘among persons and over time’.\(^{364}\) Ideally, such a legal system upholds universal human rights through institutions staffed by competent, fair and efficient persons of authority who are impartial and independent. Under such a rubric, governments and their officials accept the applicability of laws unto themselves and strive to be law-abiding.\(^{365}\) In practice, however, the rule of law ‘can be conceived broadly or narrowly’.\(^{366}\) More pointedly, as Carothers notes,

Some Asian politicians focus on the regular, efficient application of law but do not stress the necessity of government subordination to it. In their view, the law exists not to limit the state but to serve its power. More accurately characterized as rule *by* law rather than rule of law, this narrow conception is built into what has become known as Asian-style democracy.\(^{367}\)

This orientation can be seen in the continuing debate over ‘Western’ notions of human rights impinging on ‘Asian values’, one that is particularly salient in Singapore, where politicians regularly reject foreign criticisms of oppressive state tactics by deploying cultural relativist arguments.\(^{368}\) In dismissing the criticisms


\(^{366}\) Ibid., 97.


\(^{368}\) In 2010, the Minister for Law and Home Affairs, Mr K. Shanmugam, commented at an American forum on press freedom that America is ‘strong enough’ to deal with a wider and free press. This is unlike Singapore, which is a ‘micro-state’ and thereby cannot ‘withstand such harm’. In 1994, Singapore’s patriarchal figure and former Prime Minister, Lee Kuan Yew, commented in *Foreign Affairs* that it is ‘my business to tell people not to foist their system indiscriminately on societies in which it will not work’, stressing the differences between Asian and Western values. This led to a heated response by a Korean human rights activist who countered that the biggest obstacle to establishing
made by the US Department of State in its annual human rights country report – the 2012 report cited legal restrictions on political opponents, on free speech and assembly, press freedom, as well as labour rights\(^{369}\) – Singapore’s Ministry of Foreign Affairs (MFA) stated that ‘human rights cannot be considered in isolation from the circumstances of the society in which they are embedded’.\(^{370}\) MFA’s statement further claimed:

[I]t is apparent the US Department of State is more interested in imposing its own ideology, rather than making a genuine attempt to understand human rights practices as they actually exist, whether in Singapore or elsewhere . . . . our government is built on the rule of law and held accountable to our people through regular democratic elections. We will adapt our policies in the interests of our people and as the balance of rights and obligations evolve in our society.\(^{371}\)

Sen is critical of such arguments, pointing out that ‘what are taken to be “foreign” criticisms often correspond to internal criticisms from non-mainstream groups’.\(^{372}\) I similarly reject cultural relativist arguments that impinge on the ethical demands underpinning labour justice: equity, fairness, respect, dignity, security, opportunity, recognition and self-determination. Such ethical values share something vital: they are ‘not quantifiable, they are not exchangeable in the way that giving them a monetary equivalence would imply, and perhaps most importantly, contra moral subjectivists, they are not just personal preferences’.\(^{373}\) Despite the neoliberal impulse to commodify them, ethical values are often ‘most resistant to commodification’.\(^{374}\)


\(^{371}\) Ibid.


\(^{373}\) Mick Smith and Rosaleen Duffy, The Ethics of Tourism Development (New York: Routledge, 2003), 27.

\(^{374}\) Ibid.
Historically and cross-culturally,\textsuperscript{375} these are binding values central to social justice movements, including labour movements. Solidarity is formed by virtue of our connection to and protection of these values.\textsuperscript{376} Rights-based codes and conventions, while generally expressed in legalistic terms, are premised on the recognition that these are pillar values that must be upheld, with punitive measures targeted at those who consistently and grossly violate them. It is therefore important to distinguish between legal mechanisms that advance or impede the ethical demands underpinning rights claims, and assess them as integral components of a particular political regime.

Criticisms of legalistic approaches are not restricted to governments, they also extend to the workers’ rights movement. Savage argues that in Canada, organized labour’s strategic shift towards pursuing litigation diminishes the labour movement.\textsuperscript{377} These ‘elite-driven judicial strategies’ shift resources away from collective political action and ‘depoliticize[s] traditional class-based approaches to advancing workers’ rights’.\textsuperscript{378} Butovsky and Smith similarly view that this focus on legal strategies have resulted in greater trade union bureaucratization, thereby channeling action away from workplace activism. The authors posit that ‘an effective, forward-looking policy’ for labour organizing ‘must subordinate such [legalistic] methods to a strategy centred on the mobilization of labour’s ranks in direct mass action’.\textsuperscript{379} Other problems associated with legal mobilization include a narrow bias towards cases in which violations are ‘clear and indisputable’;\textsuperscript{380} it is a retrospective approach that deals with problems after they have occurred.\textsuperscript{381} Legal


\textsuperscript{376} Carson illustrates the importance of solidarities across racial and class divides in social movements; conversely, divisions along such lines critically impede effective organizing. See Jenny Carson, ‘Taking on “Corporate Bullies”: Cintas, Laundry Workers, and Organizing in the 1930s and Twenty-First Century’, \textit{Labor Studies Journal} 35, no.4 (2010): 453-479.


\textsuperscript{378} Ibid., 8.

\textsuperscript{379} Jonah Butovsky and Murray E.G. Smith, ‘Beyond Social Unionism: Farm Workers in Ontario and Some Lessons from Labour History’, \textit{Labour} 59 (Spring 2007): 94.


\textsuperscript{381} Ibid., 45.
remedies are also reliant on state intervention and enforcement, and can foster a dependency on external ‘experts’, such as litigators. Pursuing workers ‘protective rights’ – say, payment of legal minimum wages – is not viewed as contributing to workers’ ‘enabling rights’, that is, rights related to freedom of association. Legal mobilizing is thus accused of being an atomized strategy that individualizes problems, separating rather than organizing and empowering workers to take collective action.

At the same time, litigation, as part of a legal mobilization approach, can exert pressure, and may have ‘multiple indirect, informal effects’ at a grassroots level for civil society activists and organizations. These include capacity-building, organizational growth, the consolidation of transnational activist networks and cultivating ‘symbolic and communicative resources for movement-building and mobilization’. Legal mobilizing can also aid in fostering consciousness and strengthen organizing skills. Cummings, for example, analyzed the high-profile anti-sweatshop campaigns launched by a dedicated group of lawyers and activists in the United States. The campaigners’ ‘multi-dimensional tactical approach’, which combined targeted impact litigation and worker organizing, marked ‘a new wave of low-wage worker organizing outside of the conventional labor law regime’. Lawsuits have also been used to expose a company’s poor treatment of workers and generate community support for union mobilization. Holzmeyer, in fact, argues that there should not be an assumption of a ‘zero-sum relationship between

382 Gordon, Suburban Sweatshops, 154.
383 Ibid., 185.
384 In such situations, ‘legal mobilizing can only mobilize workers to defend themselves when their rights are violated, but it cannot “enable” workers to initiate and collectively bargain for better working conditions and wages’. See Yi Xu, ‘Labor Non-Governmental Organizations in China: Mobilizing Rural Migrant Workers’, Journal of Industrial Relations 55, no.2 (2013): 249.
385 Ibid., 249-250.
387 Ibid., 301.
388 Xu, ‘Mobilizing Rural Migrant Workers’, 250.
389 Cummings, ‘Hemmed In’, 1.
litigation and other activist tactics’. Whether or not litigation advances broader social and political objectives depends on ‘the context of interaction between activists and legal processes, in particular the intertwining of broader structures of political opportunity, organizational resources, and rights consciousness’. The frequent arguments about resource prioritization are, in fact, an indication of the marginal position of labour rights organizations, including unions but also labour NGOs and other civil society actors that are championing workers’ rights under increasingly anti-labour environments. The limited resources of such organizations are dwarfed by the consolidated show of power and capital between state and financial elites, for whom legalistic modes of operation – and forms of discourse – are favoured, and generally skewed in their interests. In their pursuit of legitimacy under increasingly legalistic climates, rights activists thus frequently struggle, at a practical level, with the vexing dilemma of litigation or collective political action. Ideally, however, simultaneous and allied efforts to pursue multiple strands of action are required.

Ultimately, a more dialectical perspective on the relationship between justice and the law is required, one that involves critical deliberation over genuine tensions within social movements regarding law-centred advocacy efforts and its impacts on broader social change objectives. This tension points to the need for greater collaboration and support from a wider range of organizations in improving labour standards and empowering labour; this is a marginal battle fought under challenging and hostile circumstances, particularly for low-paid migrant workers. Gordon, who founded the Workplace Project in the United States, an organization to assist migrant workers, believes the pervasive tensions and conflicts between ‘lawyering and organizing’ are, in many instances, unresolvable. Instead, she

392 Ibid., 274.
393 Gordon, Suburban Sweatshops, 148-236.
394 Savage, despite his heavy criticism of organized labour’s litigation strategies, acknowledges that litigation and political mobilization can and has been pursued simultaneously. Cummings’ detailed study of legal mobilization in the anti-sweatshop movement demonstrates the coordinated efforts between a broad range of concerned groups, and the different tactics required. Roca-Servat, in her study of a union organizing campaign for migrant construction workers, highlights how the union combined legal tactics with other organizing strategies. See Savage, ‘Workers’ Rights’, 18; Cummings, ‘Hemmed In’, 1-84; Roca-Servat, ‘Justice for Roofers’, 343-363.
recommends an attentiveness to these tensions, so that we may find a way to ‘work in their midst’ and realize the ‘rich rewards of the relationship between law and organizing’.\footnote{395}

Rights, Power and Politics – Beyond a Distributive Paradigm

Seeing rights as ethical claims constantly being negotiated within a politicized landscape emphasizes a relational view of power and the dynamism of sociocultural processes. Possessing certain resources (such as money or military equipment) may affect the exercise of power, but ‘resources should not be confused with power itself’.\footnote{396} Crucially, power should not be restricted to a ‘dyadic relation’, a ruler-subject model that narrows its focus to specific agents or roles.\footnote{397} Young attributes this to the ‘atomistic bias of distributive paradigms of power’, which tends to obscure the role of mediating parties that enable and sustain the exercise of power:

One agent can have institutionalized power over another only if the actions of many third agents support and execute the will of the powerful. A judge may be said to have power over a prisoner, but only in the context of a network of practices executed by prison wardens, guards, recordkeepers, administrators, parole officers, lawyers, and so on. Many people must do their jobs for the judge’s power to be realized, and many of these people will never directly interact with either the judge or the prisoner. A distributive understanding of power as a possession of particular individuals or groups misses this supporting and mediating function of third parties.\footnote{398}

Such a view of rights and power understands social change as an inherently political process, one in which items or utilities being fought for – whether it be health benefits, higher wages or safer workplaces – are not merely ends in themselves. Our interconnectedness means that targeting a specific ‘Master Oppressor’ is no longer sufficient; mediating parties need to recognize their complicity and, more importantly, actively contribute to the process of social change through the exertion of pressure along the hierarchy of social relations.

\footnote{395}{Gordon, \textit{Suburban Sweatshops}, 236.}
\footnote{396}{Young, \textit{Politics of Difference}, 31.}
\footnote{397}{Ibid.}
\footnote{398}{Ibid.}
Fraser similarly warns against shallow interpretations of justice focused on the redistribution of socio-economic goods without an attendant emphasis on injustices of a cultural or symbolic nature. These are ‘rooted in social patterns of representation, interpretation, and communication’ (identified as issues of recognition). Fraser locates a central problem with affirmative redistributive remedies that address economic injustice while leaving ‘intact the deep structures that generate class disadvantage’. To be clear, distributive issues are not irrelevant to discussions about justice. In fact, a more equitable distribution of resources is an important aspect of ensuring that those in marginalized positions gain recognition. Grossly uneven distributions of wealth are strong signifiers of social injustice and unhealthy concentrations of power. However, a problem with our dominant distributive paradigm – which views social justice as ‘the morally proper distribution of social benefits and burdens among society’s members’ – is that it does not place social structures and institutional contexts under critical scrutiny. Such a distributive paradigm imposes a ‘misleading or incomplete ontology’, for social justice is conceptualized ‘primarily in terms of end-state patterns’, rather than social processes.

Despite their academic arguments, I do not view Young and Fraser’s work to be contradictory, at least not within my focused application. Young’s pluralizing of

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399 Fraser, Justice Interruptus, 14, 25.
400 Fraser acknowledges that there are times when the ‘economic harms that originated as by-products of the status order have an undeniable weight of their own’ and, ‘[l]eft unattended... they can impede the capacity to mobilize against recognition’. See Nancy Fraser, ‘Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation’, in Redistribution or Recognition? A Political-Philosophical Exchange, Nancy Fraser and Axel Honneth (London: Verso, 2003), 24.
401 Young, Politics of Difference, 16, 20.
402 Ibid., 25.
403 Young and Fraser have engaged in academic debates over what Young views as Fraser’s creation of a false dichotomy between political economy and culture. Young asserts that Fraser ‘takes recognition as an end in itself, politically disconnected from redistribution’. Young instead suggests pluralizing concepts of justice, to ‘show how recognition is a means to, or an element in, economic and political equality’. In reading Fraser’s later philosophical exchange with Axel Honneth, however, Fraser does emphasize that it is not a matter of choosing between redistributive justice and recognition, for ‘justice today requires both redistribution and recognition’. See Iris Marion Young, ‘Unruly Categories: A Critique of Nancy Fraser’s Dual Systems Theory’, New Left Review, March-April 1997: 156; Nancy Fraser, ‘Social Justice’, 9.
justice is powerful because it emphasizes institutional contexts and critical issues frustrating the ‘logic of distribution’ (namely, decision-making procedures, division of labour, and culture). Fraser, meanwhile, asserts that redistribution and recognition are not ‘mutually exclusive alternatives’ and argues that subordinated groups often suffer both maldistribution and misrecognition ‘in forms where neither of these injustices is an indirect effect of each other, but where both are primary and co-original’. These perspectives are important because in mainstream debates, rights claims sometimes collapse into the pitting of one cluster of rights (economic, social and cultural), against another (political and civil rights). Yet it is becoming increasingly evident that ‘these rights are indivisible: each is essential for the realization of others’. Kabeer credits this to the ‘multidimensionality of power itself’. For power may be fused in a single entity or person, or

it may operate through institutionally differentiated relations of state, market, community and family – in both situations, political disenfranchisement, social marginalization, cultural devaluation and economic dispossession come together in various combinations to define the condition of exclusion and marginalization.

The deprivation of rights, therefore, is not experienced in a bifurcated manner, where rights of a civil-political nature are distinguished from rights of an economic-social nature. When people protest, ‘their protests are not confined to one or other of these spheres, but tend to straddle them both’, even if not fully articulated by them. Intertwined with demands for higher wages/safe working conditions/adequate food are claims for recognition and a desire for self-

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404 Holgate similarly refers to both Young and Fraser’s work in her paper on organizing migrant workers and highlights how each theorist is helpful in her conceptualization of justice/injustice. See Holgate, ‘Organizing Migrant Workers’, 464.

405 Fraser, ‘Social Justice’, 19.


407 Ibid.


409 Kabeer, Inclusive Citizenship, 15.
determination.\textsuperscript{410} It is also noted that rights claims are dynamic and may expand to cover new concerns (for example, residency or reproductive rights). Rejecting the notion of a hierarchy of rights, however, should not detract from the fact that, often, ‘the realization of one right is contingent on the existence of another’.\textsuperscript{411} Rights are interdependent as much as they are indivisible and resist compartmentalization. Nyamu-Musembi recommends that we remain attentive to ‘how people articulate rights claims in specific situations, rather than ask which types of rights are important and how they reinforce or weaken each other’.\textsuperscript{412} An open question of this nature emphasizes ‘the complex overlap between demands for rights as “things” and demands for the power to make decisions concerning the “things” (participation)’\textsuperscript{413}

\textbf{Conclusion}

Adopting the lens of labour justice is to view low-paid labour migration through a politically cognizant framework. Workplace democracy is a key aspiration of labour justice – it is not just working conditions that need to be altered, workplace relations must be shaped into more egalitarian forms. Redistributive measures remain important, but there is a concurrent and urgent need to transform the social structures that reproduce inequalities. Policy advocacy, therefore, also requires symbolic political change in decision-making processes – it is not merely policy reform, but the democratization of institutions that is required, a radical reorganization of decision-making processes. Labour justice recognizes quasi-coercive situations, a defining characteristic of low-paid labour migration; it assesses workplaces as exploitative through their empirical realities rather than existing legal definitions. An ethics-centred approach, labour justice prioritizes the ethical values that underpin universally lauded labour rights, not just the laws in which they are manifested. Labour justice supports legal mobilization strategies, but warns against

\textsuperscript{410} Kabeer defines demand for recognition as ‘recognition of the intrinsic worth of all human beings, but also recognition of and respect for their difference’. Self-determination, meanwhile, refers to ‘people’s ability to exercise some degree of control over their lives’. Ibid., 4-5.

\textsuperscript{411} Nyamu-Musembi, ‘Actor-Oriented Perspective’, 46.

\textsuperscript{412} Ibid.

\textsuperscript{413} Ibid.
legalistic approaches that depoliticize rights activism and impede or displace efforts at promoting collective political action. The process-driven emphasis of labour justice challenges state-centric approaches that ignore the transnational logic of low-paid labour migration, as such narrow approaches frustrate attempts to effectively combat the chain of exploitation that begins in sending countries, and the complicity required between mediating agents to maintain such regimes.

Essentially, labour justice is the lens through which I assess labour relations, employment practices and migration processes. The concept has influenced my analyses of low-paid labour migration as have my research experiences. Labour justice underpins my examination of Singapore’s stratified and discriminatory labour migration regime and my engagements with migrant worker organizing (see Chapters 4 and 5). Labour justice has also shaped an exploratory framework for assessing migrant workers’ precariousness (see Chapter 6), in which migrant workers’ precarity is viewed as a sum of interdependent and mutually reinforcing dimensions, what I term a precarity package. Meanwhile, the fieldwork experiences described in Chapters 7 and 8, which detail the formidable institutional and social constraints migrant workers face in accessing justice, played a significant role in attempts to formulate a more ethics-centred, justice-oriented framework for assessing labour relations. A labour justice perspective ties the concept of justice to corresponding obligations; it also challenges notions of responsibility that are narrowly legalistic, deceptively apolitical and unrealistically spatially-bound. A labour justice perspective, finally, leads this thesis towards a more encompassing model of responsibility, one that recognizes our structural interdependencies, namely, Young’s social connection model (Chapter 9).414

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414 Young, ‘Social Connection Model’, 102-130.
Chapter 4

Controls and Contradictions: Contextualizing Singapore’s ‘Unfree Labour Regime’ for Low-Paid Migrant Workers

The foreign workforce is interesting. They add to the workforce but they don’t retire and grow old here . . . They are only here when they are active and therefore they don’t contribute to our ageing population. So there is an advantage in having a transient workforce here which helps to contribute to the economy and economic growth but which doesn’t impose a social load on us when they grow old or doesn’t demand a social load from us when they are very young.\textsuperscript{415}

*Singapore’s Deputy Prime Minister, Teo Chee Hean, October 2012*

This chapter aims to illustrate the social, political and institutional context of low-paid labour migration in Singapore. It begins with a brief introduction on Singapore’s foreign workforce, before detailing the core regulatory aspects of Singapore’s graduated work pass system, with an emphasis on low-paid Work Permit holders. Singapore’s labour migration framework, with its complex calibration of privileges and control measures, gives the semblance of a highly regulated and delicately balanced system, but this chapter delves deeper to reveal the contradictions that result from policy interaction with labour market realities. This is done through exploring the concept of ‘semi-compliance’,\textsuperscript{416} in which employers, recruiters and migrant workers persistently violate certain work pass regulations, with migrant workers bearing disproportionate risks.

**Singapore’s Foreign Workforce: A Brief Introduction**

From the onset of Singapore’s independence in 1965, labour migration policy has been geared towards facilitating rapid industrialization and enhancing economic competitiveness. Along with wooing multinational companies (MNCs), the state believed in attracting ‘foreign talent’ – formally educated professionals with degrees and other specialized qualifications – to both work and settle in Singapore and boost


\textsuperscript{416} Ruhs and Anderson, *Semi-Compliance*.
its international standing as a thriving business hub. These professionals were made up of diverse nationalities – wealthy and highly-qualified Chinese from within Southeast Asia, such as Malaysia, Hong Kong, Taiwan and Indonesia; expatriates from Western countries, including Americans, Australians, British and other Europeans (Germany, France, Switzerland); Japanese and Korean nationals, as well as significant numbers from China and India. This was consistent with economic restructuring throughout the ‘70s and ‘80s, though some care was exercised with regards to residency policies – the issue of maintaining Singapore’s racial composition did influence immigration criteria. (Singapore’s citizen population is made up of approximately 74 percent Chinese, 13 percent Malays, 9 percent Indians and 3 percent ‘Others’; this is often referred to as the CMIO model.)

In 1999, the push to recruit foreign professionals intensified with the launch of the Manpower 21 Plan, which aimed to develop Singapore into a dynamic ‘talent capital’ and cutting-edge ‘knowledge-based economy’. This ‘new economy’ comprised of emerging niche sectors: the biomedical, chemical, electronics industries; engineering and environmental services, healthcare, digital media, and the maritime industry, among others. This strategy has continued through the 21st century, with favoured sectors including the ‘life sciences’, casino gaming (which generated S$7.7 billion in revenue in 2011), and high-value added services

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422 Coe and Kelly, ‘Distance and Discourse’, 417.


such as finance, medicine and education.425 These sectors, as noted by Lim and Lee, entrench a further dependency on foreign labour, as they ‘create disproportionately more jobs for foreigners than for locals, at all skill levels, and can only be sustained by massive immigration’.426

In response to citizens’ resentment towards ‘foreign talent’ – viewed as privileged and competing with the local educated workforce427 – government ministers emphasize Singapore’s vulnerability in a globally competitive economy and the absolute necessity of recruiting international talent to sustain wealth creation. In December 2009, Mr. K Shanmugam, Minister for Law and Second Minister for Home Affairs, said Singapore’s ‘openness to talent flow’ has enabled its economy to thrive, despite scarce natural resources. Moreover, foreigners ‘help us increase the pie – and that gives jobs to Singaporeans’. Citing ‘fierce competition for brain power’, Singapore must remain ‘clear minded’ in this global ‘war for talent’ or else ‘we will quickly lose out internationally’.428

In her work on global cities, Sassen has highlighted how growing concentrations of high-level professionals and specialized service firms in global cities lead to new forms of socio-economic and spatial inequalities.429 In his 1999 paper, Baum argued that Singapore contradicts this hypothesis. Baum’s view was that Singapore’s transformation into a key global player demonstrated a trend towards greater professionalization and a burgeoning middle class, rather than social polarization.430 The data examined, however, relates primarily to Singaporean citizens; additionally,


426 Ibid.


it is dated, as trends in the last decade demonstrate sharp increases in income inequality. As the number of millionaire households in Singapore multiply and crass symbols of conspicuous consumption begin to grate – concerns are growing over socioeconomic polarization. According to the United Nations, the rich-poor gap in Singapore is the second largest among the world’s developed countries. In 2010, Singapore’s richest 20 percent reportedly earned 9.7 times more than the poorest 20 percent. It was reported that the median monthly income of Singapore’s richest 20 per cent rose from $5,328 in 1996 to $7,278 in 2009; meanwhile, the poorest 20 per cent saw their wages increase by a mere $32 over the same 13 year time period, from $711 to $749. These developments have coincided with visible swells in migrant labour: between 1990 and 2006, there was a rapid 170 percent increase in the non-resident workforce, from 248, 000 foreigners to 670, 000 in that time period. Meanwhile, the disparity continues to heighten. A 2013 article reported that the top 10 percent of Singapore’s households earned almost 25 times more than the bottom 10 percent (see Appendix A for more on wage levels and income inequality).

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432 In 2010, Singapore was known to have the highest percentage of millionaires in the world; this trend continued in 2011. The ‘uber-wealthy’ population has also grown – 10 in every 100,000 households are classified as ‘ultra-high-net-worth’ households, meaning they have more than US$100 million in private financial wealth. See Shibani Mahatani, ‘Singapore No.1 for Millionaires - Again’, Wall Street Journal, June 1, 2012, http://tinyurl.com/mc4gsmg (accessed August 10, 2013).


435 Ibid.

436 Yeoh, ‘Hungry for Foreign Workers’.

437 Ong, ‘Income Inequality in Singapore’.
In giving attention to the critical role of low-paid labour migration in Singapore’s economy, this study corresponds with the views of Sassen. In Singapore, the aggressive push to attract ‘quality talent’ and transform itself into a knowledge economy has not only resulted in the consolidation of high-paid professional jobs, it is accompanied by the continuous expansion of a range of low-paying jobs integral to sustaining and servicing Singapore’s new economic infrastructure – the construction workers required for incessant public and private sector projects, the service staff required to maintain the cosmopolitan lifestyle demands of increasingly sophisticated consumers. Singapore’s rapid move to the top echelons of the global economy has fed a growing demand for low-paid migrant workers to support rising consumption and enable social reproduction. While the ruling elite can no longer deny the palpable signs of ‘occupational polarization’ and rising inequality, this is often treated as an inevitable cost or necessary trade-off in return for economic opportunities. In July 2013, Prime Minister Lee made the controversial remark that if he could persuade another 10 billionaires to move to Singapore, he would, even if it resulted in greater income inequality,

because they will bring business, they will bring opportunities, they will open new doors, they will create new jobs, and I think that’s the attitude with which we must approach this problem.

A different sort of economic pragmatism is evoked to allay concerns about temporary low-paid migrant workers, who are ‘doing jobs and taking shifts that Singaporeans do not want or will not take’. Making up the largest proportion of the non-resident workforce, these temporary migrant workers were being recruited

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438 For 2013, Singapore’s total construction demand is projected to be between S$28 billion to S$34 billion; last year’s was S$30.7 billion. Meanwhile, the population of low-paid migrant construction workers has increased from 180,000 at the end of 2007 to 306,500 in June 2013. See Charissa Yong, ‘Construction Boom, but Challenges Loom’, *Straits Times*, October 20, 2013.


440 Similar social transformations are evident in London, where rapid growth in the financial and business sectors, commensurate with London’s rise as a key centre of the global financial economy, is accompanied by shifts to a service-based economy and ‘occupational polarization’ – the expansion of managerial and professional households have fuelled demand for low-paid workers to service the institutions of this new financial economy, as well as the needs of these managerial and professional elites. See Datta et al., ‘Coping Strategies’, 410.


as early as 1968. By 1973, during an economic boom, low-paid migrant workers made up about one-eighth of Singapore’s total workforce; most were from neighbouring Malaysia.\textsuperscript{443} Their numbers continued to rise and fall in accordance with the economic tide but started to rise significantly in the late 1970s, when workers were being recruited from ‘non-traditional’ sources (Indonesia, Thailand, Sri Lanka, India and Bangladesh) to meet the surging demands of industrialization.\textsuperscript{444} This growing reliance continued through the 1980s, particularly in the manufacturing, construction and maritime industries. Over time, dependence on low-paid migrant workers continued to deepen and extend to new sectors, such as the service sector, with low-paid migrant workers visible in the food and beverage,\textsuperscript{445} cleaning, landscaping, retail, healthcare\textsuperscript{446} and even ‘entertainment’\textsuperscript{447} industries. The transport sector is also increasingly hiring more foreigners (for example, bus drivers).\textsuperscript{448} The state does not reveal employment figures related to the nationality of workers and the sectors they occupy – this is considered politically sensitive information.\textsuperscript{449} In terms of visibility, however, Chinese migrant workers appear to be a dominant group, especially since they are allowed to work in a wider range of sectors. One 2011 report estimated there were over 200,000 Chinese low-paid migrant workers in Singapore.\textsuperscript{450} Another news report in 2010 cited a spokesperson for the Bangladesh High Commission, who said there were 120,000 Bangladeshis living and working in Singapore, more than 90 per cent of whom were


\textsuperscript{444} Ibid., 550.


\textsuperscript{446} One newspaper report claimed that ‘up to 85 per cent of the staff in some nursing homes are foreign’. See Radha Basu, ‘Low Pay, Dirty Work, Who Wants Nursing Home Job?’, \textit{Straits Times}, January 4, 2011.

\textsuperscript{447} Melissa Kok, ‘Nightspots Worry about New Rules on Foreign Staff’, \textit{Straits Times}, August 16, 2012.


\textsuperscript{449} Abdul Rahman notes how Singapore’s Manpower Minister admitted, in 2003, that such information is ‘sensitive data’ and needs to be ‘held back for reasons of national interests’. See Abdul Rahman, ‘Managing Labour Flows’, 201.

men working in the construction or maritime sectors.\textsuperscript{451} These figures are likely much higher now, corresponding to increases in the foreign workforce in these sectors.

Female foreign live-in domestic workers (FDWs) – locally termed ‘maids’ – are also low-paid migrant workers on renewable work passes. Their numbers have grown exponentially since the Foreign Maid Scheme was introduced in 1978. In just a decade, the FDW population had grown to 40,000 in 1988.\textsuperscript{452} This figure more than doubled by 1999, when there were 100,000 FDWs.\textsuperscript{453} Their numbers have been increasing steadily, year on year. In December 2012, the foreign domestic worker population stood at 209, 600;\textsuperscript{454} it is estimated that one in five or six households hire a domestic worker.\textsuperscript{455} About half the domestic workers in Singapore hail from Indonesia,\textsuperscript{456} followed by the Philippines;\textsuperscript{457} there are also domestic workers from Myanmar, India, Sri Lanka,\textsuperscript{458} and most recently, Cambodia.\textsuperscript{459} The Singapore government’s stance against mandating minimum wages applies to domestic workers; efforts by sending countries to establish minimum wages for foreign domestic workers have suffered from a lack of transnational cooperation and enforcement.\textsuperscript{460} Domestic worker salaries in Singapore hover around the S$400-

\textsuperscript{452} Abdul Rahman, ‘Managing Labour Flows’, 204.
\textsuperscript{458} One June 2012 newspaper article reported the breakdown of domestic workers by nationality as: Indonesian (103,000), the Philippines (70,000), India (15,000), Myanmar (10,000) and Sri Lanka (4,500). See Amelia Tan, ‘Maid Agents Looking to Sri Lanka’, \textit{Straits Times}, June 25, 2012.
\textsuperscript{459} A Ministry of Manpower pilot scheme was launched in September 2013 to allow domestic workers from Cambodia (not an approved source country for FDWs) to work in Singapore. About 400 foreign domestic workers from Cambodia are expected to arrive by the end of 2013. Cambodia will be added to the list of approved source countries if the pilot scheme is assessed positively. See Amelia Tan, ‘Cambodian Maids Raring to Go’, \textit{Straits Times}, September 22, 2013.
S$500 mark, with variations corresponding to worker nationalities.\textsuperscript{461} Their salaries are lower than what foreign domestic workers earn in other destination countries in the region such as Hong Kong and Taiwan.\textsuperscript{462} In Singapore, foreign domestic workers, unlike other Work Permit holders, are excluded from the Work Injury Compensation Act\textsuperscript{463} as well as the Employment Act;\textsuperscript{464} the latter stipulates minimum standards regarding work hours, rest days, overtime compensation and regular salary payments.\textsuperscript{465}

Generally, low-paid migrant workers are viewed as potentially disruptive to society and the state positions itself as ‘firmly committed to ensuring that unskilled and low-skilled migrant workers are managed as a temporary and controlled phenomenon’.\textsuperscript{466} In fact, in 1981, the government announced its intention to ‘phase out all unskilled foreign workers by the end of 1991’ (with the exception of domestic

\begin{footnotesize}
\begin{enumerate}
\item According to newspaper reports, Indonesian domestic workers are paid around S$450 a month and Filipino domestic workers around S$500 a month. Myanmar domestic workers, meanwhile, are paid about S$400 a month. See Amelia Tan, ‘Cost of Indonesian, Filipino Maids Goes Up’, \textit{Straits Times}, June 30, 2013.

\item Comparatively, Hong Kong stipulates a S$625 minimum monthly salary for domestic workers; in Taiwan, domestic worker salaries in 2012 were reportedly S$680. Also, domestic workers in those countries are allowed four days off a month, a basic right that continues to be denied to a significant percentage of domestic workers in Singapore, despite the government introducing a new ruling for a weekly day off in January 2013. This has been attributed to a lack of enforcement and two ‘get out clauses’ for employers who do not wish to grant their domestic workers a day off. See Immigration Department, Government of Hong Kong, ‘Wages’, http://tinyurl.com/kush78a (accessed April 12, 2013); Radha Basu, ‘Singapore Needs a Plan B on Maids’, \textit{Straits Times}, March 11, 2012; Sharanjit Leyl, ‘Singapore Domestic Workers’ Day Off’, \textit{BBC}, September 26, 2013.


\item The Employment Act (EA) excludes the following employees: Domestic workers, seafarers, persons employed in managerial or executive positions, those employed by a statutory board or the Singapore government. Meanwhile, Part IV of the EA, which provides for rest days, working hours and other working conditions, is restricted to certain employees according to their monthly salaries. See Ministry of Manpower, ‘The Employment Act: Who It Covers’, http://tinyurl.com/2wyoqa8 (accessed October 31, 2013).


\item Yeoh, ‘Bifurcated Labour’, 29.
\end{enumerate}
\end{footnotesize}
workers, construction and shipyard workers). Strong protests from employers, however, meant the government swiftly retreated from this policy stance. Discursively, low-paid migrant workers continue to be framed as a ‘short-term labour pool that is easily repatriated’, with migrant workers frequently depicted as socioeconomic buffers. In 2009, in commenting on the impacts of the Global Financial Crisis, Prime Minister Lee Hsien Loong said:

When the economy turns down, the foreign workers provide us with a buffer . . . In the first half of this year, in fact the number of Singaporeans working has gone up . . . not much, 7,000 more jobs — but in this environment, to have more Singaporeans at work is amazing.

And why did it happen? Because the impact was absorbed by foreign workers . . . we have 20,000-odd foreign workers nett job loss. So therefore, I think the foreign workers do a good job, in Singapore, for Singaporeans.

Statistics are also strategically released to placate local anger at the growth of migrant worker numbers during an economic downturn. In early 2009, the Manpower Ministry cited figures to show that in 2002, due to the 2001 recession, about 42,300 foreigners lost their jobs while 19,400 were created for locals; the following year, 14,900 locals gained employment while 27, 900 foreigners lost their jobs. This stance was reiterated in a 2012 ‘Issues Paper’ published by the National Population and Talent Division (Prime Minister’s Office), which cited how, ‘during

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468 Ibid.
470 A business professor wrote in a Straits Times commentary, titled ‘Foreign Worker Buffer Is Working’: ‘By reason of deliberate government policy, foreign workers – especially at the lower levels such as production workers and construction labourers – provide a buffer to our employment. When the economy booms, Singapore attracts more foreign workers; when the economy weakens, foreign workers are laid off and return to their home countries.’ See Ivan Png, ‘Foreign Worker Buffer Is Working’, Straits Times, September 12, 2009.
471 ‘Why the Pace Must Slow’.
the 2002-2003 recession, our foreign workforce shrank while resident employment continued to grow’.\footnote{473}

Managing Migration: Singapore’s Stratified Work Pass System

Despite the state’s public assurances of tightening measures in July 2010, the foreign workforce has continued to expand. Table 4.1 shows the increases in Singapore’s foreign workforce from December 2007 to December 2012, with a breakdown according to the three key work pass categories: Employment Passes, S-Passes, and Work Permits (sometimes referred to as R-Passes, designated for low-paid ‘unskilled’ or ‘low-skilled’ workers, including Foreign Domestic Workers).\footnote{474} As of December 2012, there were 952, 100 low-paid Work Permit holders in Singapore.

Table 4.1 Foreign workforce numbers, Dec 2007 – Dec 2012

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<tbody>
<tr>
<td>Employment Pass</td>
<td>99,200</td>
<td>113,400</td>
<td>114,300</td>
<td>143,300</td>
<td>175,400</td>
<td>173,800</td>
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<td>(EP)</td>
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<td>S Pass</td>
<td>44,500</td>
<td>74,300</td>
<td>82,800</td>
<td>98,700</td>
<td>113,900</td>
<td>142,400</td>
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<tr>
<td>Work Permit (WP)</td>
<td>757,100</td>
<td>870,000</td>
<td>856,300</td>
<td>871,200</td>
<td>908,600</td>
<td>952,100</td>
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<td>(180,000 in</td>
<td>(229,900 in</td>
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<td>(264,500 in</td>
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<tr>
<td>Total Foreign</td>
<td>900,800</td>
<td>1,057,700</td>
<td>1,053,500</td>
<td>1,113,200</td>
<td>1,197,900</td>
<td>1,268,300</td>
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<tr>
<td>Workforce</td>
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<td>Increase/Decrease</td>
<td>-</td>
<td>(+) 156,900</td>
<td>(-) 4,200</td>
<td>(+) 59,700</td>
<td>(+) 84,700</td>
<td>(+) 70,400</td>
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<td>Total Foreign</td>
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\footnote{474}{While there was a slight decrease in Employment Pass holders in 2012 from the previous year, and a dip in total numbers in 2009 compared to 2008, the general trend has been increases in the total foreign workforce, with significant swells taking place between 2007 and 2008 – where the foreign workforce increased by 156, 900, a rate of about 13, 075 foreigners a month – as well as between 2010 and 2011.}
The Employment Pass (EP) is for ‘foreign professionals’ with ‘acceptable qualifications’ who earn a fixed monthly salary of at least S$3,000 (this will be increased to S$3,300 in January 2014). The Employment Pass is further bifurcated into three categories (P1, P2 and Q1) according to salary ranges. These salary benchmarks determine eligibility for privileges such as Dependent’s passes (for spouses and children) and long-term social visit passes (for relations such as parents and parents-in-law). Unlike Work Permit holders, EP holders are not constrained by source country restrictions, which funnel workers of certain nationalities to work in particular industries, while barring them from others. Employment Pass holders are also eligible to apply for permanent residency and citizenship in Singapore, although the criteria that determine a successful PR application remain ambiguous.

The second category is the S-Pass, introduced by the government in 2004 to allow businesses access to ‘mid-level skilled foreigners’ (technicians are a cited example) who earn a fixed monthly salary of at least S$2,200 a month or higher (a figure adjusted upwards from S$2000 in July 2013). S-Pass applicants are assessed by a points system that takes into account multiple criteria, including: salary, educational qualifications, skills, job type and work experience. Sandwiched between Employment Pass and Work Permit holders, S-Pass holders are privy to a few privileges enjoyed by EP holders – those with monthly salaries above S$4000 can

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apply for a Dependent’s Pass – but are subject to a number of similar control measures as WP holders (such as the foreign worker levy and quotas). Like Employment Pass holders, those on S-Passes are not restricted by source country restrictions or maximum age limits (subject to the prevailing retirement age). S-Pass holders are eligible to apply for permanent residency – though, again, the assessment process is non-transparent. The S-Pass, as a bridging category with fewer restrictions vis-à-vis R-Pass Work Permits – in terms of hiring ratios, lower levy payments and source country restrictions – is a problematic one in terms of legal compliance. There is, in fact, significant anecdotal evidence of ‘semi-compliance’ in the service sector with regards to S-Pass holders, in which employers circumvent increasingly costly and onerous regulations in the bid to meet strong labour market demand for low-paid labour (see later discussion).

**The R-Pass Work Permit – Restrictions and Control Measures**

In terms of work pass hierarchy, R-Pass Work Permit holders are situated at the lowest rungs, below the high-income professionals on Employment Passes and mid-tiered S-Pass holders. Work Permit holders’ access to the local labour market is carefully controlled and wholly dependent on employers; these are sometimes referred to in the literature as employer-specific, employer-sponsored or employer-controlled work passes. The migrant worker must ‘not engage in any form of employment other than that stated in the Work Permit’; if the worker’s employment is terminated, he/she must leave the country within a week. The R-Pass is also bifurcated into the R1 Work Permit for ‘skilled’ WP holders and R2 for ‘unskilled’ WP holders, with implications for the levies employers pay (higher for R2 workers).

In the Work Permit category, nationality matters. The Ministry of Manpower classifies WP holders into four clusters: **Malaysian Workers** (considered a

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482 Yeoh, ‘Hungry for Foreign Workers’.

Traditional Source), NAS (North Asian Sources), NTS (Non-Traditional Sources) and PRC (People’s Republic of China). NAS countries are Hong Kong, Macau, South Korea and Taiwan; NTS countries include India, Sri Lanka, Thailand, Bangladesh, Myanmar, Philippines and Pakistan. Source country restrictions are sector-specific requirements that determine which nationalities can work in particular industries. Businesses classified under ‘service sector’, 484 for example, can hire Malaysian, NAS and PRC workers but not NTS workers. 485 There are exceptions for cleaning and grass-cutting contractors who have Town Council contracts. 486 The construction sector, meanwhile, is allowed to hire migrant workers from Malaysia, the PRC, NAS as well as NTS. 487 Malaysian workers on Work Permits generally face fewer restrictions in terms of being able to find work in all sectors allowed to hire foreign workers. Thus, the processes of labour market segmentation observed in cities like London, where certain low-paid occupations are disproportionately represented by particular ethnic groups, are, in the Singapore case, directed and regulated by the state. 488

Work Permits last one or two years before being subject to renewal, but there is a maximum period of total employment. For NTS or PRC workers classed as ‘unskilled’, the maximum employment period is 10 years, a recent upward revision from six years. 489 NTS and PRC workers classed as ‘skilled’ can renew their Work Permits last one or two years before being subject to renewal, but there is a maximum period of total employment. For NTS or PRC workers classed as ‘unskilled’, the maximum employment period is 10 years, a recent upward revision from six years. 489 NTS and PRC workers classed as ‘skilled’ can renew their Work

486 Town councils were established under the Town Councils Act 1988 to manage and maintain public housing estates in Singapore. While framed as a more efficient and decentralized means of managing housing estates, it is also a system criticized by opposition politicians in Singapore, as key representatives are PAP-linked and therefore town council management potentially becomes another ‘political avenue to “trip up” the opposition’. See Andrea Ong and Tessa Wong, ‘Town Councils “Used to Trip Up Opposition”, Straits Times, January 23, 2013; Lan Yuan Lim, ‘Town Council Management in Singapore’, Facilities 16, no. 5/6 (May/June 1998): 143-149.
488 Datta et al., ’Coping Strategies’, 404-432.
489 This revision came into effect on July 1, 2012, after employers complained about the reduced quotas for hiring migrant workers. See Toh Yong Chuan, ‘300,000 Unskilled Foreign Workers Will Get
Permits for a total of 18 years. Work Permit holders are not allowed to bring dependents, nor are they eligible for long-term social visit passes. They are also not eligible to apply for permanent residency. WP holders are also subject to restrictions on their marriage and reproductive rights – migrant workers are barred from marrying Singapore citizens or permanent residents both in and outside of Singapore, without the prior approval of the Controller of work passes. Female migrant workers who are found pregnant are to be repatriated without exception. The Employment of Foreign Manpower Act further states that a ‘foreign employee shall not be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore’.

These prohibitions, which encourage the moral policing of migrant workers, have material consequences, most notably for live-in foreign domestic workers, for whom increased employer surveillance and restrictions on rest days are frequently justified based on the fear domestic workers will get pregnant and potentially cause an employer to forfeit his/her security bond. Human Rights Watch further points out that this prohibition on becoming pregnant has resulted in ‘unequal access to health care services, including voluntary abortions’, due to employers, agents, and domestic workers’ belief that seeking an abortion will lead to automatic deportation. When a Malaysian Work Permit holder was barred from returning to Singapore after applying to marry his pregnant Singaporean partner, the Ministry of Manpower responded to press queries by emphasizing that low-paid migrant

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493 In actual fact, the $S5,000 security bond will not be forfeited if a domestic worker falls pregnant; this liability was removed by the Ministry of Manpower from January 2010. However, it remains a common fallacy. See Ministry of Manpower, ‘$5,000 Security Bond Not Forfeited If Maids Get Pregnant’, Press release, June 25, 2011, http://tinyurl.com/lfa5ak7 (accessed August 13, 2013).
494 Human Rights Watch, Maid to Order, 5.
workers ‘ought to come to Singapore for work purposes only . . . this [work permit condition] also serves to discourage and prevent a large pool of unskilled or lower skilled migrant workers from settling here through marriages with Singaporeans’. 495

It is mandatory for WP holders to undergo regular medical examinations by a Singapore registered doctor. This is a pre-requisite before Work Permits are issued and renewed. The examination includes screening for tuberculosis, HIV, syphilis and malaria; those who ‘fail’ this medical examination will be repatriated. Female foreign domestic workers have to undergo six-monthly medical check-ups, to ‘screen for infectious diseases and pregnancies’. Domestic workers who fail their medical examinations are to be ‘repatriated immediately’. 496

For Work Permit holders, initial and continued access to the labour market is crucially dependent on employers. Prospective employers apply to the authorities for Work Permits and are responsible for renewals and cancellations – neither acknowledgement nor consent is required from workers. The MOM has established a Work Permit Online (WPOL) system to streamline the application, renewal and cancellation of work permits, and a work permit cancellation may be activated as quickly as the same day. Work Permit holders are generally barred from changing their employer in-country. Workers must first be repatriated to their home countries, after which the prospective employer can re-apply to hire them. This often subjects migrant workers to another round of recruitment fees. 497

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495 In this case, Lin, a Malaysian plumber, had applied to marry his pregnant Singaporean partner, Su. Lin had his application rejected and his work permit cancelled. He was also banned from returning to Singapore. The MOM told Su her partner had infringed clause 10 of the Work Permit conditions, in which ‘a work permit holder is not allowed to have any illegal, immoral or undesirable activities in Singapore’. After Su lobbied her Member of Parliament, her appeal against the entry ban was successful and the couple’s marriage was eventually approved. The MOM also said Lin could apply for a work pass if he finds a suitable employer in Singapore. See Esther Ng, ‘Not Easy to Marry a Work Permit Holder’, New Paper, November 7, 2012, http://tinyurl.com/lo6x863 (accessed October 30, 2013).


497 Such restrictions on job mobility have an impact on workers’ (un)willingness to file complaints against abusive employers. HOME and TWC2, Justice Delayed, Justice Denied: The Experiences of Migrant Workers in Singapore (Singapore: HOME and TWC2, 2010), http://tinyurl.com/mhfom4s (accessed November 8, 2013), 9.
A number of control mechanisms exist to regulate this potentially ‘disruptive’ population. Only after a S$5,000 security bond is paid by the employer, and In-Principle Approval obtained from the Ministry of Manpower, can the Work Permit holder enter the country. WP holders (except for Malaysians) are not allowed to be in Singapore at the time of their Work Permit application. The security bond is to be paid to the Singapore government in the form of insurance or a banker’s guarantee.\footnote{Ministry of Manpower, ‘Work Permit – Before You Apply’, http://tinyurl.com/3oev76p (accessed September 13, 2013).} Half of this security bond (S$2500) is liable to forfeiture should a migrant worker ‘abscond’,\footnote{Previously, this S$5,000 security bond risked being forfeited in full if WP holders ‘absconded’ or breached the conditions of their Work Permit, including marriage and residency regulations. However, such obligations were amended from 1 January 2010, reducing an employer’s liability to S$2,500 if a migrant worker ‘absconds’. See Ministry of Manpower, ‘Obligations of Employers of Foreign Workers Tweaked’, Press release, September 25, 2009, http://tinyurl.com/lombzk4 (accessed March 7, 2011).} in other words, remain unaccounted for despite the cancellation of his Work Permit. This is a policy aimed at preventing ‘illegal overstayers’,\footnote{In an article published by Singapore’s Civil Service College, a government statutory board, Wong lists the financial security bond as one mechanism to tighten enforcement ‘against illegals and overstayers’. See Gabriel Wong, ‘Managing Temporary Labour Migration’, March 2008, http://tinyurl.com/kotapzq (accessed September 14, 2013).} with the responsibility of policing workers placed on employers. Further control measures for calibrating the numbers of migrant workers include the foreign worker levy (FWL) and the dependency ratio ceiling (DRC, or quota). The dependency ratio ceiling – also applicable to S-Pass holders – determines the proportion of foreign to local workers a company is allowed to hire; this quota varies according to industry and company, with a worker’s nationality also playing a part. For example, from July 2012, 87.5 percent of a construction company’s total workforce can be foreigners on either R-Passes or S-Passes, although only 20 percent can be S-Pass holders. WP holders may come from the following countries: China, Malaysia, Taiwan, Hong Kong, South Korea, Macau, India, Sri Lanka, Thailand, Bangladesh, Myanmar and the Philippines.\footnote{Janice Heng, ‘Bosses Who Work Within Limits’, \textit{Straits Times}, September 13, 2012.}
The foreign worker levy is described as ‘a pricing control mechanism to control the number of foreign workers (including Foreign Domestic Workers) in Singapore’.\textsuperscript{502} When first implemented in 1980, the levy was limited to S$230 for every non-Malaysian foreign construction worker employed; in 1982, this was extended to cover Work Permit holders across sectors.\textsuperscript{503} Currently, companies who employ any foreign worker under a Work Permit or S-Pass are required to pay the state a monthly foreign worker levy. This tiered system assigns levy rates according to work pass, sector, skill level and dependency ratio. For domestic workers, levy rates depend on whether the household is eligible for a subsidy.\textsuperscript{504} Over the years, foreign worker levies have been adjusted periodically according to the economic climate – both upwards and downwards – but the trend in recent years has been steady increases in the FWL.\textsuperscript{505} As can be seen from Table 4.2, foreign worker levy rates in 2013 for WP holders in the construction industry range from S$300-S$750 a month per worker. By 2015, construction firms who bring in WP holders beyond their government-determined Man Year Entitlement (MYE)\textsuperscript{506} can expect a steep hike, paying a S$1050 monthly levy per ‘unskilled’ or ‘basic skilled’ construction worker.\textsuperscript{507}


\textsuperscript{504} As of August 2013, the monthly foreign domestic worker levy was S$265 (normal) or S$120 (concession). Senior citizens and employers with children below 12 years old, or those with aged and disability care needs can apply to pay the concessionary levy of S$120. See Ministry of Manpower, ‘Work Permit (Foreign Domestic Worker) – Before you Apply’, http://tinyurl.com/n6c25y7 (accessed August 10, 2011).


\textsuperscript{506} Man-Year Entitlements (MYE) refer to the total quota of foreign construction workers a main contractor is allocated by the government for a specific construction project, according to the ‘man-years’ required to complete a particular project, and the number of migrant workers it is entitled to hire. See Ministry of Manpower, ‘Work Permit – Before You Apply –Man-Year Entitlement’, http://tinyurl.com/lv8ntrz (accessed August 10, 2013).

\textsuperscript{507} Teo Xuanwei, ‘Steepier Levy Hikes for Unskilled Foreign Workers’, \textit{TODAY}, February 27, 2013.
Table 4.2. MOM-specified quota and foreign worker levy rates for WP Holders

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>SERVICES</td>
<td>Tier 1: Up to 10% of total workforce</td>
<td>Skilled</td>
<td>$300</td>
<td>$300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unskilled</td>
<td>$400</td>
<td>$450</td>
</tr>
<tr>
<td></td>
<td>Tier 2: Above 10% to 25% of total workforce</td>
<td>Skilled</td>
<td>$400</td>
<td>$400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unskilled</td>
<td>$500</td>
<td>$600</td>
</tr>
<tr>
<td></td>
<td>Tier 3: Above 25% to 40% of total workforce</td>
<td>Skilled</td>
<td>$600</td>
<td>$600</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unskilled</td>
<td>$800</td>
<td></td>
</tr>
<tr>
<td>CONSTRUCTION</td>
<td>1 local full-time worker to 7 foreign workers</td>
<td>Higher Skilled and on MYE</td>
<td>$300</td>
<td>$300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Basic Skilled and on MYE</td>
<td>$450</td>
<td>$600</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Higher Skilled and exempted from MYE</td>
<td>$600</td>
<td>$750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Basic Skilled, experienced and exempted from MYE</td>
<td>$750</td>
<td>$1050</td>
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Despite employer disgruntlement\textsuperscript{508} and warnings that increased business costs will be passed to consumers,\textsuperscript{509} the government has adopted an ‘unfaltering stance’\textsuperscript{510} and warned that these hikes are ‘part of a strategic shift in Singapore’s economic landscape’; companies are warned not to expect any decreases in the levy in future, even in the event of economic downturns.\textsuperscript{511} The Ministry of Manpower reiterated that foreign worker levy increases are meant to ‘send a strong signal to businesses to


\textsuperscript{511} Singapore’s former Senior Minister, Goh Chok Tong, while admitting that levy hikes will be ‘painful’ for employers, stressed: ‘We must not make a U-turn. If you go back to a low foreign-worker levy, you’re going to be inundated with foreign workers. Is that the Singapore that you want?’ See Kenny Chee, ‘Foreign Worker Levy Hike Painful but Necessary: SM Goh’, mypaper, February 22, 2011.
invest in productivity improvements, upgrade their operations, and reduce their reliance on low-cost, low-skilled foreign workers’.\textsuperscript{512} This assumed causal link between foreign workforce reductions – via levy increases – leading to productivity gains was emphasized as part of the Budget 2012 measures,\textsuperscript{513} and again in 2013.\textsuperscript{514} It has been pointed out, however, that the levy, which functions as a tax for hiring migrant workers, ‘is likely to increase burdens on employers and workers without achieving its stated goal’.\textsuperscript{515} Migrant worker advocacy organizations have raised concerns about levy hikes increasing hardship for low-paid migrant workers, as employers may ease increasing cost pressures by transferring them to workers.\textsuperscript{516} Bal, who details the multiple levy-dodging strategies of employers in the construction industry,\textsuperscript{517} notes how the foreign worker levy has done little to reduce demand for migrant labour in the sector.\textsuperscript{518} The state, meanwhile, obtains a constant – and constantly increasing – revenue stream.\textsuperscript{519} S$2.5 billion in foreign worker levies was collected in 2011, an increase from the S$1.9 billion collected in 2010.\textsuperscript{520} Overall, the government’s stand that the FWL exists as a necessary control mechanism, despite constant increases in migrant worker numbers, is unlikely to

\textsuperscript{512} Huifen, ‘Unskilled Foreign Labour’.


\textsuperscript{514} MOM, ‘Enhancements to Foreign Manpower Policy’.


\textsuperscript{516} Ibid.

\textsuperscript{517} Bal details the various strategies deployed by contractors in the construction industry to manage cost pressures, in which employers ‘transfer the cost of hiring, training and maintaining the labour-power of migrant workers back onto migrant workers themselves’. These include salary deductions, the withholding of wages, and the widespread practice of kickbacks. Underpayment of overtime rates and other benefits, as well as stagnated and depressed wages for construction workers are also indirect strategies to transfer costs pressures to migrant workers (these strategies are dealt with further in Chapter 6). See Charanpal Singh Bal, ‘The Politics of Obedience: Bangladeshi Construction Workers and the Migrant Labour Regime in Singapore’ (PhD diss., Murdoch University, 2013), 58-63, http://researchrepository.murdoch.edu.au/18664/ (accessed October 16, 2013).

\textsuperscript{518} Ibid., 51.

\textsuperscript{519} One construction contractor called the levy system a ‘government money-making scheme’. Ibid., 57.

\textsuperscript{520} According to Mr. Tan Chuan-Jin, Acting Minister for Manpower, ‘the foreign worker levies are not ringfenced for any specific purposes’ and are funneled into a ‘Consolidated Fund used to fund Government expenditures in general’. See TWC2, ‘Government Collected S$2.5B in Foreign Worker Levies in 2011’, January 18, 2013, http://tinyurl.com/odn5v89 (accessed March 26, 2013).
change – their argument tends to be that without the levies, increases would have been even higher.\textsuperscript{521}

‘Semi-compliance’ and the Low-Paid Labour Market

In Castles’ view, states veer toward ‘compromises and contradictory policies’ due to the ‘conflicts between competing social interests and partly because of the way the policy process works’.\textsuperscript{522} There are central contradictions between ‘the national logic of migration control and the transnational logic of international migration’.\textsuperscript{523} As Boswell points out, the persistence of migrant worker irregularities is a reflection of ‘the generally inclusive social and economic systems characteristic of modern welfare states on the one hand, and the politically exclusionary nature of nation-states on the other’.\textsuperscript{524} Migration regulations, according to Castles, ‘signal migrants to stay out, while the market signals that they are welcome’.\textsuperscript{525} This contradiction between state and the market, in which policymakers attempt to assuage public hostility by privileging migrant workers deemed ‘economically productive and politically acceptable’, despite market demand being strongest for those in the low-paid and undesirable sectors, pushes many migrant workers into irregularity.\textsuperscript{526} This section explores the prevalence of ‘semi-compliance’ in Singapore’s low-paid labour market, where irregularities operate in practice through graduated degrees of compliance rather than a strict binary of regular/irregular.\textsuperscript{527}

While the regulatory framework in Singapore strictly delineates between the various work passes, empirical realities are muddier. There is evidence, for example,

\textsuperscript{521} In response to a suggestion that the foreign worker levy for domestic workers be reduced and the money re-directed to directly boosting domestic workers’ salaries, the Ministry of Manpower replied by stating that ‘[t]he purpose of the levy is to moderate the demand and inflow of maids’. See Farah Abdul Rahim (Ms), ‘Levy Aimed at Moderating Demand for Maids, Not Wages’,\textit{ Straits Times Forum}, February 18, 2011.

\textsuperscript{522} Castles, ‘Unmake Migration Policies’, 854.

\textsuperscript{523} Ibid.


\textsuperscript{525} Castles, ‘Forces Driving Global Migration’, 131.

\textsuperscript{526} Ibid., 126, 131.

\textsuperscript{527} Ruhs and Anderson,\textit{ Semi-Compliance}. 
of abuse of the S-Pass system – and, to a lesser extent, the Employment Pass528 – by employers who wish to circumvent quota and source country restrictions that are imposed on Work Permit holders, as well as pay lower levy rates. In such situations, employers, while technically hiring lower paid workers for jobs more suited for Work Permit applications, falsely declare workers’ monthly salaries, qualifications and job titles so that they qualify for S-Passes.529 As obtaining an S-Pass relies on a points system and minimum educational qualifications, this process frequently involves document forgery and the submission of false academic certificates. In such situations, if discovered, employers and workers may be charged for breach of work pass regulations.530 In terms of establishing complicity between employers, recruiters and workers, however, the level of collusion is contentious.531

Bao, for example, was hired on an S-Pass as ‘manager’ for a coffeeshop, though he worked as a dishwasher and was paid approximately S$1,000 a month (at the time, S-Pass holders were meant to earn at least S$1,800). He insisted the intricacies of the work pass system were never explained to him. As Bao paid close to S$10,000 in agency fees in his home country, China, he assumed this included a legitimate pass. It was only after he started work in Singapore that he was ‘coached’ by his employer on what to say if questioned by the authorities. By that time, ridden with a heavy recruitment fee debt, he said, ‘What else could I do?’532 As work pass regulations stipulate S-Pass workers’ wages should be deposited into their bank accounts monthly,533 some employers bank in the legally stipulated minimum salary of S$2,200 each month, only to demand a portion of it back from workers, claiming such deductions are ‘loan repayments’. In certain situations, this transaction is

532 Author’s interview with Bao, a Chinese migrant worker, July 1, 2009.
highly disputed by workers, who disagree that there are outstanding loan repayments. In other cases, workers who did not expect salaries as high as S$2,200 to begin with, are simply puzzled by this bizarre payment scheme, in which money is initially transferred, only to be deducted. Migrant worker NGOs acknowledge such practices are widespread, with a wide range of migrant workers including nurses in private hospitals, service and kitchen staff at restaurants, as well as contract cleaners, admitting to being ‘underpaid’.

Ruhs and Anderson, who studied the migrant labour market in the United Kingdom, define semi-compliance as ‘a situation where a migrant has the right to residence but is working in violation of some or all of the conditions attached to the migrant’s immigration status’. As the authors suggest, semi-compliance is ‘a logical result of the tension between the needs of a flexible labour market on the one hand, and the desire to closely monitor the employment of migrants for immigration control purposes on the other hand’. In Singapore, the problem suggests greater market demand for low-paid Work Permit holders than regulatory frameworks allow, resulting in employers and recruiters exploiting migrant workers’ dependencies to fill labour shortages at low wages, despite the risks involved. As Martin argues, regulatory measures that require employers and migrant workers to act against their own economic interests will not work. In fact, in 2012, one Member of Parliament argued that law-breaking by many employers is the result of the ‘sharp rise in labour cost caused by the tightening measure started in July 2010 [sic]’.

Unfortunately, the political need for the state to be seen as tough enforcers means low-paid migrant workers disproportionately bear the brunt of this ‘logical tension’. In 2010, there was a rise in the number of migrant workers convicted by the

534 Ruhs and Anderson, Semi-Compliance, 2.
535 Ibid., 30.
536 Martin, ‘Be My Guest Worker’, 38.
Ministry of Manpower for such false declarations.\textsuperscript{538} Enforcement efforts have continued to intensify.\textsuperscript{539} In 2012, the Ministry of Manpower made changes to the Employment of Foreign Manpower Act, placing the burden of proof firmly on workers in the case of forged educational documents – in other words, the MOM ‘will now presume that a work pass applicant has knowledge of the information provided in his [work pass] application, including that of the qualifications which have been submitted’.\textsuperscript{540} Offenders are subject to a maximum fine of S$20,000, or a maximum imprisonment term of two years, or both. This regressive amendment ignores the reality of current recruitment processes, in which migrant workers are critically dependent on recruiters for transnational administrative procedures involving complex regulations with multiple qualifying criteria.\textsuperscript{541} It also ignores the level of coercion involved in the recruitment and employment process, particularly since hefty agency fees are involved.\textsuperscript{542} These developments illustrate Castles’ observation about the hypocrisy of official rules, with governments orchestrating ‘crack-downs’ to quell public hostility towards migrant workers, while tacitly permitting irregularities to continue in order to meet employer demand.\textsuperscript{543}

While S-Pass violations are the most commonly known, there are other instances of semi-compliance in the low-paid labour market. The Employment Pass, S-Pass and Work Permit are the three main categories of work passes, but a range of others exist. These include the Training Employment Pass, the Training Work Permit, and concessions for foreign students from certain educational institutions to seek work place experience;\textsuperscript{544} among these ‘Other’ passes, similar bifurcations exist. The Training Employment Pass is a short-term pass for ‘skilled’ trainees on attachments

\textsuperscript{541} Lindquist, Biao and Yeoh, ‘Black Box of Migration’, 7-19; Agunias, \textit{Guiding the Invisible Hand}.
\textsuperscript{542} Jolovan Wham, letter to the editor (‘Lying for Work Passes: Don’t Blame It All on Workers’), \textit{Forum, Straits Times}, February 21, 2011.
\textsuperscript{543} Castles, ‘Forces Driving Global Migration’, 131.
earning more than S$3,000 a month. The Training Work Permit (TWP), meanwhile, is for ‘unskilled’ and ‘semi-skilled’ trainees, with such permits similarly subject to a foreign worker levy and quota restrictions in accordance with Work Permit regulations. Exceptions are made for foreign students on Training Work Permits, who do not incur a levy but whose numbers are controlled via the quota system. The TWP scheme, sometimes tied with the training schemes of private hospitality institutions and termed ‘on-the-job training’ (OJT), is not immune to charges of deception and exploitation. An article in the *Philippine Enquirer* in 2010 stated the Philippine Senate’s intention to clamp down on the deployment of Filipino students recruited by agents to work in Singapore under the six-month OJT scheme, particularly in the hotel industry. Such overseas ‘trainee students’ are paid about S$300 a month for full-time work hours and have to pay recruitment fees, leading a Senator to remark that these OJT schemes are simply ‘a ruse to obtain labor on the cheap’.

A noticeable number of foreign students, in fact, contribute to the workforce as low-paid transient workers, and are similarly vulnerable to exploitation due to discriminatory policies and a poorly regulated recruitment and private education system. Currently, the Ministry of Manpower only allows foreign students from

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547 Ibid.
550 In 2005, it was reported that the Ministry of Manpower issued 3,000 training passes to foreign students on short-term attachments, mostly in the service sector (double the number two years before). In the article, a Filipino trainee, Nathaniel, said he was being paid a S$450 ‘monthly allowance’; he was recruited via an employment agent. While there are no statistics available on the total number of working foreign students, the total number of foreign students in Singapore in 2010 was estimated to be 91,500. This is apparently a decrease from a high of 96,900 in 2008, before the economic recession. See Sandra Davie, ‘Private Schools: A Question of Quality’, *Straits Times*, November 16, 2010; Valarie Tan, ‘Foreign Students Flock to Singapore for Training in Service Industry’, *Channel NewsAsia*, December 4, 2005.
551 After several high-profile scandals involving private schools shutting down suddenly and leaving foreign fee-paying students in the lurch, the government introduced new measures under the
certain academic institutions to work; these include international schools set up to cater to the children of expatriate professionals residing in Singapore.\textsuperscript{552} Students who attend these schools are ostensibly from wealthier families than those who enroll in the private institutes not on the list, who tend to come from poorer countries in the region such as Vietnam, China, Sri Lanka, Nepal, India and Myanmar. These students – barred by MOM regulations from working unless they are on OJT for a maximum of six months – may have been given conflicting information by overseas recruiters before their arrival and may resort to working part-time anyway to supplement school fees and the high costs of living in Singapore.\textsuperscript{553} This, however, makes them illegal workers and they risk the cancellation of their student passes and deportation if discovered. They also lack any legal protection if employers exploit them. News reports have also surfaced of rackets selling fake student passes.\textsuperscript{554} In one, it was alleged the students paid S$7,000 per fake pass, and were told they could reside in Singapore during the year of their studies without even attending a day of school.\textsuperscript{555} In 2012, a relatively well-known private school was investigated for making false claims of a ‘100 per cent job employment success rate’ for foreign students who enroll in its school.\textsuperscript{556}

Overall, the extent of semi-compliance is difficult to determine. However, it is important to recognize the temporary low-paid migrant labour market as more

\textsuperscript{552} These include the American College, Canadian International School and United World College of South East Asia, amongst others. Ministry of Manpower, ‘Employment of Foreign Students’, http://tinyurl.com/38ov3ht (accessed February 22, 2012).


\textsuperscript{555} Liew Hanqing, ‘“Referrer for Private School Goes Missing”, \textit{Straits Times}, April 17, 2010; Liew Hanqing, ‘Rogue Agents Peddling Student Passes’, \textit{Straits Times}, April 14, 2010.

diverse and characterized by far greater irregularities than is officially acknowledged. (Another socially and economically stigmatized community within the low-paid labour market are ‘foreign brides’ from countries in the region such as China, India, Indonesia, the Philippines, Thailand and Vietnam, who are sometimes allowed to work on short-term, renewable work passes while awaiting permanent settlement, which may be denied.)\(^{557}\) The prevalence of certain practices, such as underpayment of S-Pass holders, is hinted at by the participation of large, ‘reputable’ companies in such schemes, suggesting a certain process of normalization, such that they have become viewed as common market practice. In conversations with low-paid migrant workers in the food and beverage sectors and the staff of local NGOs who assist them, the general consensus is that ‘no one gets paid $2,200’; this mandated salary benchmark is viewed almost scornfully, as a bureaucratic target woefully out of reach. The stubbornness of authorities in raising this benchmark – from S$1800 to S$2000 in July 2011,\(^{558}\) then to S$2,200 in July 2013 – is driven by a political imperative to be seen as proactive in ‘levelling the playing field for Singaporean workers’, who fear ‘losing out to foreign counterparts’ with similar qualifications but who command lower pay.\(^{559}\) This recalls Cohen’s view that contradictory pressures on politicians often result in mixed policy responses, with state officers keen to demonstrate ‘toughness’, but with ultimately ineffective measures that further disadvantage migrant workers.\(^{560}\)

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\(^{557}\) Many ‘foreign brides’, as they are locally termed, are match-made through commercial agencies that operate transnational marriage brokering services. The women tend to come from poorer, rural areas in Southeast Asia and such unions are distinguished from ‘love marriages’ between Singaporeans and foreign professionals. One marriage agency, which charges men S$6,800 for a successful match, says ‘[y]oung, submissive and foreign’ brides are sought after by Singaporean men who tend to be older, blue-collar workers with little formal education. As the number of such marriages increase, so too do cases of ‘foreign brides’ seeking protection orders from abusive husbands. Highly dependent on their spouses upon arrival, many ‘foreign brides’ tend to be given long-term social visit passes that last between three months and a year, some are only given tourist visas that last a month. See Benson Ang, ‘I’ve Been Asked to Arrange Sham Marriages’, \textit{New Paper\textcopyright}, September 8, 2013; Theresa Tan, ‘More Abused Foreign Brides Seeking Help’, \textit{Straits Times\textcopyright}, September 8, 2013; Theresa Tan, ‘Singaporean Dad, Foreign Mum – Wives May Face Visa Problems’, \textit{Straits Times\textcopyright}, July 21, 2013.


\(^{559}\) Janice Heng, ‘Squeeze on 70,000 Mid-Skilled Foreigners’, \textit{Straits Times\textcopyright}, February 28, 2013.

\(^{560}\) Cohen, \textit{Migration and its Enemies\textcopyright}, 3.
Conclusion

With one of the highest concentrations of non-resident workers in Asia, Singapore’s labour migration policies are frequently labelled liberal. A more accurate descriptor of its approach to labour migration, however, would be highly utilitarian and elitist. Consistent with the ruling government’s ‘neoliberal political rationality’, it is an approach that demonstrates little concern for the welfare or rights of individuals unless it is viewed as ‘economically expedient to do so’. The relative ‘openness’ of Singapore, in terms of admitting large numbers of migrant workers, is inversely proportional to the limited rights accorded to the biggest category of workers in its foreign workforce, congruent with the ‘rights-numbers trade-off’ identified by Ruhs and Martin. This trade-off is ‘marketed’ by the ruling People’s Action Party as an advantageous situation to the host country, wherein migrant workers exact so little social and financial costs and disproportionately bear the brunt of economic recessions. Such an asymmetrical arrangement, however, is not the result of neutral market forces, but the consequence of a stratified labour migration regime designed to ensure certain categories of (low-paid) workers remain transient, compliant and deportable. It is, for those deemed ‘low-skilled’, less of an open door than a revolving one. Reilly, in fact, describes how migrant workers experience a ‘democratic deficit’, for they are cast into a regulatory regime that governs their employment relationships but one which they have little means of influencing. These strict regulatory controls also lead to considerable tensions in the low-paid labour market, as contradictions arise between employers’ persistent demands for docile and disciplined low-paid workers, and the state’s imperative to tightly regulate a workforce that it stubbornly continues to position as ‘temporary’.

561 Yeoh, ‘Hungry For Foreign Workers’.
566 As Reilly notes, migrant workers often ‘enter a state under a particular set of regulatory conditions, only to see those conditions change without any opportunity to participate in the process of change’. See Reilly, ‘Seasonal Labour Migration’, 146-147.
The opening quote by Acting Prime Minister, Teo Chee Hean, that transient workers do not impose any ‘social load’ is irresponsible and disingenuous. Singaporean policy on migrant labour takes advantage of the fact that some social needs of individuals tend to vary according to life stages and personal circumstances. Clearly the intent is to leave the vital social needs and costs of the very young and the very old to the migrant labourers’ families and country of origin. But social needs go beyond calculable costs and remain an integral, unremitting aspect of our human existence. From healthcare to housing, not to mention social security, mental health and family/social network formation, denying the diverse and significant social needs of 931, 200 (foreign) working adults is to make a false claim. It dehumanizes low-paid migrant workers and shapes expectations that this significant but distinct community must remain industrious but undemanding. It normalizes a lopsided relationship that eschews reciprocity for maximum economic utility, and justifies discriminatory use-and-discard policies that restrict migrant workers’ labour rights and obviates state obligations to safeguard their wellbeing. It also diminishes the reality of migrant workers’ transnational identities and responsibilities, which result in phenomena such as ‘transnational split families’ and ‘absentee parenting’, reflecting the considerable social costs borne by migrant workers and shared with the ones left behind. 567

Despite – or perhaps due to – such harsh and hostile environments, there has been considerable growth in migrant worker activism and resistance. Significant obstacles, however, stand in the way of this expanding movement to improve migrant workers’ positions and working conditions in the societies in which they live and work. The following chapter examines these developments, with a particular emphasis on the context of labour organizing in Singapore.

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Chapter 5

Contestation: Migrant Worker Organizing and Its Limits

In examining the political context of low-paid labour migration it is important to scrutinize the dynamics of contestation. This chapter thus turns to an issue of increasing interest – labour organizing and migrant workers. Often regarded as ‘hard to organize’, demonstrations of migrant worker resistance in a growing number of countries inspire hope that new, more inclusive models of organizing are taking shape. Yet labour organizing, as a highly political activity, must be assessed within a localized context. In Singapore, the constraints placed on organized labour and labour activism have had disciplining effects on the foreign workforce, although there are increasing signs of a system under pressure.

The chapter begins with a brief review on the growing body of work on migrant worker organizing, before shifting focus to the specific context in Singapore. I detail Singapore’s tripartite labour relations system, which has determined the neutered role for organized labour in the city-state for the last few decades. I then examine the relationship between Singapore’s state-controlled federation of unions and migrant workers, with a focus on a rare and significant event – a self-organized strike by migrant Chinese bus drivers in November 2012, which resulted in a repressive clampdown on the drivers as well as the activists supporting the workers. At the same time, this unexpected rupture in Singapore’s industrial relations led to discernible shifts in the discursive strategies of the state and union representatives. The chapter concludes with an overview of migrant worker advocacy in Singapore, and the role and status of migrant worker organizations in an increasingly tense and fragmented political landscape.
Migrant Worker Resistance: New Models of Labour Organizing

The term ‘labour organizing’ can no longer be assumed to refer to traditional trade unionism, which is widely regarded as being in decline. With specific reference to migrant workers, Ford argues for a need to ‘move beyond union-centred definitions of the labour movement’, to accommodate new forms of labour organizations that complement, rather than displace, unions. Milkman, meanwhile, identifies three strands in the migrant labour movement in the contemporary United States: the first involves traditional trade unionism, which has transformed itself to embrace more inclusionary practices with regards to migrant workers; the second revolves around labour-oriented NGOs known as ‘worker centers’; the third refers to immigrant labour activism, a broad-based movement that adopts a human rights/civil rights framework and seeks legal status for undocumented migrants.

Notably, a considerable body of work is growing around worker centers, particularly in the United States and Canada, with such organizations distinguished by principles of participatory democracy, a commitment to leadership development and worker autonomy, as well as a broad range of nimble strategies more suited to the specific status and precarious positions of migrant workers, many of whom may be undocumented. Such studies contradict traditional views of this marginalized

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568 According to Bryson and Blanchflower, the trend has been falling trade union membership in advanced economies over the last 25 years. This corresponds with a notable decline in the manufacturing industries in the West, which were the base of union membership. There is also diminished union recognition by employers in tandem with an international trend toward neoliberal market regulation, with labour market policies aimed at reducing union power. Sommer acknowledges that trade unions in many countries have been declining in membership and influence, but emphasizes their importance in social justice struggles and sees it as imperative that trade unions change to meet new and unremitting challenges to industrial democracy. See Michael Sommer, ‘Preface’, in Trade Unions and the Global Crisis: Labour’s Visions, Strategies and Responses, eds. Melisa Serrano, Edlira Xhafa and Michael Fichter (Geneva: International Labour Office, 2011), xii; Alex Bryson and David Blanchflower, ‘The End of Trade Unionism As We Know It?’, CentrePiece, Autumn 2008, 27.


community as ‘unorganizable’, with discernible though cautious optimism growing over the possibilities of migrant workers revitalizing ‘beleaguered’ labour movements.\textsuperscript{572} Camou, however, warns against romanticizing migrant workers’ collectivist traditions, and underestimating the role of material self-interest in migrant workers’ decision-making.\textsuperscript{573} Butovsky and Smith, meanwhile, are critical of the shifts in labour organizing in general, away from militant direct and collective action that characterized earlier working-class struggles, to strategies embodying a ‘social-democratic legalistic’ perspective, a reformist approach that ‘accepts as a given the permanence of capitalist exploitation’.\textsuperscript{574}

Research on migrant worker organizing, regardless of the model involved, reveals some common themes: its immense resource-intensiveness, requiring significant inputs of time, funding, expertise and other forms of legal and social support; the fragility of hard-won concessions, which are always partial victories; the difficulties of translating legal wins into actual, longer-term material benefits; the tensions and trade-offs between legalistic strategies and attempts to consolidate worker solidarity and encourage collective action; obstacles in establishing working-class solidarity among a highly racialized and divided labour market; state-capital complicity in undermining organizing efforts, with exclusionary immigration controls a key factor; the importance of strong social networks and the need for broad-based support from a range of community organizations, as well as the media; the enduring challenge of ensuring organizational and campaign sustainability, as trained leaders, activists and members are transient and highly deportable.\textsuperscript{575} Indepth case studies also illuminate the context-specific nature of labour organizing and the complex interaction of variables that affect campaign successes and failures.

\textsuperscript{572} Milkman, ‘Immigrant Workers’, 362.


\textsuperscript{574} Butovsky and Smith, ‘Beyond Social Unionism’, 70.

There are sectoral or industry-specific challenges, differences in organizing practices and ideologies, and wide variations in the sociopolitical, economic, cultural and ethical climates that enable or constrain organizing efforts and shape the narrow yet dynamic spaces diverse groups of racialized and gendered migrant workers and their allies navigate. The significant body of work on female migrant domestic worker organizing, in particular, sheds light on how intersecting injustices and prevailing gender norms complicate such efforts, with certain forms of work – such as care work – given diminished status as ‘low’ or ‘unskilled’ labour and, under certain jurisdictions (such as Malaysia and Singapore), not officially recognized as ‘work’.

Migrant worker organizing in the United States and Europe is distinct from the strategies adopted by migrant worker groups in Asia, with further differences distinguishable within the region, related to each country’s political structure, sociocultural norms, historical relationship to labour migration and regional diplomatic relations, which play a part in the effectiveness of transnational labour activism as certain migrant worker nationalities exert pressure on their governments

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576 For the construction industry, see Rosewarne, ‘Internationalisation of Construction Capital’, 277-297.
577 Preibisch highlights how the racialized and gendered segmentation of sectors targeted for migrant workers is exploited by employers to foster divisions among workers; it also weakens the bargaining powers of sending country officials in negotiations with employers and host country governments. Butovsky and Smith argue that Canada’s guest worker program for agricultural workers is ‘predicated on a de facto racialization’ of migrant workers, which deepens divisions in the agricultural labour market and results in a ‘regime of labour control that is both onerous and pernicious’. See, Preibisch, ‘Pick-Your-Own Labor’, 418; Butovsky and Smith, ‘Beyond Social Unionism’, 77-78.
578 Gamburd, for example, in discussing the situation for Sri Lankan foreign domestic workers, points out that gender relations affect the freedoms and empowerment of local and migrant women, thus research on male migration is not always applicable to female migration, especially when migrant workers are sent to highly gender-segregated societies in places like the Middle East. Additionally, the mobilization and organization of women workers, whether in home or host countries, ‘take place within local contexts of existing gender norms and patterns’. See Michele R. Gamburd, ‘Advocating for Sri Lankan Migrant Workers: Obstacles and Challenges’, Critical Asian Studies 41, no.1 (2009): 65.
580 Ibid., 76-80.
to advocate on their behalf.\textsuperscript{581} Comparative studies, such as Gamburd’s research on Sri Lankan and Filipino migrant domestic workers, shed light on what is not happening in labour-sending countries with regards to migrant worker protection, with Gamburd noting that the economic and political conditions of destination countries critically affect ‘how energetically sending-country governments and other groups will agitate for migrant rights’.\textsuperscript{582} In the case of Sri Lanka, the ‘paucity of support’ for its female migrant workers abroad is attributed to the repressive political conditions in the Gulf countries where most of its migrants are sent to work, as well as the marginalized position of Sri Lanka as a country in the international division of global labour and power.\textsuperscript{583} This is in direct contrast to the ‘rich and energizing organizing’ done by Filipino domestic workers, both abroad as well as in the Philippines, attributed to the greater ‘political and personal freedoms’ Filipino migrant workers experience in their host countries, the ‘size, scale and history of migration’ from the Philippines, the higher educational qualifications of female Filipino migrant workers as well as gender roles and norms.\textsuperscript{584} Constable, meanwhile, points out how the political awakening of Filipino and, by association, Indonesian domestic workers in Hong Kong\textsuperscript{585} have flow-on effects, with the political and activist education they gain in organizing while overseas leading to such women forming new pressure groups when they return to their home countries.\textsuperscript{586}

\textsuperscript{581} Gamburd, ‘Sri Lankan Migrant Workers’, 61-88; Robyn Magalit Rodriguez, ‘Philippine Migrant Workers’ Transnationalism in the Middle East’, \textit{International Labor and Working-Class History} 79 (Spring 2011): 48-61.

\textsuperscript{582} Gamburd, ‘Sri Lankan Migrant Workers’, 64.

\textsuperscript{583} Ibid., 65.

\textsuperscript{584} Ibid., 81.

\textsuperscript{585} The politicizing of ‘formerly less assertive’ Indonesian domestic workers in Hong Kong is perceived to be due to the influence of Filipino domestic workers, who are considered ‘shrewd and politically savvy activists’. See Nicole Constable, ‘Migrant Workers and the Many States of Protest in Hong Kong’, \textit{Critical Asian Studies} 41, no. 1 (2009): 162.

\textsuperscript{586} Ibid., 157.
The vibrant organizing climate in relation to migrant workers in Hong Kong,\(^{587}\) however, is ‘highly unusual’, and has not proved itself replicable in other countries in East Asia, and especially not in the Gulf States.\(^{588}\) In Singapore, more grassroots and radical forms of migrant worker organizing, in which migrant workers are active participants as opposed to being represented by local activists, and where they collectively organize and take part in public protests, is notably absent.\(^{589}\) As a highly politicized activity, it is therefore critical to assess migrant worker resistance and mobilization efforts within its localized context, with an attentiveness to the conditions which influence labour dynamics and spaces for contestation.

**Organized Labour in Singapore: A ‘Uniquely Cosy’ Industrial Relations System**

A wealthy and highly urbanized nation known for its ‘business conducive labour regulations’,\(^{590}\) Singapore has diligently modelled a tripartite system of industrial relations that emphasises close co-operation between government, employers and unions; collective bargaining is done via this state-endorsed tripartite system rather than industrial action organised by independent unions. A model geared towards increasing productivity, ‘enhancing worker employability and encouraging job creation’,\(^{591}\) this tripartite arrangement was forged from the 1960s and institutionalised in the early 1970s after the ruling People’s Action Party’s decade-long efforts effectively demolished the left-wing trade union movement.\(^{592}\)

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\(^{588}\) Constable, ‘Many States Of Protest’, 162, 156.


Beginning in the 1960s, influential left-leaning leaders and activists were arrested and detained without trial under the Internal Security Act (ISA) – Operation Cold Store, a security operation launched in 1963, saw the arrests and detention of more than 100 anti-government activists; these included opposition party leaders, trade unionists, journalists and student activists. The PAP followed these arrests with a ‘systematic crackdown’ on left-wing unions; these led to dramatic declines in work stoppages from industrial action between 1965-1969.

Post-independence, the People’s Action Party sought to create an investor-friendly environment through ensuring ‘political stability and a low wage, non-militant labour force’. Legislative amendments were geared towards suppressing more confrontational forms of industrial action and, in its place, establishing an institutional framework to achieve labour’s compliance with the economic imperatives envisioned by the PAP. The 1966 Trade Unions (Amendment Act) made secret ballots mandatory for unions before strike decisions could be taken. This was followed by a 1967 amendment that outlawed strikes in the essential services, as well as sympathy strikes. The next year, in 1968, the Employment Act (EA) and the Industrial Relations Act were passed to further regulate the industrial relations system. The Employment Act sought to maximize labour productivity

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593 Tan ‘Singapore Industrial Relations’, 141, 143.
594 According to Said Zahari, who was detained without trial for 17 years, ‘The arrests were instrumental in fully debilitating the opposition in Singapore’. See Said Zahari, The Long Nightmare: My 17 Years as a Political Prisoner (Kuala Lumpur, Malaysia: Utusan Publications, 2007), 11.
598 Leggett, ‘Corporatist Trade Unionism’, 227.
599 Tan, ‘Singapore Industrial Relations’, 145.
601 The Employment Act itself streamlined three previous pieces of legislation – the Labour Ordinance (1955), the Clerks’ Employment Ordinance (1957) and the Shop Assistants’ Employment
and lower the wage cost of labour through the following measures: increasing working hours in a standard work week; setting restrictions on items such as overtime, maternity and holiday leave; reducing fringe benefits; reducing rates for working on public holidays from triple to double. It capped employees’ bonuses to a maximum of one month per year; retrenchment or retirement benefits could only be obtained after serving an employer for three or five years respectively. The EA established, in law, ‘the principle that wages should be based on efficiency and economic growth, rather than social justice’. Meanwhile, the Industrial Relations (Amendment) Act ‘made it illegal for unions to bargain over management prerogatives’. Issues no longer negotiable at the Industrial Arbitration Court (IAC), a government body, included: promotion, transfer, recruitment, retrenchment, dismissal, reinstatement, and allocation of duties. This Act also prohibited trade unions from bargaining for terms superior to those in the Employment Act in the ‘pioneer industries’, where the government hoped to attract foreign investment. As Leggett notes, the 1968 legislation ‘fundamentally changed the character of industrial relations in Singapore’. It led to dramatic shifts in power relations as significant rights were transferred to management and the functions of unions were eroded.

A chart provided by the Ministry of Manpower (see Figure 5.1) illustrates the drastic decline in industrial action from the mid-1960s. According to Chandran, ‘Singapore


603 These restrictions on overtime were extended in 1972 as a response to a tightening job market, with overtime extended to 72 hours a month from 48 hours a month. See Pang and Kay, ‘Industrial Relations’, 210.
604 Coe and Kelly, ‘Distance and Discourse’, 415.
606 Coe and Kelly, ‘Distance and Discourse’, 415.
607 Leggett, ‘ Corporatist Trade Unionism’, 226.
610 Leggett, ‘ Corporatist Trade Unionism’, 226.
has been strike-free since 1978’, although he notes a ‘minor upheaval in 1986’.\textsuperscript{612} This record was finally broken in November 2012 when 171 bus drivers from China decided to go on strike over pay inequalities and poor living conditions (see later discussion).

\begin{figure}[h]
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Today, most unions are affiliated with the National Trades Union Congress (NTUC), the only national federation of unions. Formed in 1961 as a result of an internal split within the People’s Action Party,\textsuperscript{613} the NTUC, historically and until today, shares what is often termed a ‘uniquely cosy’\textsuperscript{614} or ‘symbiotic’\textsuperscript{615} relationship with the ruling PAP. As Wilkinson notes, this ‘NTUC-PAP symbiosis became so complete during the 1970s that it became increasingly difficult to distinguish

\textsuperscript{612} This ‘upheaval’ refers to a strike in the shipping industry sanctioned by former President Ong Teng Cheong. See Ravi Chandran, \textit{Employment Law in Singapore} (Singapore: Pearson Education South Asia Pte Ltd., 2005), 250; ‘I Had a Job to Do: Whether the Government Liked it or Not, Says Ex-president Ong’, \textit{AsiaWeek}, March 10, 2000; Michael D. Barr, ‘Trade Unions in an Elitist Society: The Singapore Story’, \textit{Australian Journal of Politics and History} 46, no. 4 (December 2000): 492.

\textsuperscript{613} Fernandez and Loh, ‘Left-Wing Trade Unions’, 218.

\textsuperscript{614} Barr, ‘Trade Unions’, 481.

between the political and labour elite’.\(^{616}\) NTUC leadership officials often hold dual positions in the government – the current Secretary General of the NTUC, Lim Swee Say, like his predecessor, Lim Boon Heng, is also a Minister in the Prime Minister’s Office.\(^{617}\) Union members who support political parties other than the PAP are also barred from holding union office.\(^{618}\) This entrenched PAP-NTUC symbiosis ensures union and state policies are uniformly geared towards flexibility and employability, with the NTUC generally endorsing all government recommendations for wage flexibility, including wage cuts and loss of social benefits, in response to economic conditions.\(^{619}\) As a labour movement, the NTUC and its representatives have frequently and consistently spoken out against minimum wage laws.\(^{620}\) In general, the NTUC remains a ‘vital agency for ensuring work force compliance with national economic goals’.\(^{621}\) Locally, it is more commonly associated with its commercial


\(^{619}\) DOL, *Labour Rights*, 3; Tan, ‘Singapore Industrial Relations’, 149.

\(^{620}\) The NTUC has consistently opposed a minimum wage, affirming that ‘the best way to help our low-wage workers is by helping them improve productivity as it is productivity that should determine wages’. Setting a minimum wage allegedly results in the following conundrum: if set too low, it causes hardship to low-wage workers, if set too high, it reduces workers’ job opportunities. These arguments were reiterated in 2010 when Hong Kong implemented a minimum wage – both the NTUC’s Secretary General, Lim Swee Say, and the Singapore National Employers’ Federation gave a ‘robust response’ against setting a minimum wage, citing ‘nasty consequences’ such as ‘raising business costs, driving up joblessness, pushing up costs of living and eroding Singapore’s competitive edge’. NTUC’s Lim has continued his strong stand against the minimum wage. In 2011, Lim stated a minimum wage would result in job losses, with less-skilled workers earning lower wages ending up as ‘no-wage workers’. In 2012, Lim defended the labour movement’s position against a minimum wage law, saying it would ‘lead to a gridlock between unions and companies’. Instead of legislation, Lim recommended ‘cooperation’, and a ‘pragmatic’ approach that emphasizes skill upgrading in order to increase incomes. See Toh Yong Chuan, ‘Swee Say: Cooperation Rather Than Legislation on Wages’, *Strait Times*, June 22, 2012; Cai Haoxiang, ‘NTUC Chief Opposes Minimum Wage’, *Strait Times*, January 13, 2011; Kor Kian Beng, ‘Minimum Wage Policy Won’t Work: Employers, Labour Chief’, *Strait Times*, October 13, 2010; Felda Chay, ‘Set Minimum Skills Standard, Not Minimum Wage: Swee Say’, *Business Times*, October 1, 2010; Kor Kian Beng, ‘Minimum Wage an ‘Easy Solution’, says Swee Say’, *Strait Times*, October 1, 2010; Ang Kin Kee, Director, Employability Enhancement Department, NTUC, letter to the editor (‘Boosting Productivity Key to Better Wages’), Forum, *Strait Times*, August 15, 2007.

\(^{621}\) Leggett, ‘Corporatist Trade Unionism’, 246.
enterprises, a route it took as part of a restructuring process in 1969. This emphasis has expanded over the years, with its commercial portfolio currently including a thriving supermarket chain (NTUC Fairprice), an insurance arm (NTUC Income), a chain of childcare centres (NTUC First Campus) and even a property development arm (NTUC Choice Home), among others. In July 2012, the NTUC even established NTUC Enterprise Co-operative Limited, a holding enterprise to oversee its range of businesses, which generated a combined annual revenue of S$8 billion in 2012. Perks of union membership are frequently associated with the discounts offered to members at its enterprises, a draw the NTUC promotes aggressively. In October 2013, after two years of talks, the US-owned Marina Bay Sands (MBS), a large casino-based resort and one of Singapore’s biggest employers (see Chapter 7), finally consented to allowing its workers to join the NTUC-affiliated Attractions, Resorts and Entertainment Union (AREU). The union described this as a ‘significant breakthrough’, despite the fact that their memorandum of understanding (MOU) specifically excludes collective bargaining and salary negotiations. Instead, plans include a committee to discuss ‘issues relevant to employees’, identified as ‘additional training and skills upgrading’. Benefits for union members were promoted as ‘more social and recreational benefits’, including ‘NTUC FairPrice cash rebates, free group insurance coverage,

622 In 1969, the NTUC organized a seminar titled ‘Modernization of the Labour Movement’, in which both PAP and NTUC leaders outlined a new course for the labour movement that involved establishing commercial cooperatives, providing welfare services and playing an active role in ‘worker socialization to raise productivity’. See Leggett, ‘Corporatist Trade Unionism’, 226.

623 These commercial enterprises continue to be framed by the NTUC and referred to in the local media as ‘co-operatives’ and ‘social enterprises’, although it is unclear how their operational goals and structure is congruent with the egalitarian and socialist principles traditionally associated with or implied by the use of such terms. See NTUC, ‘NTUC Social Enterprises’, http://tinyurl.com/nemkrkq (accessed September 12, 2013).


625 In an NTUC recruitment drive in 2007, a teacher said he was ‘hooked’ by the discounts members receive on movies and chalets; another new member was interested in placing her child in an NTUC childcare centre, and said: ‘The cost for members is unbeatable’. The director of NTUC’s membership department also spoke of how the NTUC is ‘constantly looking at new and better perks for members’, including introducing ‘specials for women, such as spa treatments and shopping discounts’. See Lynn Lee, ‘NTUC Hits Milestone of 500,000 Members’, Straits Times, September 6, 2007.

626 Marina Bay Sands, which is owned by the US company Las Vegas Sands, hires more than 9,000 workers. See Joanne Seow, ‘MBS Opens Door for Workers to Join Union’, Straits Times, October 30, 2013.

627 Ibid.
grants for training and discounts on movie tickets’; Marina Bay Sands intends to pay union membership fees as a ‘perk for staff’. While Barr is also keen to point out nuances in the power relations between the PAP and particular trade unions – including signs of ‘union recalcitrance’ and an implicit pact in which union support for government policies allows them some autonomy – such tensions do not diminish the reality of high levels of government intervention and control over industrial relations policy and the direction, even purpose, of trade unionism.

Under this tripartite arrangement, regardless of individual labour MPs and union leaders’ genuine concern for worker wellbeing, or occasional shows of defiance by union members, an ‘active acceptance’ of the PAP’s plans for economic development and social change is the only possible role for organized labor.

628 Union fees are S$9 a month, and union membership will be offered to 7,500 rank-and-file, professional and security employees who are ‘eligible for membership’, which makes up about 80 percent of MBS staff. It was not specified what made staff members eligible/ ineligible for union membership. See Amir Hussain, ‘Up to 7,500 Employees to Benefit as MBS Joins Union’, TODAY, October 30, 2013; Chuang Peck Ming, ‘MBS, Union Strike Deal Where Wage Bargaining Isn’t the Goal’, Business Times, October 30, 2013; Seow, ‘MBS Opens Door’.

629 Barr, ‘Trade Unions’, 481.

630 Ibid., 480-496.

631 Leggett, for example, concludes that through the PAP-NTUC’s symbiotic relationship and repressive labour legislation, the PAP has ‘determined not just the regulation of unions but the purpose of trade unionism itself’, with the NTUC becoming a ‘conduit for downward communication from the ruling elite’. See Leggett, ‘Corporatist Trade Unionism’, 243.


The NTUC and Migrant Workers

The NTUC has traditionally taken an exclusionary stance towards foreign labour, displaying little interest in advocating for improved working conditions for migrant workers. Union activities involving migrant workers have mainly focused on organizing recreational events and ‘integration’ programs to acquaint them with local cultural practices and social norms. As local displeasure has mounted towards migrant workers, the NTUC has also voiced concerns about foreigners creating undue competition in the labour market and expressed the need to nurture ‘a Singaporean core of employees at all levels’. Employers of migrant workers are also resistant to unionization efforts. The president of the Building Construction and Timber Industries Employee’s Union (BATU) has commented that union officers are frequently prevented from visiting construction worksites and dormitories.

Not only has there been little evidence that local unions will actively protect migrant workers’ rights, unions have, in fact, demonstrated a reluctance to represent migrant workers and challenge employers on their behalf. In 2012, it was reported that migrant factory workers from an electronics factory who approached their union with their pay grievances were warned by them ‘not to speak-up, negotiate or “create trouble” for the management’. In November 2012, 171 Chinese bus drivers hired by SMRT Corporation – Singapore’s state-controlled transport operator – went on strike over discriminatory pay and poor living conditions. The strike, a

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significant and rare event, resulted in 29 drivers being deported\textsuperscript{642} and five receiving jail terms.\textsuperscript{643} On the day of the strike, the National Transport Workers’ Union issued a press statement clarifying it had no legal mandate to represent the bus drivers because they were not union members and urged the drivers to return to work immediately.\textsuperscript{644} There was no recognition of the challenges migrant workers face in attempting to join unions, including being refused union membership. Bus driver, He Jun Ling, who was singled out as ‘ringleader’ and jailed seven weeks for his role in the strike,\textsuperscript{645} alleged that when he first arrived in Singapore, he tried several times to join a union. Jun Ling stated he ‘sought help at three different management levels within SMRT’ but was not allowed to do so:

I personally asked the company three times for permission . . . and they rejected me all three times, telling me that our (Chinese) contracts were different from the Malaysian ones — ours were two-year contracts while theirs were long-term ones — and those on two-year contracts cannot join the union.\textsuperscript{646}

Another former SMRT bus driver, Jiang, corroborates this in an interview with labour rights NGO, China Labour Bulletin. According to Jiang, his senior colleagues applied to join the union but failed; as soon as they revealed which company they worked for, they were refused union membership.\textsuperscript{647} Jun Ling’s lawyer also disclosed, at a forum in April 2013, that the National Transport Workers’ Union had


\footnotesize{644} Maria Almenaar, ‘NTWU Says It Can’t Act for SMRT’s Bus Workers from PRC’, Straits Times, November 26, 2012.

\footnotesize{645} He Jun Ling was also ‘required to sign an agreement promising never to step foot on Singapore’s shores again – not as a worker, not as a tourist, not at all’. See Jeanette Tan, ‘Former SMRT Bus Driver: Why We Went On Strike (Part 1)’, Yahoo News, April 5, 2013, http://tinyurl.com/mxp7sui8 (accessed September 18, 2013).

\footnotesize{646} Ibid.

signed a collective agreement with SMRT that specifically excluded foreign employees as well as temporary and contract employees, this collective agreement would have rendered union membership pointless in terms of negotiating for better wages or benefits. This practice of collective agreements specifically excluding foreign employees has also been highlighted by Choi and Lyons, who note that the Healthcare Services Employees’ Union’s agreement with Singapore Health Services (the largest healthcare group in Singapore) indicates the union will not negotiate on terms and conditions for ‘foreign staff on first contract’. Despite this, authorities have continued to chastise the striking bus drivers for not going through the ‘proper channels’ and taking the law into their own hands. This continued even after the jailed bus drivers had returned home to China. In May 2013, former Labour Chief, Lim Boon Heng, commented in the *Straits Times*:

> The foreign bus captains of SMRT did not join the union and so had no one to take up their grievances. Even then, they could have joined the union and asked the union to take up those issues. It was not necessary to go on an illegal strike.

There is also the issue of the NTUC’s public disapproval of the bus drivers’ strike action and lack of support for their motivations to strike. The Chinese bus drivers had expressed unhappiness over the fact that they were paid less than their Malaysian colleagues doing equivalent work. In July 2012, Chinese bus drivers received a starting salary of S$1,075, compared to S$1,350 for their Malaysian co-workers and S$1,625 for Singaporeans. Moreover, as Chinese nationals, they were specifically excluded from the company’s wage adjustments, sharpening pay

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650 It was not specified what is meant by ‘on first contract’, but newly arrived migrant workers who have just signed their very first contract with the company tend to be debt-ridden due to the large recruitment fees involved, and less familiar with their entitlements under local labour laws. See Choi and Lyons, ‘Gender, Citizenship’, 14.
651 Tan, ‘SMRT Bus Drivers’ Strike’.
inequalities.\textsuperscript{654} At a press conference in December 2012, the Secretary-General of the NTUC, Lim Swee Say, expressed the labour movement’s ‘discomfort’ and ‘concern’ over calls for equal pay for equal work for migrant workers, citing that this would be ‘unfair to Singaporeans’.\textsuperscript{655} In early December 2012, the Hong Kong Confederation of Trade Unions (HKCTU) staged a protest in Hong Kong in a show of solidarity with the Chinese SMRT bus drivers; the HKCTU accused Singapore of not respecting the basic rights of workers to strike, and of contravening the principle of equal pay for equal work.\textsuperscript{656} Singapore’s NTUC called the protest ‘regrettable’ and emphasized its support for the Singapore government’s handling of the strike, stressing ‘the need for workers to comply with the country’s laws’.\textsuperscript{657} NTUC’s Secretary-General, Lim, reiterated that the HKCTU’s actions were ‘highly inappropriate’: ‘We, as a labour movement, NTUC, we will not dictate what Hong Kong, the government or trade unions should do because why? We should respect that each country has its own different circumstances.’\textsuperscript{658}

Still, post-strike, a notable discursive shift has occurred, in which exclusionary union practices have given way to inclusionary rhetoric, with unions expressing goals to recruit and represent greater numbers of migrant workers, so as to ‘thwart any incident similar to what happened at SMRT’.\textsuperscript{659} The authorities, at the same time, continue to frame increased union membership as the primary solution to the problems faced by migrant workers,\textsuperscript{660} with unions firmly positioned as the preferred and ‘proper’ channel for managing grievances.\textsuperscript{661} By February 2013, it was reported that up to three-quarters of SMRT’s 400 bus drivers from China have

\textsuperscript{654} China Labour Bulletin, ‘Chinese Bus Drivers’.


\textsuperscript{658} Mohandas, ‘HK Trade Unions’.

\textsuperscript{659} Wong, ‘Unions Step Up Efforts’.


joined the union; at the time of the strike, only five per cent were union members.\textsuperscript{662} This is a notable increase, especially since the strike would have demonstrated the union’s reluctance to advocate on the Chinese bus drivers’ behalf in relation to wages and working conditions; moreover membership renders a financial cost.\textsuperscript{663} This raises the possibility that SMRT, like Marina Bay Sands,\textsuperscript{664} may be paying union membership fees for its employees. Overall, however, numbers remain low – in early 2013, it was reported that only 100,000 out of the 1.2 million foreign workforce are union members, with migrant workers making up just 15 percent of the total number of union members in Singapore.\textsuperscript{665}

This single-minded focus on boosting membership numbers also serves as a red herring, for there is little indication that any of the unions will challenge corporate or state power in the event migrant workers are treated unfairly (unless, of course, there is a strategic alignment of interests). The practice of excluding migrant contract workers from collective agreements will also stymie union efforts to ‘equally represent’ all its members\textsuperscript{666} (though the Marina Bay Sands and AREU partnership mentioned earlier shows that ‘equal representation’ for local workers is similarly problematic). In fact, there is a greater likelihood the union movement will continue to be complicit in the state’s objective of taming and disciplining labour, with the state seeking new means to coopt and depoliticize the growing sphere of migrant labour activism.

**Migrant Worker NGOs in Singapore: Navigating a Marginal Space**

Despite the sensitivity of migrant worker issues and the state’s tight control over civil society activism, a number of migrant worker non-governmental organizations have emerged within the last decade in Singapore. The organizing activities and strategies of two key migrant worker NGOs, Transient Workers Count Too (TWC2) and the Humanitarian Organization for Migration Economics (HOME), have been

\textsuperscript{662} Sumita Sreedharan, ‘Foreign Workers in the Union’, TODAY, February 6, 2013.
\textsuperscript{663} There is a monthly union membership fee of $9. See Wong, ‘Unions Step Up Efforts’.
\textsuperscript{664} Seow, ‘MBS Opens Door’.
\textsuperscript{665} Sreedharan, ‘Foreign Workers in Union’.
\textsuperscript{666} Wong, ‘Yeo Guat Kwang’.
studied by Lyons, who notes the welfare-oriented nature of such NGOs and an ‘inherent conservatism’ due to the nature of state-civil society relations in Singapore. In 1987, the state, under the Internal Security Act (ISA), arrested and detained without trial 22 social justice activists accused of being involved in a ‘Marxist Conspiracy’ to overthrow the government and establish a communist state. Now regarded as a ‘fanciful narrative’, no convincing evidence has been made publicly available to prove such allegations, despite the harsh treatment (including allegations of torture and beatings) and incarceration of several detainees. Among those arrested were Catholic social activists from the Geylang Catholic Centre for Foreign Workers, with this event leaving an enduring pall over advocacy efforts involving migrant workers.

Nonetheless, since the mid-2000s, migrant worker groups like TWC2 and HOME have continued to grow in their outreach to migrant workers, gradually expanding their services and range of activities, which include worker helplines, case management, legal counselling, the provision of shelter and free meals, training and skills development. TWC2 and HOME also engage in research and advocacy campaigns, and participate in closed-door dialogues with the authorities to make recommendations for policy changes. There is also Healthserve, a community organization ‘dedicated to serving the interests of the migrants, disadvantaged and poor in the local community’. Set up in 2006, the organization provides subsidized medical care to the needy, and also runs a free meals program and provides legal and counselling services for migrant workers. The Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People (ACMI), which was set up in 1998, also provides social and legal counselling to migrant workers, and runs a

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669 Barr, ‘Marxists in Singapore’, 355-362. To read an account by one of the detainees, see Teo Soh Lung, Beyond the Blue Gate: Recollections of a Political Prisoner (Singapore: Function 8 Limited, 2010).
shelter, but is noticeably more low-profile in its work. While these organizations largely focus on the welfare and working conditions of migrant workers, there are also community groups specifically focused on migrant workers from a ‘cultural mobilizing’ perspective, in which cultural activities such as literature, drama, music or artistic pursuits like photography are viewed as a means to humanize migrant workers and offer a stigmatized community a healthy means of self-expression.

Xu has noted how, in China, the state restricts the already narrow social spaces migrant labour NGOs navigate through the processes of surveillance, repression and co-optation, with its key goal to subdue independent NGOs and institutionalize the docile ones. These processes are similarly evident in Singapore, where civil society activists who support migrant workers are vulnerable to ‘government surveillance and harassment’. In January 2013, activists who supported the SMRT drivers as they went through their trial reported being intimidated and followed. In February 2013, an independent filmmaker made public a video interview in

673 The ACMI describes its aim as follows: ‘to respond to the pastoral needs of all migrants and itinerants in Singapore regardless of race, language or religion. We provide social/legal assistance, counselling and befriending services to all migrant workers, foreign construction workers, foreign domestic workers, foreign spouses and their families, foreign students and transients’. See ‘ACMI - About Us’, http://www.acmi.sg/node/3 (accessed September 10, 2013).
674 Xu, ‘Mobilizing Rural Migrant Workers’, 251-252.
675 Migrant Voices, a volunteer-run organization formed in 2005, involved migrant workers in forum theatre performances, music performances, creative writing workshops, and also organized the Migration Film Festival and photography exhibition InsideOut, featuring the images of migrant workers. The organization has ceased to operate in its original form due to issues of organizational sustainability, and in February 2013, was absorbed into a new group that calls itself Community Cultural Development (Singapore). More recently, three young Singaporeans set up Beyond the Borders, Behind the Men (BTBBTM), described as an ‘online social initiative documenting the lives of Bangladeshi workers in Singapore’; this is done through photography, writing and videography, with the three Singaporeans traveling to Bangladesh to document the lives of Bangladeshi migrant workers. See Alfred Chua, ‘Foreign Workers “Are Just Like Us”’, TODAY, August 9, 2013; Shaun Teo, ‘Announcement to Stakeholders – A New Chapter for Migrant Voices’, February 4, 2013, http://tinyurl.com/kpuyj8h (accessed September 11, 2013); Elaine Ee, ‘“Inside Out”: Singapore’s Migrant Workers Turn Photographers’, CNN, September 16, 2011, http://tinyurl.com/n8ptqds (accessed September 11, 2013).
676 Xu, ‘Mobilizing Rural Migrant Workers’, 256.
which two of the SMRT bus drivers alleged physical abuse while in police custody. She was subsequently held by the police for questioning for almost eight hours, with her personal property seized. The filmmaker was eventually issued with a stern warning by the Attorney-General for contempt of court, a serious charge that carries a potential jail term. Also in relation to the SMRT bus strike, a social activist and (former) member of an opposition political party posted a well-read Facebook note in December 2012 critiquing how the bus strike was handled by the authorities; he was subsequently sued for defamation by the Acting Minister for Manpower, Tan Chuan-Jin. The activist, Vincent Wijeysingha, removed the post, issued a public letter of apology in early January 2013, and paid the Minister S$5,000 in damages (a reduction from the original S$20,000 demanded).

NGO activities are also severely curtailed by regulatory measures that inhibit operational procedures and outlaw public assembly; police permits are frequently denied for public events under the justification they pose threats to ‘law and

682 In 2010, a British author, Alan Shahdrake, was charged under contempt of court laws for suggesting that Singapore’s judiciary lacked independence in his book about the mandatory death penalty, which Singapore still practices. The 76 year-old author was sentenced to six weeks in prison and fined S$20,000. See Human Rights Watch, ‘Singapore: End “Scandalizing the Judiciary” Prosecutions’, August 7, 2013, http://tinyurl.com/mgyx5t (accessed September 22, 2013).
683 Minister Tan’s lawyer’s letter of demand stated that Wijeysingha’s allegations that Tan was dishonest when he denied being aware of the Chinese bus drivers’ prior discontent with SMRT were ‘false, baseless and scurrilous’, and they ‘constitute a very grave libel against our client, both personally and in his office as the Acting Minister of Manpower’. See Fann Sim, ‘Vincent Wijeysingha Apologizes to Acting Manpower Minister’, Yahoo News, January 6, 2013, http://tinyurl.com/k7vmodh (accessed September 22, 2013).
order’. In December 2010, HOME and TWC2 jointly applied for a permit to distribute flyers and conduct a vehicle procession to protest the hazardous transporting of workers in goods vehicles (see Chapter 6) on International Migrants Day. This was rejected due to ‘law and order considerations’. Both organizations appealed against the decision, but their appeals were similarly rejected. Meanwhile, attempts at co-optation are complemented with simultaneous efforts to intimidate and ostracize more vocal organizations and individual members. Government agencies and the NTUC, while eager to foster an image of inclusivity and collaborative engagement, are keenly selective in their choice of partnerships, selecting NGO partners who carefully cultivate a public image of being ‘non-confrontational and apolitical’. At the same time, the authorities have been known to exclude particular activists perceived as overly ‘confrontational’ from dialogue sessions, despite their organizations being invited to participate. In September 2012, a migrant worker activist who assisted Chinese factory workers in publicizing their petition over low wages and excessive recruitment fees, wrote about how his efforts resulted in intimidation and threats of funding cuts to his NGO by the Ministry of

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687 In December 2010, a local political association, Singaporeans for Democracy (SFD), applied for a permit to stage a (less than 1km) march to commemorate International Human Rights Day; their application was turned down by the police, who cited ‘law and order considerations’. The police had contacted SFD for more information regarding their application to march, asking questions such as: ‘Will the participants wear the same clothes? If yes, pls provide graphics of the clothing... Will there be banners/placards? If yes, pls provide the graphics’. See Singaporeans for Democracy, ‘SFD Applies Permit for Human Rights March’, sfd.sg, December 6, 2010, http://tinyurl.com/k76u4ab (accessed January 9, 2011); Tessa Wong, ‘Permit Denied for Human Rights March’, Straits Times, December 7, 2010.


690 In May 2013, the NTUC’s Migrant Workers’ Centre announced intentions to partner migrant worker NGO, Healthserve, in providing health-related services and running a soup kitchen for migrant workers. In response to the government’s displeasure over civil society support for the SMRT bus drivers who made allegations of police brutality while in custody, Healthserve had written to the local papers to publicly emphasize its desire to ‘serve the vulnerable and disadvantaged in practical and compassionate ways, in our unique non-confrontational and apolitical approach’. See (Dr) Chan Lai Gwen, Director, Healthserve, letter to the editor (‘Employee Acting in Personal Capacity’), Forum, Straits Times, May 1, 2013; Pearl Lee, ‘Migrant Centre Expands Efforts to Aid Foreign Workers’, Straits Times, May 13, 2013; NTUC, ‘Migrant Workers’ Centre (MWC) Grows for the Future’, Press release, May 17, 2013, http://tinyurl.com/mymdkvb (accessed September 12, 2013).
Manpower.\footnote{Wham’s Facebook note was shared 175 times and invited 101 comments as of September 12, 2013. See Jolovan Wham, ‘Civil Society and the Politics of Fear’, September 22, 2012, http://tinyurl.com/k8bcb8 (accessed September 12, 2013).} His Facebook note attracted a strongly-worded rebuke from the Ministry of Manpower, who accused the activist of making ‘baseless allegations’; the MOM said NGOs who wish to engage the government should do so ‘in a professional manner based on mutual respect, trust and within the law’, adding that ‘publicizing unfounded accusations is counter-productive’.\footnote{Janice Heng, ‘MOM Rebuts Allegations of Intimidation’, Singapoltics, October 1, 2012, http://tinyurl.com/lkmexqh (accessed September 12, 2013).}

In contextualizing state-civil society relations in Singapore, Lyons summarizes the key modes of NGO operation: ‘Moderation, consultation and consensus’.\footnote{Lenore Lyons, ‘The Limits of Transnational Activism: Organizing for Migrant Worker Rights in Malaysia and Singapore’ (paper prepared for the workshop ‘Transnationalisation of Solidarities and Women Movements’, Political Science Department, Université de Montréal, April 27–28, 2006), http://tinyurl.com/kp566jj (accessed November 14, 2013), 5.} In Singapore’s sociopolitical climate, ‘confrontational’ politics easily leads to, at best, marginalization, and at worst, repressive state responses ranging from intimidation and lawsuits to arrests and detention, although the state seems to have shifted from its more blunt oppressive tools in recent years. In Singapore, Piper has attributed the impossibility of migrant worker self-organization to the ‘lack of political space for certain types of activism and [migrants’] non-legal status’.\footnote{Nicola Piper, ‘Economic Migration and Transnationalisation of the Rights of Foreign Workers – A Concept Note’, Working Paper Series 58 (Singapore: Asia Research Institute, 2006), http://tinyurl.com/mbet6oe (accessed September 28, 2012), 24.} This has resulted in migrant workers being dependent on local citizens to advocate for their rights.\footnote{Ibid.}

The involvement of largely middle-class civil society activists and the exclusion of migrant workers from the executive committees of organizations like TWC2 and HOME (due to state-imposed restrictions rather than organizational preferences)\footnote{As noted by Lyons, the executive structure of TWC2 and HOME is restricted to Singapore citizens and permanent residents, a result of ‘state-imposed restrictions on the registration of NGOs’. See Lyons, ‘Transcending the Border’, 103.} is also problematized by Lyons, who views that ‘[g]enuine transnational solidarity’ would require a greater reflexivity from both organizations about their own class
locations within the global economy. In a subsequent academic exchange between Lyons and Yee, the latter a (then) postgraduate researcher as well as committee member of TWC2, Yee argues that TWC2 and HOME, in fact, ‘deploy political tactics of situated ethics when strategically required’, suggesting a more nuanced assessment is required of the NGOs’ range of strategies, which involve rights-based discourses sometimes, and the work of ‘subject formation in tandem with the state’s developmentalist strategy’ at other times. Bal also argues that despite significant impediments to NGO activism in Singapore, migrant worker NGOs have strategically deployed different discourses and rhetoric in their advocacy work to exert pressure on the state. Despite limited regime reform, Bal views that NGO pressure, through state-sponsored as well as autonomous channels, has resulted in some policy concessions and significant shifts in the position adopted by the Ministry of Manpower on migrant labour.

Bal’s analysis, as well as the dense exchange between Lyons and Yee, demonstrates the complexity and subjectivity involved in assessing the political struggles of migrant worker NGOs, who navigate an already tightly-controlled and increasingly threatened space. They face the additional challenge of managing a constant ‘discursive dilemma’—the need to exercise care in framing issues of migrant worker exploitation such that they are disruptive enough to evoke empathy and incite cooperative action, but at the same time to avoid over-emphasis on the ‘foreignness’ of migrant workers in a political climate of increased antagonism towards foreigners (permanent residents, newly naturalized citizens, migrant workers of all wage levels, refugees). Furthermore, in the context of Singapore,

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697 Ibid., 104.
699 Yee, ‘Migrant Rights’, 593.
701 Ibid., 193-224.
703 Ibid.
the language of equality and workers’ rights is underdeveloped, and any suggestion that migrant workers of any skill or income category are deserving of the same rights and benefits as Singaporeans is especially contentious; such claims must also contend with the reality of intersecting oppressions, for local low-paid workers are equally constrained under the PAP’s tripartite system, and similarly struggling with exploitative labour conditions and low wages incommensurate with local living standards.

The Migrant Workers’ Centre: A GONGO in NGO Clothing

A relatively new but potentially influential stakeholder is the Migrant Workers’ Centre (MWC), which needs to be distinguished from the worker centres emerging in the United States that are characterized by a grassroots, bottom-up organizing model. Set up in 2009, Singapore’s Migrant Workers’ Centre is a ‘bipartisan initiative’ of the state-controlled National Trades Union Congress and the Singapore National Employers’ Federation (SNEF). Yeo Guat Kwang, the chairman of the Migrant Workers’ Centre, is currently a PAP Member of Parliament (in the Prime Minister’s ward), along with 20 other appointments, including Vice-Chairman of the Ang Mo Kio Town Council and member of the Workplace Safety and Health Council. Despite being more akin to a GONGO – a government-organized non-governmental organization – the MWC nonetheless references itself as an ‘NGO’, a term the local media uncritically reproduces, thus aligning the MWC with more...


709 Yeo, in fact, has been ridiculed online for previously holding 64 other appointments, including independent directorships at a number of private companies, ranging from an interior design to water technology firm. In his response, Yeo did not deny these 64 appointments, but pointed out that most of the positions listed, except for the directorships, were served on a pro-bono basis. See ‘Yeo Guat Kwang’, http://en.wikipedia.org/wiki/Yeo_Guat_Kwang (accessed September 10, 2013).
advocacy-oriented, independent NGOs (causing some confusion among the unfamiliar). Congruent with the NTUC’s approach, the Migrant Workers’ Centre has, over the years, focused on organizing cultural and recreational events, and efforts to smoothly integrate migrant workers into the ‘Singapore way of life’, through educating them about local laws and societal ‘dos and don’ts’. Events and activities have included basic English languages courses, song and dance competitions (‘MWC Idol’) and outings to local tourist attractions. While the MWC also highlights its welfare services – such as food and shelter assistance – its efforts, relative to its fundraising capacity and social and political capital, appear meagre in comparison with those of non-government supported migrant worker organizations. In 2010, MWC’s Chairman, Yeo, told Hong Kong-based labour rights NGO, China Labour Bulletin:

710 On International Migrants Day in December 2012, the MWC, in partnership with the Jurong Town Corporation, launched a recreation centre for migrant workers in Penjuru, an area where more than 20,000 migrant workers reside in nearby dormitories. Upcoming activities included movie screenings, live telecasts of sports events, as well as plans to open a supermarket for workers’ grocery needs. See NTUC, ‘Migrant Workers’ Centre’s New Strategy to Increase Outreach to Foreign Workers’, Press release, December 16, 2012, http://tinyurl.com/o2tafl (accessed September 10, 2013).

711 In 2010, the MWC and NTUC launched their pilot ‘Knowing Singapore’ programme, which included a ‘rundown of common Singapore laws and societal dos and don’ts’, as well as a sampling of local food and field trips to places of interest. See Gwendolyn Ng, ‘Helping Foreign Workers Integrate’, my paper, September 20, 2010, http://tinyurl.com/lcz3btq (accessed September 20, 2010).


715 MWC stated that it provided assistance to 1,500 migrant workers in 2012, an increase from 1,200 workers in 2009. In comparison, TWC2 assisted 2,165 migrant workers in distress at its ‘Cuff Road’ free meals project in 2012; about 300 workers benefit daily from this service. The project is currently facing a funding shortfall and its future is uncertain. In December 2011, the MWC had only 20 beds on standby for housing homeless workers; there were plans to expand the number to 50 by 2012. Between April 2009 and December 2011, the MWC reports it has provided shelter for over 240 homeless migrants. Comparatively, in its 2013 annual report, migrant worker organization, HOME, which runs shelters for both male and female migrant workers, provided shelter housing for 1,020 women and 240 men – moreover, these figures include only new admissions for the year (April 2012 – March 2013); numbers would be even higher if it included those who have continued to stay on from the year before, pending resolution of their cases. See HOME, ‘Annual Report – April 2012 to March 2013’, http://home.org.sg/downloads/AR2013.pdf (accessed September 11, 2013); Pearl Lee, ‘Migrant Centre Expands Efforts to Aid Foreign Workers’, Straits Times, May 13, 2013; Emily Liu, ‘Free Food Project Cuts Meals Due to Funding Shortfall’, September 4, 2013; TWC2, ‘Cuff Road Project 2012: Statistics’, February 16, 2013, http://tinyurl.com/qfd5m25 (accessed September 11, 2013); Nurul Syuhaida, ‘MWC Gears Up to House Migrant Workers Affected by Slowdown’, Channel NewsAsia, December 20, 2011.
When we look at the migrant workers’ issue, we are not looking at it from the perspective of human rights. We are looking at it on a need basis . . . Like it or not, we need to sustain and grow an economy that is able to generate an annual per capita [GDP] of US$35,000. At the end of the day, whatever factors would be able to help us to sustain the growth of the economy for the benefit of our countrymen, for the benefit of our country; we will definitely go for it.\(^{716}\)

Since the SMRT bus strike, however, the MWC, in alignment with the shifts demonstrated by the state and the NTUC, has publicly stated its intent to expand its outreach efforts. These include opening new facilities and extending a greater range of services, such as free legal counselling and healthcare services, through industry partnerships. These efforts, however, reflect the tripartite movement’s imperative to contain rather than conscientise migrant workers, with initiatives directed at socializing migrant workers into acceptable, legalistic modes of dispute resolution as permitted by the state. Legal counselling, for example, is not viewed as a way to empower workers, but a pre-emptive gesture to prevent them from taking collective action. As Yeo explains, ‘We don’t want workers to take matters into their own hands. We want to help them understand how they can pursue matters with legal proceedings, so they won’t get themselves into more trouble.’\(^{717}\) It was also revealed, at the opening of MWC’s new ‘help centre’ in September 2013, that their industry partnership with the Law Society to provide free legal aid is centred on non-employment advice, for migrant workers ‘who have fallen foul of the law over issues such as shoplifting or personal theft’.\(^{718}\) This new service, framed as arising out of increasing demand,\(^{719}\) contributes to the perception of migrant workers as potential social risks. It also creates the impression that there is a greater need for non-employment rather than employment-related legal services, thus framing ‘legal problems’ as primarily related to migrant workers’ criminal tendencies instead of the widespread flouting of labour laws by employers and recruiters.\(^{720}\)

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\(^{716}\) China Labour Bulletin, ‘Chinese Bus Drivers’.

\(^{717}\) Lee, ‘Migrant Centre Expands Efforts’.


\(^{719}\) Ibid.

The MWC, assisted by the local media, is also keen to promote an image of itself as ‘getting tough’ on errant employers, although its approach involves financially subsidizing enforcement efforts through costly and complicated writ and seizures in cases where employers default on paying migrant workers despite court orders.\(^721\) This stance endorses rather than challenges the problematic constraints inhibiting workers’ abilities to access justice, including the Labour Court system and its enforcement structure, as has been highlighted by TWC2 and HOME\(^722\) (see also Chapter 8). In September 2013, the MWC also launched its ‘Dormitory Buddies Network’ initiative, in which worker representatives from the various ethnic groups are elected in large, migrant worker dormitories\(^723\) to report any ‘on-the-ground’ problems ‘before they escalate’. In discussing this initiative, Yeo again raised the SMRT strike, in the context of ‘disgruntled foreign workers taking matters into their own hands’; this demonstrated the need to ‘educate workers of the proper channels available to them to air their grousers’, and ensure that problems are nipped in the bud so as to prevent ‘more damage or undesirable outcomes’.\(^724\) The MWC also plans to launch its own 24-hour helpline in March 2014, a service already provided by other migrant worker NGOs, as well as the Ministry of Manpower.\(^725\) In fact, the MWC is visibly attempting to redirect migrant workers towards its expanding range of services,\(^726\) which includes the opening of a Seafarer’s Welfare Centre at the Jurong Fishery Port in late 2013.\(^727\) These efforts are strategic attempts to funnel


\(^722\) HOME and TWC2, Justice Delayed, Justice Denied, 10.

\(^723\) There are about 38 purpose-built dormitories in Singapore housing low-paid migrant workers; they house about 160,000 migrant workers in total. See Amelia Tan, ‘Foreign Workers to Get a Voice of Their Own’, Straits Times, September 3, 2013.

\(^724\) Ibid.

\(^725\) Ibid.

\(^726\) Yeo Guat Kwang, letter to the editor (‘Do Not Hold Up Work Injury System Unnecessarily’), Voices, TODAY, September 5, 2013.

\(^727\) This is likely a response to NGOs like HOME and TWC2 starting to take on case work involving exploited seafarers. The grave abuses suffered by trafficked fishermen during the recruitment and deployment process (in the Philippines as well as in Singapore) was highlighted by TWC2 in a report launched in December 2012. The issue of forced labour on fishing boats that dock in Singapore was also mentioned in the US State Department’s Trafficking in Persons Report 2012, prompting a response from MOM that their trafficking taskforce ‘proactively works with port authorities, unions, seafarer missions and civil society organizations’ to improve assistance to fishermen in need. See Lee, ‘Migrant Centre Expands’; Neo Chai Chin, ‘In Peril on the High Seas’, TODAY, September 11, 2010; Sallie Yea,
migrant workers away from dependency on non-state actors towards state-sanctioned forms of service provision and assistance that remain apolitical and conformist, and operate within the strict confines of Singapore’s oppressive legislative framework.

Chen has highlighted the structural paradox that arises where, in authoritarian contexts like China, trade unions that are state controlled may in fact be more effective in their interventions to assist workers, since employers are ‘confronting a de facto government organ’. Thus the NTUC and the MWC may, in the legal arena or in assisting enforcement efforts, be more effective than non-state affiliated NGOs with getting employers to comply. As Chen notes, when unions are institutionally incorporated in the state apparatus, this imposes considerable constraints, but also gives them ‘more authority and influence vis-à-vis the issue areas where it is allowed to perform’. At the same time, as discussed in Chapter 3, legalistic mechanisms are atomized strategies that promote individualized solutions as opposed to collective action; they also obscure the structural causes of systemic abuses and demand action only after a violation has occurred. Moreover, in the MWC context, legal counselling is not akin to legal mobilizing as understood by labour NGOs, whereby legal knowledge and litigation becomes a tool for consciousness-raising and capacity-building and lawsuits a costly but strategic means of influencing negotiations in workers’ favour.

From an NGO perspective, Singapore’s tripartite system is exclusive, a strict

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729 Ibid., 44.
730 Xu, ‘Mobilizing Rural Migrant Workers’, 249-250.
732 Xu, ‘Mobilizing Rural Migrant Workers’, 249-250.
733 Roca-Servat, ‘Justice for Roofers’, 355-356; Cummings, ‘Hemmed In’, 1-84.
institutional arrangement embodying state-industry-union relations that
delegitimizes other stakeholder groups except on a selective, ad-hoc basis. The
Migrant Workers’ Centre, as a bipartite union-industry initiative that proclaims
itself an NGO, thus occupies an ambiguous position that offers both opportunities
(for manipulation) and challenges (to its own legitimacy). The longer-term success
of the MWC-NTUC’s strategy to co-opt and supersed independent NGOs will, to
some extent, depend on how it is perceived by migrant workers in terms of serving
their interests. In the meantime, how far the MWC’s encroachment will dilute the
migrant worker movement will depend on the abilities of civil society activists to
disrupt the MWC’s heavily crafted public image and expose it for the GONGO it
really is.

Conclusion

While political developments after the SMRT strike indicate that social controls in
Singapore will continue to tighten, this does not mean that migrant workers, as well
as migrant worker NGOs and activists are or will be passively accepting of such
repressive forces. As the numbers – and diversity – of low-paid migrant workers
continue to increase, and tensions heighten within the low-paid labour market due
to prolonged economic stress, the discursive performances of the PAP-NTUC-MWC
elite may grow increasingly hollow, a situation compounded by mounting political
dissatisfaction with the ruling party. However, as this chapter has demonstrated, the
dynamics and direction of social change, in terms of strengthening worker solidarity
and promoting participatory collective action, will rely on radical political
transformations that are difficult to envisage under the current ruling party.

These severely diminished prospects for migrant workers’ self-determination
critically influence prospects for achieving labour justice. Binford, in his work on
Mexican agricultural guest workers in Canada, notes how workers’ ‘individualised
protests are like small ripples dissipating outwards in a large pond: they leave the
contours of the social field and the power relations therein undisturbed’.734 Such

status-quo conditions mean employment experiences are variable and highly dependent on the ethical climate and decisions of those in positions of power. It is, in fact, like participating in an ‘employment lottery’, where it is hoped one’s employment situation will be good or, at least, better than any previously abusive experience. This ‘unfree labour regime’ for managing temporary low-paid migrant workers gives businesses flexible access to a low-paid workforce, but leaves large numbers of men and women in a state of heightened precariousness, exposing them to a chain of abuse at all stages of their migrant worker experience. The following chapter, Chapter 6, expands on the various dimensions of such precariousness.

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735 Ibid., 509.
736 Ibid.
PART III

THE ETHNOGRAPHY

Conceptualizing Precarity & Seeking Access to Justice
Chapter 6

‘To My Vegetables Must Be Added Some Grass’: Migrant Workers and the Precarity Package

远看新加坡像天堂
近看新加坡像银行
到了新加坡像牢房
不如回家放牛羊
个个都说新加坡好
个个都往新加坡跑
新加坡赚新加坡花
哪有钞票寄回家
都说这里工资高
害我没钱买牙膏
都说这里伙食好
青菜里面加青草
都说这里环境好
老鼠蟑螂四处跑
臭虫 一床吃人血
年年打工年年愁
天天加班像只猴
加班加点无报酬
天天挨骂 无理由
碰见老板低着头
发了工资摇摇头
到了月尾就发愁
不知何年才出头

Verse written by a construction worker from China about life in Singapore\footnote{737}{I received this verse via a text message from a Chinese construction worker in 2009. While the verse is well-known among construction workers from China in Singapore, the author has not been identified. It was translated with the assistance of Tan Teng Phee, a bilingual former colleague fluent in Mandarin.}
From afar, Singapore seems like heaven,
Get closer and it resembles a bank,
When you get finally get here, you realize it’s a prison,
May as well return home to a carefree life and tend to cattle.

Everyone says: Singapore is good!
So off they run to Singapore!

But earn in Singapore, spend in Singapore,
Who has money to send home?

Everyone says: Money here is good!

Hail! So good even toothpaste I can’t afford!

Everyone says: Food here is great!

Yet to my vegetables must be added some grass.

Everyone says: You’ll live well here!

With rats and cockroaches running everywhere, bed bugs sucking my blood?

Work throughout the year, worry throughout the year,

Overtime, all the time, just like a monkey,

More shifts, more overtime, yet not more salary,

Scolded everyday for no reason.

When meeting the boss, I have to bow my head,

When I receive my salary, it’s time to shake my head!

At the end of every month, I can expect anxiety,

Who knows when I will rise out of this hardship?
The two previous chapters outlined Singapore’s labour migration regime, including its complex and discriminatory work pass system and limited spaces for contestation. This chapter demonstrates how these institutional constraints interact with employment realities to produce a particular precariousness for migrant workers – what I term their *precarity package*. The multitude of problems faced by migrant workers – irregular income, excessive work hours, hazardous work environments, poor housing – tend to be treated as disparate issues, displaying a lack of appreciation for the multi-dimensional nature of precariousness, the interaction between these dimensions, and the complex sociopolitical context within which such precariousness takes place. Informed by the empirical realities of low-paid labour migration, the precarity package is also an attempt to conceptualize a relevant and specific application of precariousness, a concept sometimes accused of ‘fuzziness’.738

The chapter begins with a brief section on precarity, a concept of growing concern in discussions about working life and labour markets. This is followed by a discussion on the various dimensions of labour insecurity experienced by low-paid migrant workers. These dimensions – including income insecurity, employment insecurity, working time insecurity and representation insecurity – are derived from the work of Standing and Watson et al. on labour and flexibility.739 While this framework contributes to a multi-dimensional view of labour insecurity, understanding the precarity of low-paid labour migration in a specific context requires an additional layer of analysis, one that captures its dynamics in a low-protection setting like Singapore. This is done through exploring two key interdependent features of low-paid labour migration: deportability and dependency. This relates to migrant workers’ disposability (institutionalized through a ‘use-and-discard’ policy)740 and their high levels of dependency on external stakeholders – employers, recruitment agents, state agencies and welfare groups – for a range of needs. The final section draws the different components together, for collectively, these mutually reinforcing

dimensions and features constitute what I have termed a precarity package – a confluence of factors and relations that contribute to a heightened state of precariousness, and leave migrant workers vulnerable to abuse at all stages of their employment experience. Consequently, policy tweaks and interventions that address only disparate aspects of this complex, collective experience tend to have limited effectiveness and/or result in further unintended negative consequences.

Precarity – Structural Vulnerability in the Labour Market

Precarious work, characterized by ‘job insecurity, low wages, limited social benefits and statutory entitlements, and a lack of control over the labour process’,\(^{741}\) has always been present in systems of wage employment.\(^{742}\) In contemporary terms, precarious work tends to be judged against the norms of what has been accepted as a standard employment relationship.\(^{743}\) This thesis adopts the concept of precariousness less as a marker of how it deviates from some normalized standard, but for how it encapsulates the multiple elements of ‘instability, lack of protection, insecurity and social or economic vulnerability’.\(^{744}\)

While insecurity is a defining feature of precarity, the lack of predictability, in itself, is not always a marker of poor quality employment. Our global economy supports employees at various life cycle stages who choose to adopt what would be considered non-standard employment arrangements; they work flexi-hours, frequently on a contract basis, but may be remunerated satisfactorily and enjoy (relatively) high levels of control over their work processes. Watson et al.’s notion of ‘diversity or inequality’ offers one useful way to assess employment arrangements.

\(^{741}\) Leah F. Vosko, Confronting the Norm: Gender and the International Regulation of Precarious Work (Canada: Law Commission of Canada, July 2004), 40.


\(^{743}\) Vosko describes a standard employment relationship as one ‘defined by a full-time continuous employment relationship where the worker has one employer, works on the employer’s premises under direct supervision, usually in a unionized sector, and has access to comprehensive benefits and entitlements’. Leah F. Vosko, ‘A New Approach to Regulating Temporary Agency Work in Ontario or Back to the Future?’ Industrial Relations 65, no.4 (Fall 2010): 634.

\(^{744}\) Rodgers, ‘Precarious Work’, 3.
characterized by some level of irregularity. Part-time or casual work, for example, could be advantageous for some employees but the quality of such jobs must be scrutinized. Does the growth of such jobs meet the needs of diversity or are they contributing to greater labour market inequalities? The authors raise the issue of choice (are these the outcome of free choice by workers?) and question the key features of such employment arrangements, including any diminishing of rights and benefits. Pro-poor development strategies tend to rate poorly in considering employment relationships from such a perspective. Job creation, in numerical terms, tends to be the dominant concern, with job quality and weakened labour protection viewed as secondary or necessary trade-offs.

Anderson has noted concerns over precariousness becoming a meaningless ‘catchall’ but considers it conceptually useful in capturing the ‘temporal as well as spatial aspects of work and migration’. The author also states a preference for the notion of ‘precarity’ and ‘precarious worker’ rather than ‘vulnerability’ and ‘vulnerable worker’, as such terms ‘risk naturalizing these conditions and confining those so affected to victimhood’. Precarity, according to Anderson, not only captures atypical and insecure employment, it alludes to ‘an associated weakening of social relations’. While sharing a preference for precarity, this thesis does use the term vulnerable, whereby vulnerability is viewed as ‘not lack or want but exposure and defencelessness’. For Chambers, whose work focuses on poverty and development, vulnerability has both external and internal dimensions: ‘the external side of exposure to shocks, stress and risk; and the internal side of defencelessness, meaning a lack of means to cope without damaging loss’.

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745 Watson et al., Fragmented Futures, 48.
746 For Watson et al., genuine choices are ‘voluntary, socially responsible and individually sustainable’. Ibid., 4.
747 Ibid., 49.
748 Anderson, ‘Migration, Immigration Controls’, 303.
749 Ibid., 304.
750 Ibid., 303.
751 Ibid.
752 Chambers, ‘Poverty and Livelihoods’, 175.
753 Ibid.
concept of vulnerability does not suggest a lack of agency. The situation, however, is often one of constrained agency – the desire for self-determination and capacity for action is severely constrained by a dynamic combination of disadvantages; the vulnerability is viewed as structural. In Elcioglu’s ethnographic study of a temporary staffing agency, the author illustrates how the agency’s practices strategically and ‘systematically exploits and reproduces structural vulnerability in the labor market’. These practices include: recruiting ‘socially-stigmatized’ job seekers (such as those with criminal records) and outsourcing disciplinary measures to police them; intentionally entrenching the temporariness of jobseekers’ employment; and obfuscating processes for negotiating pay increases such that any attempts to do so become exceedingly onerous. It is a system described as the ‘organized production of precarity’ for profit, engendering a new form of domination.

While precarity overlaps with other concepts like risk, insecurity and vulnerability, precarity offers analytical advantages for it ‘explicitly incorporates the political and institutional context in which the production of precarity occurs’. For Ettlinger, precarity adds analytical value ‘in the context-specific variation both in the processes that give rise to precarity and how precarity is engaged’. With regards to the labelling of low-paid migrant workers as ‘the new precariat’, Waite cautions against homogenizing what is a diverse social group. At the same time, there exist opportunities for ‘work-based solidarity’. There may be shared experiences among precarious workers that offer unifying political possibilities, and which do not exclude the incorporation of transnational dynamics.

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755 Ibid., 135.
Labour Insecurity – A Multi-Dimensional Approach

Insecurity features strongly in discussions of precarity and alludes to a lack of control over aspects of one’s work, heightened uncertainty, increased risk of adversity (and a sense of powerlessness to overcome it), and considerable constraints to upward status and income mobility. Insecurity is potentially debilitating for it creates fragile working relationships and ‘undermine[s] a sense of balanced reciprocity and loyalty, which underlies a relationship perceived as non-exploitative and just’. Despite its prominence, it can be challenging trying to apply the concept of insecurity to assessing workplaces and employment arrangements. Standing and Watson et al. advocate a multi-dimensional approach to labour insecurity because it allows for concrete ways in which to discuss characteristics of working life.

Deriving strongly from ethnographic data obtained during my fieldwork, I apply this multi-dimensional approach to labour insecurity in the context of low-paid migrant workers’ empirical realities in Singapore. Standing and Watson et al. identify the following dimensions of labour insecurity: 1) labour market insecurity (inadequate employment opportunities); 2) employment insecurity (lack of protection against arbitrary dismissal); 3) job insecurity (arbitrary changes to job scope); 4) skill insecurity (lack of access to training and career enhancement); 5) representation insecurity (lack of a recognized collective voice); 6) income insecurity (irregular income); 7) working time insecurity (irregular, unpredictable, fragmented and/or unsociable work schedules); and 8) work insecurity (exposure to unsafe, hazardous workplaces).

1) Labour Market Insecurity

Labour market insecurity, as defined by Standing, refers to a lack of adequate employment opportunities. In the case of migrant workers, this tends to relate to

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761 Ibid.
762 Standing, Beyond the New Paternalism, 10; Watson et al., Fragmented Futures, 62-63.
blocked social access and regulatory restrictions on job mobility, as opposed to a lack of jobs that require and desire low-paid migrant labour. Employer-sponsored passes for temporary low-paid migrant workers are subject to renewal by the state. In the Singapore context, as the state attempts to reduce its reliance on low-paid migrant workers and tightens quotas,763 employment opportunities in certain sectors will likely be reduced.764 The state continues to give assurances, though, that ‘calibrating’ the flow is not the same as ‘turning off the tap’ and foreigners are still expected to make up one-third of the workforce.765 The problem, however, relates to how such measures are unilaterally applied and introduce greater instability in the labour market as the renewal/non-renewal of work passes grow increasingly unpredictable, dependent on shifting regulatory quotas and qualifying criteria.

2) Employment Insecurity

This concerns a lack of protection against arbitrary dismissal, to which migrant workers are highly susceptible. As already mentioned in Chapter 4, the policy framework is one that allows employers to easily and unilaterally hire and fire. Workers then need to be repatriated within seven days, or else employers risk losing part of their security bond. This legitimizes employer’s outsourcing of ‘rough tactics’ through repatriation companies to ensure workers are sent back (see later discussion on deportability).

3) Job Insecurity

Standing sees job security as protecting skills and crafts and having clearly defined job qualifications.766 Watson et al. describe job insecurity as involving ‘arbitrary changes to job scope’,767 which also has implications for work safety. At Hai Xing Construction, the company’s employment contract for Chinese construction workers

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763 Robin Chan and Janice Heng, ‘Tightening Foreign Labour Inflows – Have We Gone Too Far?’, *Straits Times*, November 3, 2012.
765 Aaron Low, ‘Ask DPM Tharman Special – Foreign Workers: One-third Cap is It’, *Straits Times*, April 20, 2013.
767 Watson et al., *Fragmented Futures*, 62.
stated that workers must not refuse when asked to work in areas where they may not be technically trained, for instance, a carpenter may be asked to do concrete work, steel work or any other work as specified by the supervising management officer. Refusal to abide by such arrangements may result in punishment. The contract further stated that workers may be arbitrarily assigned different work schedules or transferred to other worksites; workers who don’t obey will be deemed ‘absent from work’ and punished. Such contractual clauses and work practices disregard the specialized skills training migrant workers have to undergo in order to qualify for employment in Singapore. In the construction industry, this qualification process is regulated by the Building and Construction Authority (BCA), an agency under the Ministry of National Development. It is also dangerous when workers are forced to take on work and use equipment they are untrained for. Furthermore, constantly shifting sites at short notice means they may not have the opportunity to become familiar with work hazards.

4) Skill Insecurity

Skill insecurity concerns a lack of access to training and career enhancements. While migrant workers are not always closed off to formal training (or ‘up-skilling’), working time insecurity, in terms of long working hours and a lack of rest days, can

768 See Clause 2.5. of Appendix B, which provides a court-accredited English translation of Hai Xing Construction’s employment contract, as used in the Labour Court proceedings detailed in Chapter 8. A contract of another construction subcontractor, who also hires Chinese construction workers, included a similar clause: ‘Party C [the worker] must accept all necessary chores and work assignments; and that includes work that is outside his job description. Party C cannot make extra demands because he is given work outside his job description nor reject such assignments’. Clause 9, ‘Labour Contract’, JSR Construction Company, November 2007.

769 See Clause 2.7 of Appendix B.

770 In January 2013, there were 26 overseas training centres in China, India, Bangladesh, Thailand and Myanmar to prepare migrant construction workers for employment in Singapore. Two were being planned for Sri Lanka (since opened), and approval was pending to establish test centres in the Philippines. The BCA accredits these overseas test centres. See Saifulbahri Ismail, ‘Soon, Workers from Philippines, Sri Lanka to Meet Construction Needs’, TODAY, January 2, 2013; See Building and Construction Authority, ‘BCA Academy’, http://www.bca.gov.sg/academy/testcenters.aspx (accessed September 12, 2013).

771 In September 2013, the Straits Times featured Bangladeshi construction worker Abdul Latif, 38, who had been working for the same company for 17 years. In that time, his salary trebled from S$500 a month to S$1,800 a month, and he acquired seven certificates from skills upgrading courses, paid for by his employer. See Amelia Tan, ‘Working for the Same Boss for 17 years’, Straits Times, September 9, 2013.
be a formidable obstacle to workers being able to attend training courses. The framing of migrant workers as a temporary phenomenon further works against employers investing in formal training for low-paid migrant workers.

In certain instances, employers may actively discourage their foreign employees from upgrading their positions or else impose onerous bonds in exchange for this opportunity (the sponsorship of employers is generally required in such instances). Foreign nurses, for example, have reported being asked to pay S$9,000–S$10,000 if they wish to leave their jobs before their bonds end. This ensures that nurses who manage to obtain higher skill accreditation do not immediately leave their low-paying jobs for higher status positions that offer better pay. Since Singapore’s work pass system restricts privileges, such as family reunion and applications for permanent residency, according to the work pass issued and salary earned, the lack of job mobility through career enhancement hinders the ability of low-paid migrant workers to improve their situation. This entrenches a mid to long-term permanence in their low-paid status.

5) Representation Insecurity

As Chapter 5 has already highlighted, the issue of representation insecurity, that is, the lack of a recognized collective voice, is a complex one in Singapore. Representation insecurity in this country affects many Singaporeans, not only migrant workers. The tripartite labour movement in Singapore favours a consensual mode of negotiation (usually closed-door and non-transparent), and unions share an uncomfortably symbiotic relationship with the ruling and business elite. Migrant worker groups and activists navigate a marginalized space, and the more inclusive, grassroots models of migrant worker organizing emerging in countries like the United States and Canada, or closer to home, Hong Kong, are not easily replicable due to the limited sociopolitical opportunity structure in Singapore for dissenting voices.

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773 Ibid., 21.
6) Income Insecurity – Income Problems of Low-paid Migrant Workers

Fluctuations and deductions

The income problems of migrant workers are multiple and include low, discriminatory, irregular and/or withheld wages. Underpayment, sometimes through wage manipulation or wage theft, is also common. Income instability can be a result of arbitrary wage fluctuations and deductions, as well as the prevailing system of ‘no work no pay; more work, more pay’. The system operates as a deterrent against workers taking rest days, as well as an incentive to work longer hours to make up for low wages. It can also occur in situations where work is dependent on external factors, such as weather, contract stability (if the employer is a subcontractor) and the general economic outlook. Aakash, a shipyard worker from South India, says that in their sector, ‘no ship, no work’, equals no pay.\(^{774}\) He has experienced going for a month without work, when he survived by borrowing money. Das, also a shipyard worker from South India, adds that on rainy days they may be asked to stop work – with no pay received for that day.\(^{775}\) Despite such fluctuations in wages, monthly deductions by employers for accommodation, utilities or contestable items like ‘loans’ remain constant.

The Employment Act distinguishes between authorized and unauthorized deductions, with deductions allowed for work absenteeism, damage or loss of goods, meal provision (at the request of the employee), accommodation supplied by the employer, recovery for loans and income tax, among others.\(^{776}\) In July 2008, the MOM also passed new Work Permit and S-Pass conditions barring employers from receiving payment from migrant workers as a condition for hiring them. Employers are also disallowed from recovering employment-related expenses, such as the monthly foreign worker levy and security bond, from their workers. The regulations

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\(^{774}\) Author’s interview with Akash, a shipyard worker from India, January 3, 2007.

\(^{775}\) Author’s interview with Das, a shipyard worker from India, January 3, 2007.

were also extended to prohibit recruitment agents from offering ‘kickback’

Despite these prohibitions, unauthorized deductions and payments appear widespread and commonplace.\footnote{Bal, ‘Politics of Obedience’, 61-62; Radha Basu, ‘Bosses Exploit Foreign Workers’, \textit{Straits Times}, August 12, 2012; TWC2, \textit{Worse Off for Working? Kickbacks, Intermediary Fees and Migrant Construction Workers in Singapore}, August 12, 2012, http://tinyurl.com/b2ngyd7 (accessed April 8, 2013).} In the service sector, recruitment agents have been known to offer employers cash incentives of S$2000 to S$3000 to hire a Chinese migrant worker. The more brazen agents might call or fax owners of coffee shops to offer kickbacks.\footnote{Melissa Sim, ‘Psst… Here’s $3000 to Employ China Worker’, \textit{Straits Times}, April 11, 2008.} Graver abuses may also result, whereby unscrupulous employers may hire and fire arbitrarily just to earn thousands of dollars in kickbacks.\footnote{Melissa Sim, ‘MOM Warns Errant Work Agents’, \textit{Straits Times}, February 24, 2010; Lynn S. Lee, ‘Problem-solving, MOM-style’, \textit{Lianian Films}, entry posted April 15, 2010, http://tinyurl.com/ky8lsoz (accessed May 20, 2010). See also Chan, \textit{Hired on Sufferance}, 21.} In the construction industry, kickbacks are said to be ‘rampant’ and an established ‘market practice’.\footnote{TWC2, \textit{Worse Off For Working}.} Kickbacks can take the form of intermediary fees (paid to recruitment agents or some other intermediary such as a fellow worker) or contract renewal fees. Indian worker Das, who paid S$7000 in recruitment fees, explains the breakdown: S$3000 for his boss in Singapore, S$2000 for the Singapore agent, S$1,500 for the agent in India and S$500 for an air-ticket. He was also charged around S$1000 for the renewal of his work permit.\footnote{Author’s interview with Das, a construction worker from India, January 3, 2007.} This is an administrative procedure employers are encouraged to do online, for a charge of S$20 per renewal.\footnote{Ministry of Manpower, ‘Work Permit (Foreign Worker) – Cancellation & Renewal’, http://tinyurl.com/praqssu (accessed February 29, 2012).} In a local NGO report, migrant worker respondents had paid an average of S$1081 for contract renewal.\footnote{TWC2, \textit{Worse Off for Working}.}

As an example of another typical practice, Madhur had salary receipts with deductions marked ‘loan’, which the MOM considers an authorized deduction. However, Madhur insists he does not owe his employer any money and that these
deductions are really a form of cost recovery for his employer to offset foreign worker levy payments (and are, in actuality, illegal). Rohan, a Bangladeshi shipyard worker, calls these *Ali Baba* [illegal] deductions; his co-workers have salary slips showing fortnightly deductions ranging from S$6 to S$100. Such deductions may reduce their already low wages to sums as low as S$30–S$50 a fortnight. In some cases, illegal deductions are included in workers’ contracts – this is a practice that appears more commonly among construction and recruitment firms from China.

Unfortunately, the practice of kickbacks and other forms of cost recovery remain difficult to police. Employers and agents are generally careful not to leave evidence of illicit transactions. The recruitment industry suffers from poor regulation, particularly from a transnational perspective, where suggestions of impropriety in the collection of fees from migrant workers tends to be blamed on corrupt practices in sending countries, with scant acknowledgement of the complicity and willful cooperation of stakeholders in receiving countries. This is a stance entrenched institutionally, as evidenced in a common response by authorities that inflated recruitment fees paid by workers overseas is an issue ‘outside Singapore’s jurisdiction’. The lack of transparency in the breakdown of recruitment fees, as well as the power of employers to make arbitrary deductions (and label them vaguely), allows this practice to persist. The recent increases in foreign worker levies, as part of the strategy to control the number of migrant workers coming in to Singapore, is likely to see recruitment fees and cost recovery practices escalate.

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785 Author’s conversation with Madhur, a shipyard worker from India, October 14, 2009.
786 Author’s conversation with Rohan, a shipyard worker from Bangladesh, March 10, 2010.
790 Kor Kian Beng, Zakir Hussain, and Francis Chan, ‘More Adjustments to Foreign Worker Levy’, *Straits Times*, February 24, 2010; Francis Chan, ‘Foreign Worker Levy to Increase Over 3 Years’, *Straits Times*, February 23, 2010.
whether in the form of wage deductions (illegal) or else wage suppression (legal in the absence of minimum wage laws).  

Withheld and manipulated wages

Withheld wages was another common complaint among the Chinese construction workers I met; some had contracts stating wages would be withheld for three months. In a newspaper article, some companies who engaged in this practice blamed ‘cash-flow issues, or coping with the logistics of working out overtime and incentive payments’. The withholding of wages operated as deterrent as well as punishment. The risk of forfeiting several months of back wages through deductions and fines deters workers from leaving the job or resisting employers’ demands. These deductions are made from unpaid wages, such that when time for settlement arises, workers’ back wages are reduced considerably (see Chapter 7). Withheld wages also function as a ‘good-behaviour bond’, as seen in this employment contract clause:

Under no circumstances should Party C [the worker] carry out go-slow tactic, silent sit-down protest, petitioning, strike action or cause trouble. If any such incident occurs, Party A has the right to sack any of these troublemakers immediately as well as make deductions from their salary and their good-behaviour bond [sic].

At Hai Xing Construction, methods of dispensing salaries were left to the discretion of the employer. Salary slips were often vague, sometimes consisting of no more than a stamp on the back of a used envelope with the wages stuffed inside. If salaries were deposited into bank accounts, bankbooks may indicate the amount, but the method of calculation remained unclear. While workers generally accepted that their wages fluctuated each month, their frustrations arose from the

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793 Chan, Hired on Sufferance, 28-29; see Clause 3.4 of Appendix B.

794 Melissa Sim and Goh Yi Han, ‘Quit a Job, Fly Home...Then Return to a Higher Paid One’, Straits Times, June 16, 2009.

contradictory explanations provided by their employer on these fluctuations, which workers felt did not adequately remunerate them for the hours worked and productivity targets achieved (see Chapter 8). The lack of consistency between payments as well as among workers led to a general perception that Hai Xing Construction, a subcontractor, operated via an arbitrary and unjust wage system dependent on a combination of a) timing of payments by the main contractor; b) how much profit the company wished to keep from these payments; c) favouritism (or dislike) towards individual workers. On the last note, one worker explained the relative ease or difficulty of one’s working experience at Hai Xing as dependent on how eager one was to 拍馬屁 (‘brown-nose’ or ‘suck up’ to superiors). Another observed that it depended on the supervisors at the worksite. 看你臉 was a term used several times. In Mandarin, this literally means ‘see your face’, suggesting a preferential system of allotting incentives and penalties depending on something as incidental as whether or not the supervisor ‘likes your face’.

Regular underpayment of wages is another noted complaint. This is often achieved through computing salaries in a manner that contravenes labour laws – for example, by increasing the daily working hours (considering 12 hours a full day of work rather than 8 hours) and not paying or paying less than should be accorded for overtime work and work done on rest days or public holidays. Other methods include dividing salaries into fixed and variable components, with the fixed amount remaining low, thus affecting how other related payments, such as overtime payments, are calculated. These forms of wage theft, over time, short-change workers of considerable amounts. Workers are often in a disadvantageous position when it comes to proving underpayment due to employers withholding critical time records or else manipulating such records so that they remain difficult to decipher.

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There have also been cases of employers forging workers’ signatures on salary slips.\textsuperscript{797}

\textit{Low and discriminatory wages}

Wage levels in Singapore for Work Permit holders remain low, in comparable situations, well below that of Singaporean or Malaysian counterparts. In one electronics factory, migrant Chinese workers in Singapore were being paid basic salaries of S$500 a month, while their Malaysian counterparts were earning S$700 a month for equivalent work.\textsuperscript{798} In 2008, Bangladeshi shipyard workers reported starting salaries of S$16 a day (about S$1.70 per hour), with a possible one-dollar increment after one year to a daily rate of S$17.\textsuperscript{799} When Prabhu, an Indian construction worker, first arrived in Singapore in the late 1990s, his salary was S$16 per day. After two years, his salary was raised to S$18 per day, then to S$19 the following year. In 2007, it reached S$23 per day (approximately S$2.50 per hour), where it seems to have hit an informal ceiling.

Wage rates for Bangladeshi workers are particularly low. Bal notes that daily basic wages for Bangladeshi construction workers tend to range from S$16–S$24, with the majority ranging between S$18–S$20.\textsuperscript{800} In March 2010, I met Bangladeshi shipyard workers who earned monthly basic salaries averaging S$350 a month; if there was overtime work, they could perhaps earn S$500. In February 2012, reports surfaced that Samsung C&T Corporation, a multinational company, was paying its Bangladeshi construction workers a basic salary of S$270 a month (approximately S$1.13 per hour).\textsuperscript{801} In 2013, one article featured Bangladeshi construction workers

\begin{itemize}
  \item \textsuperscript{798} Stacy Ooi, ‘Panasonic Workers Seek Help’, \textit{Publichouse}, August 30, 2012, \url{http://tinyurl.com/kfjayxn} (accessed September 18, 2012). I was told by an NGO staff assisting the workers that Malaysian workers in the same factory doing equivalent work were paid a basic salary of S$700 a month.
  \item \textsuperscript{799} Boris Chan, ‘179 Foreign Workers Abandoned by Employer’, \textit{Online Citizen}, December 17, 2008, \url{http://tinyurl.com/o7yqrq8} (accessed May 20, 2010).
  \item \textsuperscript{800} Bal, ‘Politics of Obedience’, 62.
\end{itemize}
earning basic salaries ranging from S$468–S$494 (approximately S$2.38 per hour), one NGO volunteer met Bangladeshi cleaners earning S$650 a month.

Salaries for Chinese service sector workers may range from S$750 to S$1200 a month, though most seem to hover around the S$1000 mark. A pattern of 12 hour-work days and two rest days a month is common, suggesting a process of informal standardization among recruitment agents and employers. Min, a Chinese national who used to work in the food and beverage sector, says coffeeshop assistants – who pay recruitment fees of between S$7,000–S$10,000 – earn about S$800 a month, work 12-hour work days and get a day off every two weeks. For service sector workers, accommodation and food may not always be provided or subsidized by employers. Even if employers provide food and accommodation, living conditions may be poor and the food unpalatable or inadequate, so workers who are told to ‘take it or leave it’ may choose to seek alternative arrangements. Cleaners from China tend to earn salaries of around S$1,000 for 10-hour work days, without food or accommodation. In such instances, workers’ disposable incomes are greatly reduced after monthly expenses for rent, food and transport costs are accounted for.

803 Conversation with an NGO volunteer, August 21, 2013.
804 Coffeeshops in Singapore are open-air food courts that are generally scattered around public housing estates. They are more affordable than air-conditioned food courts in shopping malls and regular customers would include residents in the nearby housing estates.
805 Author’s interview with Min, a Chinese national who used to work in the service sector, May 9, 2012.
806 Min explains that if you worked for a food stall in a coffeeshop, your meals would be provided; if you worked for the drinks stall, food is not provided, which adds a substantial cost; moreover, you can only drink what is brewed – for example, coffee or tea – but not canned drinks.
807 Min, for example, says accommodation provided by employers is typically overcrowded, with 10-12 persons squeezed into one room.
808 In 2012, Min’s friend was paying about S$220 a month in rent for a bed-space where eight persons shared a room packed with triple-decker beds; very often, cooking is not allowed at such premises, adding to food costs for eating out. In 2013, a Chinese cleaner reported to the local Chinese papers that she paid S$250 for a bed-space in an apartment that housed 22 persons in total. Introduced to the house by an agent, the tenant said she had to wait up to 4 hours to take a bath and that the place was ‘not fit for humans’. See ‘4 Room HDB Flat Found to Have 22 PRCs Living Inside’, therealsingapore.com, http://tinyurl.com/oag7u4t (accessed August 23, 2013).
News reports in 2012 and 2013 seemed to indicate that migrant construction workers from China and India are commanding higher wages,\textsuperscript{809} construction workers from these two countries, along with Bangladeshis, make up the bulk of the over 300, 000 foreign construction workforce.\textsuperscript{810} A 2012 article reported that, as a result of labour shortages amidst a construction boom, one construction company who paid its Chinese and Indian workers monthly salaries of S$1,500 and S$900 respectively three years ago, now pay more than S$2,000 and about S$1,500 respectively.\textsuperscript{811} It is unclear, however, if a) this is their gross monthly income, which includes overtime pay and any additional incentives or allowances; b) this included the employer’s entire foreign workforce or simply the ones holding supervisory positions, or longer-term employees who had accumulated working experience and specialized skills; c) how widely this reflects the prevailing market rate in general. When gross monthly wage sums are cited, the amount quoted may reflect what is an obtainable wage dependent on a few factors: full attendance at work, long working hours (so overtime pay contributes to the ability to earn this amount), no rest days, no annual holidays and no sick leave. These amounts are also pre-deduction amounts – after employer deductions for items such as lodging, food and other miscellaneous items (authorized and/or unauthorized), wages may shrink by several hundred dollars or more. Misunderstandings over these arrangements have led to salary disputes and the assumption that migrant workers’ wages are high.

In 2013, another news article reported pay increases for ‘skilled’ migrant construction workers:


\textsuperscript{810} There were 306, 000 low-paid migrant construction workers on Work Permits in June 2013. See Charissa Yong, ‘Construction Boom, but Challenges Loom’, \textit{Straits Times}, October 20, 2013.

\textsuperscript{811} The construction company’s boss attributed this to rising pay in their respective home nations, particularly in China. He added, ‘Without increasing salaries of workers, we are unable to maintain them in our workforce and attract new workers.’ See Chin, ‘Budget 2012’.
Until about two years ago, wages in the sector had been stagnant with most workers earning just $500 a month, regardless of their experience. It has since been bumped up to about $800 monthly for those who have toiled for four years, and is further rising to $1,000 with the latest jump.\textsuperscript{812}

These figures contradict those cited in the 2012 article, suggesting that the earlier company’s wages are not basic wages, and are probably higher than the prevailing market average. As persistent and normalized salary differences operate along ethnic lines, the lack of precise public data charting salary differentials for migrant workers according to nationality, occupation and state-determined skill categories renders a more nuanced analysis difficult.

Meanwhile, although pay rises are expected to continue for construction workers categorized as ‘skilled’, due to their relative experience,\textsuperscript{813} the state’s decision to recruit construction labour from two new source countries, Sri Lanka and the Philippines, may have a moderating effect on wage increases. In August 2013, the first batch of 20 Sri Lankan construction workers arrived; by the end of 2013, it is expected that about 200 Sri Lankan construction workers will join the migrant workforce in Singapore each month. The \emph{Straits Times} profiled Sri Lankan, Chaminda Senarath Wijeratnha, who has more than 16 years of experience as a tiler. After undergoing a one and a half month training course in Colombo that cost S$2,600 (at a centre run by a Singaporean construction company) and paying a recruitment fee of S$1,400, he will be earning a salary of about S$800 a month, which the article said is ‘higher than the $600 for Indian and Bangladeshi workers’, who typically arrive in Singapore without any experience.\textsuperscript{814} From mid-2014, it is estimated about 200 Filipino construction workers will also be arriving monthly.\textsuperscript{815} A BCA director predicts that their salaries will hover between that of Indian and

\textsuperscript{812} Tan, ‘Construction Firms’.
\textsuperscript{813} Ibid.
\textsuperscript{815} Amelia Tan, ‘First 20 BCA-Trained Sri Lankan Workers to Arrive’, \emph{Straits Times}, August 23, 2013.
Bangladeshi workers (at the lower end of the scale), and Chinese construction workers (at the higher end), and range between S$20 to S$30 a day.816

The prevailing differences in workers’ wages according to their nationality remain difficult to account for satisfactorily, though there is increasing evidence state-enforced taxes like the foreign worker levy and other employer costs play a role.817 The Chinese SMRT bus drivers mentioned in Chapter 5 not only received lower basic salaries than their Malaysian and Singaporean counterparts, there were also discrepancies in pay increases and other payments such as bonuses. After salary adjustments in October 2012 (just before the strike) Singaporean bus drivers earned 170 percent of what the Chinese drivers earned.818 SMRT defended its discriminatory pay structure, stating its pay packages for Chinese and Malaysian bus drivers were equitable if one took into account ‘the foreign worker levy and the provision of transport, accommodations and utilities’.819 However, as pointed out by Hui, this means the foreign worker levy is now a policy tool partly responsible for pay inequalities, creating a policy environment in which “equal pay for equal work” is no longer possible.820 Incidentally, to directly deduct foreign work levy payments from workers’ salaries is illegal; in this case, SMRT simply reduced wages from the start, thus circumventing – and rendering meaningless – this regulation. This form of discriminatory wage suppression, rationalized as a practical form of cost recovery, has proven to be a cause of great discontent and bafflement among migrant workers; it also violates the universally valued principle of equal pay for equal work. Yet the authorities and trade unions in Singapore remain accepting of such discrepancies, determining that these are ‘private contractual agreements

816 According to Mr Neo Choon Keong, Group Director of Manpower and Strategies Policy at BCA: ‘If the Filipino workers are indeed skilled and experience, they should command a much higher pay compared to the Indian and Bangladeshi workers. Just to give some sense, the Indian and Bangladeshi new workers usually command about S$18 to S$20 basic pay a day. So, I think for the Philippine (workers) they should be able to command between S$20 to S$30 because the China workers are commanding higher than S$30 per day as they are even more skilled.’ See Saifulbahri Ismail, ‘First Group of Sri Lanka, Philippine Construction Workers for Singapore’, Channel NewsAsia, June 26, 2013.
819 Ibid.
820 Ibid.
entered into willingly by both parties and which do not breach any statutory requirements’. With regards to differences in remuneration, Acting Minister for Manpower, Tan Chuan-Jin, said, ‘if there are differences and so on, how do you make sure that you explain to them [workers] so that they understand why those differences exist?’ The workers’ sense of injustice is thus framed as a problem resulting from communication deficiencies, rather than generated from fundamental inequalities in the pay structure and working conditions.

On occasion, racist tendencies have been noted in the explanations for wage discrepancies between nationalities. One employer in the construction industry – a Chinese national – acknowledged and justified the pay difference with perceived differences in work ethic: Indian workers, according to her, have lower skills and are ‘not as productive’. The employer continued to cite an example of how she would see Indian workers sleeping when renovations were ongoing in her condominium estate. She noted that Chinese workers, who were paid a higher salary in her company, were ‘smart’ but tended to ‘cause more trouble’. This was echoed by a project manager in the construction industry, who attributed the relatively higher wages of Chinese and Thai construction workers to how they are ‘perceived to be smarter’. Another construction industry project manager alluded to the ‘better skills’ of Chinese construction workers, who then took on tasks requiring greater skill, warranting the wage difference. As issues of pre-arrival skills training and certification are determined by the Building and Construction

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821 Acting Minister for Manpower, Tan Chuan-Jin, determined in Parliament that the SMRT bus drivers’ grievances over pay inequalities were ‘issues which had nothing to do with employment standards or to do with the law’. Instead, these matters were ‘contractual issues to do with the terms and conditions of their employment’, matters in which employers and employees share a ‘joint responsibility’ for resolving ‘amicably’. See Ministry of Manpower, ‘Oral Answer by Mr Tan Chuan-Jin, Acting Minister for Manpower & Senior Minister of State, National Development, to Parliamentary Question Related to the SMRT Case’, Press release, February 4, 2013, http://tinyurl.com/q4kknlx (accessed April 8, 2013).

822 Ibid.

823 Conversation with an employer in the construction industry, October 21, 2009.

824 It is unlikely construction supervisors would allow workers to take random naps throughout the day. The likelihood is that fatigued workers are catching up on sleep during their lunch breaks/in between long shifts.

825 Interview with a project manager in the construction industry, July 7, 2010.

826 Interview with a project manager in the construction industry, June 17, 2010.
Authority of Singapore (BCA), it would be useful to understand how such bilateral arrangements are forged and on what basis. Greater clarity can then be shed on the relationship between a worker’s training and subsequent skill classification (‘skilled’ or ‘unskilled’) and how this influences a) employer perceptions of the skill sets of different nationalities of workers; b) the workers’ corresponding foreign levy payments and, consequently, their take-home pay packages.

7) Working Time Insecurity – Long Working Hours, Inadequate Rest Days

Common traits of working conditions for low-paid migrant workers, across sectors, include unpredictable work schedules, excessive work hours and days, frequently with inadequate (sometimes zero) overtime remuneration. In the service sector, this could average 72–84 hours a week, although in the case of Liang and her fellow kitchen cleaners, this was extended to 98 hours per week, or 14 hours a day. This is more than double the stipulated contractual limit in the Employment Act, which is 44 hours per week – up to a maximum of 12 hours per day for shift workers, and eight hours for non-shift workers. In one extreme case, a Nepalese worker in a coffeeshop worked from 5.30am to midnight each day, a total of 18.5 work hours. Often, he would eat intermittently while working, be forced to work even when he was ill, and have his two rest days a month forfeited. At that rate, he could be

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828 As detailed in Chapter 4, by 2015, foreign worker levies for construction workers classed ‘unskilled’ or ‘basic skilled’ would range from S$600–S$1050 per worker per month, while levies for those classed ‘higher-skilled’ would range from S$300–S$750. See Teo Xuanwei, ‘Steeper Levy Hikes for Unskilled Foreign Workers’, TODAY, February 27, 2013.

829 I encountered Liang and her two co-workers, also from China, in January 2009 at a restaurant in Little India. They were having a heated argument with their agent, an Indian man, over additional compensation for extended working hours. Their agent was trying to communicate with them in English, with both parties getting increasingly frustrated, so I offered to translate for them and they agreed. According to Liang and her two co-workers, official work hours were 9am to 11pm (14 hours) but the women were only going to be paid for 12 hours of work. The agent insisted they can take a two hour break to ‘offset’ this, but the women argued there were no opportunities for a break because the popular restaurant was constantly busy. Moreover, the women handled a variety of tasks, including cleaning up after the chefs have left at 11pm, making their work hours sometimes longer than even the stipulated 14 hours a day.

working up to 518 hours a month. On top of this, he was not being paid his wages regularly. 831 Bangladeshi cleaners for public housing estates, meanwhile, have reported work days with 12-15 hour shifts (beginning at 6am), with no rest days at all. Exceptions may be made for important cultural holidays, though this has also been denied (one Bangladeshi cleaner who requested an off day on Hari Raya, an important date for Muslims, was met with this employer response: ‘Then who is going to clean the estate?’) 832

Construction workers also frequently complain of long hours, and have to contend with 24-hour shifts, sometimes even beyond.833 Ling and Yi, Chinese construction workers building a hospital in Singapore, complained about their long work shifts (7.30am to 2am), which did not include remuneration for overtime work. When the men refused to continue working overtime, their employer threatened to cut their wages.834 One NGO worker related an incident of two Chinese construction workers made to work 28-hour shifts at a site in which work continued ‘round the clock’. After one such shift, the men were resting in their dormitories; barely four to five hours later, the men were summoned back to work.835 Extremely fatigued, and concerned about working at a great height under dim lighting, the men refused and decided to quit.836 During my fieldwork, I frequently met construction workers who worked seven days a week, up to a total of 358 hours a month. The Chinese migrant workers interviewed in China Labour Bulletin’s report worked ten to 12 hours a day.837

The issue of rest days is a contentious one. While there is some truth to the oft-cited claim by employers that migrant workers agree to or request work on rest days to

832 Conversation with an NGO staff member, September 12, 2013.
833 TWC2, ‘How Low Can a Salary Go?’.
834 Author’s interview with Ling and Yi, construction workers from China, November 12, 2009.
835 Conversation with an NGO staff member, July 9, 2013.
836 The case was also recounted in Healthserve’s newsletter, in which the two men shared their concerns over working at a height of 30 meters under dim lighting. See Bryan Lee, ‘The Plight of Zhao & Xu’, Praxis (Singapore: Healthserve, October 2013).
837 Chan, Hired on Sufferance, 31.
increase their incomes, such a generalization should not be used to legitimize situations in which other workers, particularly those with fixed monthly salaries, are aggrieved about their lack of adequate, fixed rest days. The current rest day legislation, along with the reality of low wages, mean many hourly and piece-rated workers face an unpleasant trade-off, where the need for additional income may outweigh the physical yearning for rest. The distinction in local labour laws between rates of pay on rest days, depending on whether it was at the worker or employer’s request, complicates the process and generates further avenues for dispute. It allows manipulative employers to coerce workers into working on rest days without paying penalty rates, while still operating within the confines of the law. One work record card (see Figure 6.1), belonging to a Chinese construction worker, was imprinted with the following text: ‘I volunteer to work on Sundays, salary being paid as usual as normal working days [sic], without extra compensation.’

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838 This is also related to how low-paid migrant workers are denied family reunification rights and tend to focus on income maximization during their employment.

839 According to the Employment Act, when work is done on what is meant to be a rest day, the rate of payment depends on whether it was the employee who requested work or the employer who asked the employee to work, as well as the hours worked – the rate is double only if it was at the employer’s request and if working hours are more than half of the employee’s ‘normal hours of work’. See Employment Act (Chapter 91), Revised Edition 2009, Part IV, Sections 37 (2-3), http://tinyurl.com/p6tworl (accessed October 17, 2013).


8) Work Insecurity – Greater Exposure to Hazardous Work Environments and Practices

In Singapore, the industries that rely heavily on low-paid migrant workers, namely, construction, marine and manufacturing, are the industries with the highest incidences of worker fatalities and work injuries. In 2009, the overall worker fatality rate was 2.9 per 100,000 workers (comparatively, the workplace fatality rates in the United Kingdom and Germany are 0.6 and 0.7 respectively).\(^\text{842}\) In the Singapore construction sector, however, the fatality rate was 8.1 per 100,000 workers in 2009; in the marine sector, it was 11.1 per 100,000 persons.\(^\text{843}\) This makes construction sites and shipyards the ‘riskiest worksites’ in Singapore.\(^\text{844}\) In 2009, an average of five workers died on the job every month – 63 percent of the 70 who lost their lives were

\(^{842}\) Kok Xing Hui, ‘Govt Takes the Lead in Keeping Workplaces Safe’, TODAY, May 21, 2013.


from the construction and marine sectors, most of the deaths were a result of falls, or being crushed by falling objects and toppling cranes. The construction and manufacturing sectors also accounted for three quarters of permanent disability cases. The statistics have remained troubling (see Table 6.1).

Table 6.1. Workplace injuries & fatalities, 2007 – 2012

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<th>2012</th>
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<tr>
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<td>10,018</td>
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<td>10,834</td>
<td>10,319</td>
<td>10,121</td>
<td>11,113</td>
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<tr>
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<td>67</td>
<td>70</td>
<td>55</td>
<td>61</td>
<td>56</td>
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<td>construction)</td>
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<tr>
<td>Permanent</td>
<td>163</td>
<td>132²⁴⁸</td>
<td>126</td>
<td>136</td>
<td>121</td>
<td>Not reported</td>
</tr>
<tr>
<td>Disablement</td>
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<tr>
<td>Temporary</td>
<td>9,792</td>
<td>10,873</td>
<td>10,638</td>
<td>10,128</td>
<td>9,939</td>
<td>Not reported</td>
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<tr>
<td>Occupational</td>
<td>602</td>
<td>855</td>
<td>468</td>
<td>432</td>
<td>839</td>
<td>987</td>
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<td>81.4%</td>
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Government statistics may cite the number of workplace injuries and the sectors in which they occur, but what is rarely emphasized is the fact that a high percentage of workers who die or are injured on the job are migrant workers. In a study on construction fatalities in Singapore, the researchers noted that fatalities


²⁴⁹ Chow, ‘Workplace Death Rate Inches Up’.


²⁴³ This significant drop, from 163 in 2007 to 132 in 2008, has been attributed to the incorporation of ‘new data coding guidelines and rigorous verification of data for collection of more reliable data’, a practice deemed ‘relatively common . . . among local and international statistical agencies such as the U.K.’s Health and Safety Executive (HSE) to improve data quality’, although further details about these new guidelines were not provided. See Ministry of Manpower, Occupational Safety and Health Division Annual Report 2008 (Singapore: MOM, 2008), http://tinyurl.com/pzbulmp (accessed August 12, 2013), 33.
disproportionately involved ‘unskilled’ workers with low education levels between the ages of 24 to 34; this would fit the typical profile of low-paid migrant workers in the construction industry. The study conspicuously omitted workers’ nationalities.\textsuperscript{849} It was only in 2013, at the launch of the National Workplace Safety and Health Campaign, that Prime Minister Lee Hsien Loong singled out ‘foreign workers’ as part of two ‘at-risk’ groups in the industries most prone to workplace accidents.\textsuperscript{850} This higher risk of workplace accidents, however, was attributed to migrant workers’ ‘different languages and work practices at home’.\textsuperscript{851}

In Singapore, it is common to see large safety banners prominently displayed at construction sites (see Figures 6.2 to 6.5). In the eyes of a number of workers I spoke to, however, these posters exist merely ‘for show’, pointing outwards for the benefit of government inspectors and passersby, rather than reflecting workplace realities within the site. Says Yash, a 41-year old technician waiting for work injury compensation after suffering injuries at work, ‘outside there is work safety, inside no safety’.\textsuperscript{852} Kadal, a construction worker from India, says, ‘Yes, we go for safety training courses, but when we are finally at work, there is sometimes no safety equipment in the store’.\textsuperscript{853} Murugan, also a construction worker, relates that workers are sometimes fined S$50 for not wearing safety equipment. ‘But we are not given [the equipment] and then we are fined’, he says, frustrated. ‘If we are fined more than three times, our work permit is cancelled and we get sent back.’\textsuperscript{854} Reinforces Yash, ‘We are supposed to wear helmet, gloves, eye protection, boots, safety belts and masks. When we ask for them, they say “coming, coming”. Only when they [supervisors] know people [inspectors] are coming, they will make things look safe.’ As Chung, a construction worker from China, explains, these prominent safety posters hung on every worksite can be described by a Chinese proverb, 掩耳盗铃.

\textsuperscript{849} Florence Yean Yng Ling, Min Liu and Yue Chiau Woo, ‘Construction Fatalities in Singapore’,\textit{ International Journal of Project Management} 27, no.7 (October 2009): 717-726.

\textsuperscript{850} The second at-risk group identified were ‘employees of small and medium-sized enterprises (SMEs)’. See Goh Chin Lian, ‘Govt to Ramp Up Workplace Safety Efforts’, \textit{Straits Times}, May 21, 2013.

\textsuperscript{851} Ibid.

\textsuperscript{852} Author’s interview with Yash, a construction worker from India, Singapore, July 28, 2009.

\textsuperscript{853} Author’s interview with Kadal, a construction worker from India, July 28, 2009.

\textsuperscript{854} Author’s interview with Murugan, a construction worker from India, July 28, 2009.
which means ‘to cover or plug your ears while stealing a bell’. It is based on the story of a man who wanted to steal a bronze bell but made a considerable din while doing so. He covered his own ears for fear of being heard, but continued with the theft. This idiom satirizes those who engage in self-deception, based on denial that others are aware of what is occurring in plain sight.

Figure 6.2. Safety banner placed outside a construction site. Photograph by author, 2008.

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855 Author’s interview with Chung, a construction worker from China, July 29, 2009.
856 Cultural China, ‘Yan Er Dao Ling (Plugging One’ Ears While Stealing a Bell)’, http://tinyurl.com/k4m9p9b (accessed May 20, 2010).
Figure 6.3. Another safety banner placed outside a construction site. Photograph by author, 2008.

Figure 6.4. Safety banner outside a construction site along Orchard Road. Photograph by author, 2008.
Figure 6.5. A common ‘Safety First’ poster spotted at the entrance of construction sites. Photograph by author, 2008.

The government’s emphasis on improving workplace safety includes numerous publications and public advertising campaigns.857 Such materials tend to promote a personal responsibility ethos. In the ‘Worker’s Safety Handbook’ – written in English – workers are given a list of ‘Dos’ and ‘Do Nots’, such as ‘Do not use defective ladders’ and ‘Wear your safety harness and secure it to an anchorage point’.858 In the first issue of the WSH Council’s newsletter for workers (also published in English), the council’s Executive Director says, ‘Make safety your priority, your personal responsibility. Begin by following safety rules and participating actively in the safety programmes at your workplace.’859 In 2012, the Land Transport Authority outlined a contractual requirement for construction companies to implement Behaviour-Based Safety programmes, in which employers


are asked to ‘proactively correct risky behaviour at work when it is observed, so safe working attitudes can be reinforced among workers to cultivate a good safety culture’.\textsuperscript{860} One work safety consulting firm even engaged speakers from the Singapore Kindness Movement to educate migrant workers on ‘graciousness norms’, as part of its three-month course on workplace safety.\textsuperscript{861} The general manager of the consulting firm, which conducts safety training courses for companies that hire large numbers of migrant workers, said: ‘When kindness becomes part of the [migrant] workers’ culture, they might remind each other more often to be safe. When people are not easily agitated, they are also less likely to make hasty decisions that could lead them to be caught in risky situations.’\textsuperscript{862}

Initiatives like this do not acknowledge the scenarios outlined by Yash, Kadal and Murugan, where safety equipment is denied, inadequate or faulty. In such instances, there is little choice involved in whether or not to use equipment, much less rejecting it if it is proven defective. In October 2009, an employer was charged with fixing evidence. He had placed a safety harness on the worker after he had fallen to his death.\textsuperscript{863} In December 2009, another construction company was fined for worksite safety violations after a worker fell from a ladder. The article stated that while the worker was given a safety belt, ‘there were no anchor points or lifelines provided to secure the belt. There were also no barriers to prevent falls’.\textsuperscript{864} In 2011, 17 people died from falling from heights at the workplace, the same number as the previous year.\textsuperscript{865} The Ministry of Manpower noted that in fatal accidents involving roof work, ‘contractors were found to be negligent and irresponsible with unsafe work procedures such as, unsafe access to roof areas and lack of proper fall

\textsuperscript{862} Ibid.
protection equipment such as safety harness [sic] with anchorage’. 866 In 2009, MOM’s inspection of worksites that operated round-the-clock showed that insufficient lighting was the top safety lapse, following by falling hazards. 867

While a multi-stakeholder approach in improving safety culture is imperative, a disproportionate emphasis on worker education that places the onus of responsibility on workers perpetuates an image of the ‘careless’, ‘ignorant’ and ‘uneducated’ worker. It assumes that safety is not paramount to workers, who are presumed to take reckless liberties with life and limb. This negates the genuine fear and disempowerment many workers in hazardous situations feel daily at their worksites, areas where a ‘twist of fate’ such as a collapsed crane, 868 falling concrete slab 869 or metal pipe, 870 could mean permanent disability or death. In fact, most of the construction site fatalities in 2012 were a result of such accidents, 871 signaling an urgent need to scrutinize equipment and structural safety as well as maintenance regimes, 872 not only worker behaviour. An attendant concern is how cost-cutting

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867 ‘29 Workplace Safety and Health Violations Uncovered During Operation’, Channel NewsAsia, August 28, 2009.
869 Kezia Koh, ‘Concrete Slab Falls on Worker, Killing Him’, Straits Times, March 11, 2012.
872 In 2010, MOM fined 31 companies and individuals for poor safety practices involving cranes, with the majority of the contraventions involving a failure to maintain the cranes in good working order. In October 2013, after two workers were killed the previous month when a crane collapsed at a worksite, the MOM issued two stop-work orders and 107 fines to 61 construction and manufacturing firms. The inspection of 90 workplaces uncovered 189 contraventions of workplace safety laws, with common contraventions including: ‘the failure to maintain cranes in good working condition (47 contraventions), failure to implement safe lifting plans (42 contraventions) and using either defective lifting gears or lifting gears not examined by an Authorised Examiner (28 contraventions)’. The companies that were fined were not named. See ‘31 Companies, Individuals Fined for Poor Crane Safety Practices’, TODAY, September 25, 2012; Ministry of Manpower, ‘MOM Takes Action Against 61 Companies for Crane Safety Lapses’, Press release, October 29, 2013, http://tinyurl.com/mtsb5qb (accessed November 2, 2013).
measures impact workplace safety, as the construction industry grapples with ‘the dual challenge of working safe while experiencing constant reductions in resources’.

Importantly, workplace health and safety includes more than the provision of appropriate equipment. Hazardous work can be the result of oppressive managerial controls that place workers in unsuitable work positions and permanently shifting locations, as well as excessive work targets and expectations of worker productivity. Ling and Yi, the Chinese construction workers mentioned earlier, said they were asked to carry a 130kg alloy pipe between them, even though construction safety guidelines recommend a maximum load of 35kg per person. Such blatant disregard for safety guidelines leads to serious injuries: Mahmudul, a construction worker, suffered an agonizing back injury after carrying a 100kg glass frame with a co-worker; Elias, a glazier, had to undergo surgery after shouldering a 70kg glass and steel frame on his own. He initially protested but his employer insisted, saying, ‘You still young, still strong [sic]’.

Chan argues that fatigue is ‘the number one accident risk factor for construction workers’. Her research showed that previously identified factors like failure to follow safety procedures as well as use proper equipment is heavily influenced by fatigue, therefore ‘if you eliminate fatigue, you also eliminated other so-called “causes” of accidents’. Chan, whose research involved migrant Chinese construction workers from rural China, noted that expatriate superiors tended to identify the main accident risks as migrant workers’ inability to read safety signs or comprehend safety regulations, thus believing that increased worker training was

875 Ibid.
876 Ibid.
878 Ibid.
the solution.\textsuperscript{879} Her research yielded a surprising result, with a high percentage (78 percent) of all stakeholders identifying fatigue as ‘the most critical accident risk item perceived to cause accidents’.\textsuperscript{880} A significant insight from her research is that ‘fatigue is not only a trigger risk factor but also the lynchpin in the quest to reduce accidents’.\textsuperscript{881} Chan’s research focused on workers who worked an average of 60 hours a week. This raises critical questions for the situation in Singapore, where migrant construction workers are known to work up to 90 hours a week, and over 350 hours a month. Lu, a Chinese construction worker, fractured his leg after a fall that resulted as he was coming off a 36-hour shift. Shaking his head, he says, 太累了 [too tired].\textsuperscript{882}

Accounts have also been given of workers fainting or collapsing on the job. This is attributed to some form of heat stroke resulting from fatigue and dehydration, as Singapore, a tropical country, is hot and humid all year round; severe disability and fatalities have resulted.\textsuperscript{883} Chu, for example, says the weather was scorching the first six months of his contract, and one of his colleagues collapsed in the heat – just two hours later, the colleague had to return to work.\textsuperscript{884} Jia says that workers, who ‘sweat litres’, need to drink large amounts of water to prevent heatstroke. However, at his high-rise condominium worksite, workers were not allowed to take breaks unless it was mealtime. Men placed on the higher floors, who started work as early as 7 or 8am, were only allowed to drink whatever water they could carry in a plastic bottle. Once that was finished, they had to wait until lunchtime (noon or later) to access water. Those who ‘dared’ to head downstairs for water before designated breaks would 被骂 [get scolded].\textsuperscript{885}

\textsuperscript{879} Liam Tung, ‘Is Fatigue Mining-Construction’s Hidden Killer?’, OHS Professional 3 (March 2010): 12.
\textsuperscript{881} Chan, ‘Fatigue’, 350.
\textsuperscript{882} Author’s interview with Lu, a construction worker from China, July 3, 2009.
\textsuperscript{884} Author’s interview with Chu, a construction worker from China, January 16, 2009.
\textsuperscript{885} Author’s interview with Jia, a construction worker from China, September 7, 2009.
Finally, a stark illustration of how cost-effectiveness overrides workers’ safety is demonstrated in an everyday work practice in Singapore, the transporting of over 200,000 workers daily on the cargo decks of trucks and lorries.\(^{886}\) (This 2009 figure has not been updated, but the numbers are presumably much higher now, as migrant construction workers alone numbered 306,000 in June 2013,\(^ {887}\) and construction workers are just one group of migrant workers transported daily in this way.) While it is an offence under the Road Traffic Act to use goods vehicles to carry passengers, exceptions are made when ‘the person so carried is in the employment of the owner or hirer of the vehicle and is proceeding on his master’s business’\(^ {888}\). Though not a practice exclusive to migrant workers, male migrant labourers in the construction, marine and landscaping industries form the visible bulk of the passengers who are transported this way daily. (Note: Figures 6.6-6.11 are photographs taken in 2009 and 2010, before new safety regulations were fully implemented in February 2011, requiring lorries ferrying workers to have side railings and canopies, amongst other measures).\(^ {889}\)

\(^{886}\) Given the increases in the number of migrants workers over the last few years, it is clear that this figure, cited in 2009, is considerably higher. See Land Transport Authority, ‘News Release – More Stringent Measures to Enhance Safety of Workers Transported on Lorries’, August 18, 2009, http://tinyurl.com/ku6uotd (accessed May 20, 2010).

\(^{887}\) Yong, ‘Construction Boom’.


\(^{889}\) The regulations also stipulated that the minimum deck space required per seated worker would be ‘doubled’ to eight square feet. Other measures include increased enforcement action against ‘errant drivers’ and ‘public education efforts on road safety’. According to the Transport Minister, Raymond Lim, ‘Employers and drivers must also play their part as safety is also their responsibility as well.’ See TWC2, ‘Lorry Safety Measures Deadline Brought Forward’, twc2.org.sg, July 30, 2010, http://tinyurl.com/o6mzypo (accessed August 22, 2013).
Figure 6.6. Migrant workers being transported to work on a weekday morning. Photograph by Mykel Yee, Singapore, 2009.

Figure 6.7. Workers squashed dangerously between materials while traveling along a busy expressway on a Saturday morning. Photograph by author, Singapore, 2009.
Figures 6.8 & 6.9. Equipment is dangerously stacked alongside workers, who have to find space around it. The lorry on the left is not even latched properly. Photograph taken by author during the rush hour evening traffic along a busy expressway. Photograph by author, Singapore, 2010.

Figure 6.10 & 6.11. (Left) Exhausted migrant workers rest on top of a lorry crowded with materials on the way home from work. (Right) Landscaping workers after tree pruning. Photograph taken by author during the rush hour evening traffic along a busy expressway, Singapore, 2010.
In 2006, there were five deaths and 76 injuries as a result of workers being transported this way. By 2008, this figure had more than doubled, with a total of 210 passengers on lorries injured or killed. In 2009, it was reported that ‘an average of four workers a week never reached their destinations in one piece’. Workers transported this way have reported seeing co-workers being flung off lorries when there are sudden stops. When there is equipment in the lorry, it is especially dangerous; passengers get seriously injured if there are any sudden brakes. Before the new rulings in 2011 requiring lorries to be covered, workers transported in the rain would either hold up canvas sheets – sometimes just thin garbage bags – to protect themselves; others simply got drenched (see Appendix C for more detailed accounts from workers about being transported this way).

A key reason cited for the prevalence of this mode of transport for manual labourers, as opposed to hiring buses, is convenience and cost-effectiveness. The Singapore Contractors Association, in response to letters denouncing this mode of transport, stated: ‘Workers and employers accept the practicality of such a mode of transport. To date, this is the most efficient means to ferry workers to and from their workplaces.’ In May 2009, a fatal accident involving workers transported on a lorry sparked renewed debate and news coverage on the issue. In August 2009, the Land Transport Authority announced new safety measures on the transport of workers to be phased in over three years. The measures included height restrictions and the installation of side railings and canopies for lorries; the minimum deck space per seated worker was to be doubled to eight square feet. When questioned about the three-year timeframe for implementation, Senior

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892 Teh, ‘Ferrying Workers Safely’.
893 TWC2, ‘Lorry Safety Measures’.
Parliamentary Secretary for Transport Teo Ser Luck, said, ‘We have to consider the businesses and the small and medium enterprises as well, cost factors are also a consideration for them.’ The chairman of the Singapore Logistics Association’s land transportation committee similarly said that imposing a ban on transporting workers on lorries is not ideal, for ‘it is not always cost-effective to charter vans and buses to transport a few workers’. Eventually, following two horrific lorry accidents in June 2010, the government decided to bring the deadline for implementing these safety standards forward to February 2011. Questions, however, continued to be raised over how far these measures go in addressing critical safety concerns.

In 2013, a series of tragic lorry accidents involving migrant workers again reignited debate on the issue. Industry representatives continued to emphasize that ferrying workers in lorries is not just cost-saving but ‘logistically efficient’. Another construction company director argued that the use of buses ‘just to ferry workers’ will contribute to road congestion. Meanwhile, PAP Labour MP and chairman of the Migrant Workers’ Centre, Yeo Guat Kuang, believes the ‘root of the problem’ lies in the ‘behaviour of unsafe drivers’. The MWC has even organized a ‘Lead the Way, Try Safety Today – Migrant Workers Day Out’, in which construction and marine industry labourers were taught traffic rules and the ‘do’s and don’ts’ of being a lorry passenger.

898 Ibid.
901 Dr. Joseph Thambiah, head of National University Hospital’s orthopedic trauma division, pointed out that ‘the absence of restraints or seat belts means that those sitting on the cargo deck could still injure themselves if they were flung against each other or thrown to the back of the lorry’. See Teh Joo Lin, ‘Workers on Lorries Get More Protection’, Straits Times, August 19, 2009.
903 Ibid.
Deportability and Dependency

**Wednesday, 12 August 2009, 3pm.** We were seated in the Green Lobby of the Ministry of Manpower. On my left was Fu, a Chinese national in her thirties who arrived a few months ago. She had just been fired from her job as a retail assistant in a bakery, without an explanation. A male stranger strode into the bakery that morning and announced her termination, instructing her to leave with him immediately. The man worked for a repatriation (private security) company that employers pay to remove workers and ensure they leave the country. He now sat on Fu’s left. A few seats away, on my right, was Fu’s 老板娘 [lady boss], accompanied by the local employment agent. Sandwiched between them, Fu and I were trying to discuss, discreetly, clauses in the Employment Act and what Fu’s entitlements were, watched closely by her boss, the agent and the ‘security guy’ hovering around us.

There are several layers to the injustice in this situation. There was the sudden and arbitrary dismissal, with little to no recourse. There was the collusion of employment and immigration laws, resulting in a migrant worker’s legal status and access to employment resting solely on the discretion of ‘the boss’. There was the dubious role of the repatriation company, which profits from the demand for repressive managerial control of migrant workers in Singapore. There is also the curiousness of a status quo which allows such incidents to take place in public without incident or alarm, much less within the lobby of a government body tasked with assisting workers in distress. In fact, I was back, two days later – different counter, different worker, different employer, different agent; same repatriation company, similar problem.

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905 Fu had to fight hard for her salary arrears and overtime pay during the ensuing mediation with her employer and agent, presided over by an MOM officer. Fu alleged she also had to endure racial insults from her employer, who called her a ‘pig, a pig from China’, an outburst that, according to Fu, garnered silence from the MOM officer present.

906 Just two days later, I was back at the Ministry of Manpower with Ling, a female assistant in a dessert stall who was unexpectedly fired from her job after several months and similarly ‘escorted’ to the MOM by a repatriation agent. She was there to seek assistance for unpaid overtime and was also distressed about the agency fee she paid, amounting to several thousand dollars. Ling said the contract promised two years of employment – returning home now meant she had not yet earned a sufficient amount to repay the debt incurred for this recruitment fee. Also present at MOM was her employer and agent; throughout the encounter, two repatriation agents hovered close by.
Deportability: Maintaining a ‘Liminal’, Disposable Workforce

As De Genova notes about undocumented Mexican workers in the United States, ‘It is deportability, and not deportation as such, that has historically rendered Mexican labor to be a distinctly disposable commodity.’\footnote{Nicholas De Genova, Working the Boundaries: Race, Space, and “Illegality” in Mexican Chicago (Durham, NC: Duke University Press, 2005), 8.} Deportability, however, as demonstrated by Fu’s case, is not just an anxiety borne by undocumented workers. Binford, who focused on Mexican agricultural workers in Canada, notes that the ability of such workers to remain in and return to the host country is reliant on meeting employers’ satisfaction – a ‘failing grade in work performance, or even personal comportment’, may lead to dismissal.\footnote{Binford, ‘From Fields of Power’, 508.} Once dismissed, the right to remain in the country is automatically suspended and ‘the legal worker is transformed into an “illegal” who must be deported’.\footnote{Ibid.}

For Binford, non-renewal for a previously active migrant worker ‘resting up’ in their home country is equivalent to dismissal and has the same impact as deportation, though this comes after their contract period. There is, in fact, no guarantee of return trips, regardless of loyalty in service. In fact, replacement by younger migrant workers ‘better able to sustain intense work rhythms’, or unfamiliar new recruits less likely to voice discontent, is a constant and nagging possibility.\footnote{Ibid.} For Mexican agricultural guest workers, the request to transfer employers is not allowed until three seasons are completed. While this provides some semblance of workforce stability for employers, who provide short-term contracts and poor working and living conditions, it has the opposite effect on migrant workers, ‘who experience personal instability resulting from poverty, overwork, illness and accidents and insults to their dignity’.\footnote{Ibid.} This description applies equally to migrant workers in Singapore, who similarly contend with arbitrary dismissal and restricted job mobility; additionally, they also face threats of blacklisting and forceful repatriation.
Blacklisting – a constant and enduring threat

In Singapore, migrant workers – as well as employers – can be blacklisted by authorities for infringing employment regulations. Employers may be barred from applying for or renewing existing work passes for migrant workers for certain violations – these include physical abuse of workers or repeated work safety breaches resulting in fatalities.\(^{912}\) With regards to migrant workers being blacklisted and barred from returning to Singapore work, however, there is a lack of clarity and transparency over what constitutes eligibility for this blacklist and the investigative process it entails. One NGO study reported that migrant workers have been blacklisted ‘based solely on the employer’s account’.\(^{913}\) This could happen in instances where employers file an official complaint after the worker has been repatriated, leaving him/her no opportunity to counter the negative feedback.

At a public forum in 2007, the Assistant Director for MOM’s Work Pass Division said it was ‘not easy’ for employers to blacklist workers ‘without reasons to do with criminality being involved’.\(^{914}\) Despite this, cases have been reported of migrant workers being blacklisted for Work Permit violations that are not criminal offences.\(^{915}\) The Assistant Director maintained there are ‘security reasons’ for the non-disclosure of information pertaining to workers’ blacklisting, but added that employers keen on hiring blacklisted Work Permit holders can submit an appeal.

This statement makes light of the reality that, in a labour market where there are more willing workers than work passes permitted, there is little incentive for prospective employers to go through this additional hurdle in order to hire a migrant worker. Moreover, most employers will tend to err on the side of caution when notified a worker has been ‘blacklisted’. Overall, such ambiguous assurances allow this practice of blacklisting to continue operating as an omnipresent stick that

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\(^{913}\) HOME and TWC2, Justice Delayed, Justice Denied, 7.

\(^{914}\) TWC2, TWC2 Member’s Newsletter: July-August 2007 (Singapore: TWC2, 2007), 3.

\(^{915}\) HOME and TWC2, Justice Delayed, Justice Denied, 7.
employers and recruiters wield to intimidate workers.\textsuperscript{916} The threat of being blacklisted – thereby extinguishing any further employment opportunity in the country – is an effective tool for shaping compliance in workers, who have no way of ascertaining if their Work Permit applications will be accepted/rejected should they choose to attempt returning to Singapore.

\textit{Repatriation – a form of ‘compulsory return’}

Biao highlights ‘compulsory return’ as a means of migration control in East Asia, whereby migrants are forced to return home not only after the expiry of work contracts, but also in instances of illness, pregnancy and labour disputes.\textsuperscript{917} Compulsory return, as Biao notes, means migrants are perched in a ‘perpetually liminal, disposable and transient position’; this makes migration flows ‘controllable’. It is not, however, the logical result of particular policies, nor is it solely perpetuated by the state; it is implemented through ‘complex collaboration between the state, the employer, the migrant and various private and semi-private institutions’.\textsuperscript{918}

Once workers lodge a complaint with the Ministry of Manpower, bosses often terminate their employment, which they can do easily and without informing the worker. This effectively ends their legality as Work Permit holders in Singapore. Workers who are unaware their permits have been cancelled are vulnerable to forceful repatriation, often executed by companies paid by employers and recruiters to ensure their return. Such repatriation companies occupy a treacherous grey area in the managerial control of migrant workers in Singapore. Referred to as 黑保安

\textsuperscript{916} A newspaper article featured an employer who moved workers from a crammed flat to an even worse bug-infested one. A worker who was interviewed said, ‘The foreign workers from the first dorm said they did not dare complain to MOM again, as their boss had allegedly threatened to send them back to India and get them blacklisted from working in Singapore again.’ See Tay Shi’an, ‘600 Workers Crammed on Two Floors’, \textit{New Paper}, June 1, 2012, \url{http://tinyurl.com/nu5pers} (accessed September 19, 2012). This anxiety was similarly expressed to me numerous times during my fieldwork, where workers would ask how they could find out if they have been blacklisted.


\textsuperscript{918} Ibid.
[black protectors or security]919 by Chinese workers – and as ‘gangsters’ by Indian920 and Bangladeshi workers921 – Biao describes them as follows:

They are all small companies, registered as transport or other services firms, [they] provide no uniforms for their personnel, and are staffed by ‘tough’ men. These companies constitute an ‘informal sector’ of the booming security industry.922

There were six such companies in Singapore in 2007923 and their services continue to be in high demand.924 As Jolovan Wham, former Executive Director of local migrant worker organization HOME, describes:

These guys work round the clock, nabbing workers from dormitories, work sites and even in public places such as coffee shops and outside shopping centers. Typical targets are workers with ‘bad attitudes’, who don’t meet up to employers’ expectations, or whose work permits are going to expire.925

These companies typically charge between S$300–S$500 per repatriated worker and maintain they are not contravening any laws.926 Despite charges by migrant worker advocates that repatriation companies ‘use force, violence and illegally confine workers against their will’,927 repatriation company spokespersons strongly deny the use of force. One company director claims 85 percent of the 2000 workers

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919 The literal translation of these three words is: black [黑] protectors [保安]. ‘Black’ [黑] in this context has connotations of secrecy, wickedness and belonging to the underworld.


923 Ibid.

924 One repatriation company said it saw 10 cases of ‘missing foreign workers’ every month in 2008; in 2010, this had increased to about 15 cases. The company was also hiring additional staff, including female ‘repatriation escorts’. See ‘What It Takes to be a Female Repatriation Escort’, New Paper, August 9, 2010, http://tinyurl.com/oh7woj (accessed February 22, 2012).


927 ‘Missing Migrant Workers Hunted Down In Singapore’, AFP, August 6, 2011; see also Jolovan Wham, letter to the editor (‘Avoid Resorting to Strong-Arm Tactics Against Foreign Workers’), Forum, Straits Times, July 23, 2011.
repatriated by his company ‘voluntarily agree to be repatriated’. Women have also been recruited as ‘repatriation escorts’ to deal with ‘runaway’ female migrant workers. This is to avoid male repatriation agents being ‘accused of molest’ by female migrant workers ‘if things get ugly’.

In Singapore, there is high social and institutional acceptance of the presence and alleged necessity of repatriation companies. The ‘tough men’ who run and staff such security firms are careful to position themselves as lawful business operators simply following orders and providing an integral service for employers. Employers anxious over potentially losing their S$5,000 security bond frequently mention this to justify engaging repatriation companies. One employer, who owns an engineering firm, said in a newspaper interview:

I run a business and have no time to ensure the workers whose work permits I cancelled go home, so I hire repatriation companies to help me do that . . . If they don’t go back, then I risk losing the security bond.

Another employer was more blunt:

Some of the foreign workers are troublemakers and we have no choice but to send them back. So repatriation firms actually help us do that.

The role of repatriation companies can be viewed as complementary to the state objective of regulating potential social risks, which is how low-paid migrant workers continue to be framed. Despite complaints filed by workers and migrant worker organizations against repatriation companies, the state accepts the role and presence of repatriation companies as a legitimate business. There is little regulation and no special licenses are required to set up a company offering repatriation

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929 ‘What It Takes to be a Female Repatriation Escort’.
services. Furthermore, the police force has been singled out by migrant worker advocates for not taking action when called upon.

In November 2011, articles were circulated online sharply criticizing the role of repatriation companies in abetting what the authors perceived to be criminal acts – one writer referred to it as ‘state-sanctioned kidnap’. In late November 2011, the Ministry of Manpower and Singapore Police Force engaged in what they termed ‘joint proactive enforcement inspections’ – the local media dubbed it a ‘raid’ – of repatriation companies. This inspection consisted of visits to four repatriation companies. Two of these had ceased operating at their registered addresses, and five workers in total were interviewed at the two operating companies. It was maintained that none of the interviewed workers reported any employment issues or problems staying at the repatriation company while awaiting deportation: ‘no infringements were detected’.

The Ministry’s stance appears to be one of distinguishing between what is/is not lawful behavior for repatriation companies, as opposed to outlawing repatriation services, as demanded by migrant worker activists. Wham, from HOME, says the joint inspection ‘reveals a poor understanding of the power imbalance between workers, their employers and the repatriation companies’. While there have been reports of physical violence, the tactics of repatriation companies typically include threats of blacklisting, as well as possible jail time and caning by authorities for

932 Lin, ‘You Are Going Home – Now’.
934 Au, ‘Crime and Ambivalence’; Wijeyesingha, ‘Govt Silent’.
935 Wijeyesingha, ‘Govt Silent’.
937 Lin, ‘MOM Warns 2 Repatriation Companies’.
938 MOM, ‘Joint Proactive Enforcement Inspections’.
939 Wham, ‘Manpower Minister’s Response’.
940 Wenjian, ‘MOM Warns Repatriation Companies’.
overstaying, in order to confine workers against their will. The newfound ‘tough’ stance publicly adopted by the Ministry of Manpower further legitimizes and entrenches the role played by repatriation companies, who can now make claims to be legally compliant after inspection by the relevant authorities. The narrow legalistic focus demonstrates a myopic view of the marginalized spaces migrant workers inhabit in Singapore’s hierarchical socioeconomic landscape. Presuming workers are ‘free to leave’ denies their coercive social realities, based in part on an almost debilitating dependency on a range of other stakeholders for their basic needs.

**Dependency: Reliance on (Many) Others for a Range of Needs**

Low-paid migrant workers arrive in Singapore highly dependent on a wide range of persons and service providers for their needs, from the issuance of their work permits to the dispensing of wages, basic daily needs such as food, transport and accommodation, to personal administrative tasks like opening bank accounts and, in situations of illness and work injury, access to healthcare. It is not uncommon for workers to arrive in Singapore unclear where their worksites will be or what company they actually work for, beyond promises of a job in a particular sector and descriptions – sometimes vague, possibly deceptive – about working conditions and salary expectations. The widespread employer practice of withholding workers’ personal documents, such as their passports,\(^{941}\) work permits\(^{942}\) and, in certain instances, skills certificates, exacerbates this dependency.

\(^{941}\) Even large companies like public transport operator, SMRT, a government-linked company, have been guilty of this, returning the passports of their Chinese bus drivers only after complaints and intervention by the Ministry of Manpower. See Tan, ‘Former SMRT Bus Driver’.

\(^{942}\) This was sometimes written into the contracts of migrant construction workers from China. For example, one contract stated: ‘On arrival in Singapore, Party C [the worker] has to surrender his passport and work permit to Party A [the employer]. These documents will be returned when it is time for Party C to go home. Should Party C claim that the documents are missing or refuse to hand them over, the company shall immediately strike him off the list and fine him $1,000.’ Clause 16, ‘Labour Contract’, JSR Construction Company, November 2007.
Dependency on migration intermediaries

Labour migration is a business, a burgeoning industry that deepens as regulatory controls and migration programs grow more expansive and complex. Due to large informational, geographic and skill barriers, many potential migrant workers are dependent on migration intermediaries for job opportunities, both within and across borders. Agunias details the diversity and complexity of migration services and the roles intermediaries play, from job matching to navigating complex immigration policies and extending financial support, because migrating for work typically entails investments in skills training, medical tests and other documentation. Services can range from legal businesses regulated by governments, to the informal, semi-legal and even outright criminal practices associated with human trafficking. The complexity lies in the layers of assistance (reliance on ‘intermediaries of intermediaries’), the collaborations between different intermediaries, and how services can easily seep from the legal (formal moneylending) to the illegal (document forgery). These services can also take place across many stages of migration, from sending to receiving countries and also in places of transit. Intermediaries thus play vital roles in labour migration and migrant workers’ high level of dependency on a fluid network of intermediaries exposes them to abuse and exploitation by the unscrupulous. Complaints include exorbitant fees and a lack of transparency over transaction costs, fraudulent claims and human rights abuses (confinements, harassment, slavery). As identified by Martin, labour contractors have unequal relationships with their clients, which include both employers and workers. Unable to extract greater profits from relatively more powerful employers, labour contractors exploit migrant workers instead.

As labour contractors are generally able to recruit and organize large numbers of non-permanent, fixed-contract workers more ‘efficiently’ than employers, this arrangement is likely to persist, particularly in labour markets where there is ‘seasonality and/or high worker turnover, and neither workers nor employers

943 Agunias, *Guiding the Invisible Hand*.
944 Ibid., 2-22.
develop alternative mechanisms to encourage returns or retention’.\(^{946}\) This dependency will also be exacerbated as states move to further regulate migrant workers’ mobility and institutionalize their transience.\(^{947}\) Lindquist, Biao and Yeoh note that as ‘hierarchies of regulation’ continue to sharpen, distinguishing between migrants on the basis of ethnicity, education and skills, migration management grows in sophistication, entrenching a greater demand for – and dependency on – migrant brokers.\(^{948}\)

This deepening dependency results in adverse material consequences for migrant workers. Over the years, fees charged by migrant brokers have ballooned, with little clarity over the actual services rendered to justify such increases. In Singapore, recruitment fees paid by migrant workers have continued to rise – despite marginal, if any, increases in wages – and can range from S$3,000 to S$10,000, depending on the qualifications and nationality of the worker and the sector he/she is working in. Based on worker interviews, one NGO report cited the range of agency fees according to worker nationalities as follows: Indian migrant workers (S$6,000–S$7,000); Bangladeshi workers (S$8,000–S$10,000); Chinese workers (S$3,000–S$7,000 for construction workers; S$8,000–S$10,000 for service sector workers).\(^{949}\)

Liang, the Chinese kitchen cleaner earlier mentioned, paid S$10,000. With a monthly wage of S$900, this makes her recruitment fee equivalent to 11 months of wages. Rohan, a cleaner from Bangladesh, paid S$11,000 in agency fees and earns a basic salary of S$650 a month; his agency fees are equivalent to almost 17 months of his salary.\(^{950}\) When capital-poor workers take on loans to pay high agency fees, interest rates from such loans inflate these amounts further.\(^{951}\) Arriving debt laden not only reduces workers’ bargaining powers considerably, it leaves them in dire

\(^{946}\) Ibid., 203.

\(^{947}\) Lindquist, Biao and Yeoh, ‘Black Box of Migration’, 11.

\(^{948}\) Ibid., 11-12.


\(^{950}\) Conversation with an NGO volunteer, August 21, 2013.

\(^{951}\) Shobus, for example, paid S$4,100 in agency fees and his monthly basic salary is S$270. The interest rate from his loan to pay his agency fees requires payments of S$250 a month, which takes up a substantial portion of his monthly income. TWC2, ‘How Low Can a Salary Go?’.
circumstances if their employment situation sours or they suffer a workplace injury before loan repayments are made. Workers who arrive, only to find their salaries lower than what was promised, or that the jobs they paid for do not exist, face the horrifying reality of a sudden, substantial debt they have little way of repaying in the short or even mid-term.⁹⁵²

Dependency and the outsourcing of employer responsibilities

The Ministry of Manpower dictates that it is the employer’s responsibility to ‘provide upkeep, maintenance and eventual repatriation of the Foreign Worker’.⁹⁵³ Employers, however, often outsource this responsibility and a convoluted supply chain is formed around this cluster of services designated as ‘the employer’s responsibility’. In tandem with the swell of migrant workers in the last decade, there has been a noticeable entrepreneurial boom in service provision for the migrant worker market. Such demand-driven ancillary services can range from transport and dormitory management to the catering of meals to worksites. There are also niche markets in the legal and medical industries targeted at migrant workers. Some lawyers, for example, specialize in work injury compensation cases for migrant workers, while certain medical clinics are licensed to provide mandatory medical check-ups for migrant workers or else enter agreements to be the company doctor.

When the provision of basic needs such as housing and meals is outsourced, a number of problems arise. These business-to-business market transactions between employer and service provider are premised on convenience and cost effectiveness. While construction and shipyard workers may concede to paying for food and lodging, complaints center around the excessiveness of deductions (around S$120–

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S$160 a month for food, S$200–S$250 for lodging), related to the often appalling quality of food and accommodation. Where food is provided by a catering company hired by the employer, complaints are rife about inadequate, unhygienic and inedible meals. One Bangladeshi worker, forced to pay S$130 a month for three catered meals a day, complained, 'The food is not fresh and there's no taste. We work so hard but we're still hungry. I don't eat the food that the company provides any more . . . My money has gone to waste.' As Zhu, a Chinese construction worker, explained, food is delivered once a day to the work site, usually in the mornings, and due to the humidity, the meals are rancid by the time they are consumed later in the day. Zhu had, on occasion, discovered worms in his food packets; another colleague found himself chewing on bits of newspaper. The situation is similar to the widespread problems regarding workers’ accommodation, with migrant workers frequently subjected to overcrowded, unsanitary, rodent- and bug-infested living quarters, often with poor ventilation and inadequate toilet facilities (see Appendix D for more on migrant workers' housing problems).

Unethical lawyers and doctors have also been known to exploit and bully migrant workers, preying on their vulnerability to extract greater profits while providing poor quality services in return. Company contracts with private medical practitioners have also enabled insidious arrangements where doctors under-issue medical leave and downplay worker injuries so that employers avoid having to alert

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954 Amanda Tan, 'No Cooking, but Workers Catered Food “Unpalatable”’, Straits Times, February 14, 2012.
955 This figure of S$200–S$250 was an estimate given by an NGO staff member in mid-2013, though rates may vary depending on the type of housing. Overall, the shortage of affordable housing for migrant workers is a major problem and inflationary pressures are keenly felt by both workers and employers. Bal notes that before 2006, employers were able to find lodging for workers below S$100. By 2012, rent in government-approved dormitories had risen to S$190–S$300 per worker per month. See Bal, ‘Politics of Obedience’, 57.
956 Tan, ‘No Cooking’.
957 Author’s interview with Zhu, a construction worker from China, September 7, 2009.
the authorities to workplace injuries or file workplace injury claims.\textsuperscript{960} The free market ethos essentially ignores workers’ lack of bargaining power and, by implication, viable alternatives. Businesses are therefore able to exploit this unevenness by charging competitive, in certain cases grossly excessive,\textsuperscript{961} rates for meals, housing, transport and medical treatment, despite providing sub-standard services. As a result, low-paid migrant workers often endure a range of daily discomforts and indignities, from worms in their food and bed bugs in their mattresses to being denied appropriate medical care. Having fulfilled their legal responsibilities, employers generally do not take to complaints from ‘fussy’ workers kindly.

Dependency and access to remedy

As immigration policies override employment laws, the ability for workers to seek remedial justice hinges on their ability to achieve legal status once their work permit is cancelled. Yet the regulatory framework creates further obstacles for workers during this period. Once workers lodge employment-related complaints and their work permits are cancelled, they may be placed on \textbf{Special Passes} – to be distinguished from S-Passes for mid-tier workers – which are renewable and allow them to stay in the country while their mediations are ongoing. The allocation of Special Passes is contingent on authorities and assessed on a case-by-case basis. Workers on Special Passes are barred from working, although workers sometimes risk being caught, as having no income at all puts them in an unviable position. Exceptions to the no-work rule are made for those required by the authorities to stay in-country to participate in legal proceedings as witnesses against employers; such workers are eligible for the Temporary Job Scheme (TJS). However, income streams


\textsuperscript{961} In one case, a migrant construction worker was asked by a private clinic to pay S$1,016 if he wanted his medical report, which the worker required to file for work injury compensation. In relative terms, public hospitals usually charge S$80–S$90 for a medical report. See TWC2, ‘Clinic Quotes Worker Over $1,000 for a Medical Report’, \textit{tvc2.org.sg}, August 7, 2013, \url{http://tinyurl.com/kra6nfl} (accessed September 26, 2013).
from the TJS can be unstable, and source country constraints per sector apply (for example, Bangladeshi nationals can work in the construction and marine industries but not in manufacturing). The scheme also exposes workers to further exploitation, as workers have limited choices as to what sort of jobs they may take up, or the wages they will receive. There have been indications that wages offered to workers under the TJS are lower than mainstream market rates.  

Barred from legal employment, workers on Special Passes, who seek to mediate employment disputes within the framework of the law, often find themselves dependent on the benevolence of others. The duration of mediation is unpredictable and could last anything from weeks to months; work injury compensation cases can extend to a year or more. While employers are meant to be responsible for workers in the latter instance, in reality, a significant number of workers are left in a lurch once employment relationships sour. The high level of dependency means workers can, in a sudden twist of fate, find themselves not only without a job, but also bereft of shelter and food. Local migrant worker groups provide food, and sometimes shelter, to workers in distress. Shelter is the most pressing yet financially prohibitive assistance for welfare groups to provide and the plight of homeless migrant workers has been highlighted on several occasions in the media. Unsurprisingly, many workers often leave before the settlement of their claims, or simply leave without lodging a claim.

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962 Cheng Yi’En, Between ‘Helping Hand’ And Reality: Problems, Experiences And Inflexibilities of Ministry of Manpower’s Temporary Job Scheme (Singapore: TWC2, 2007).

963 Transient Workers Count Too, ‘Cuff Road Project 2012: Statistics’, twc2.org.sg, February 16, 2013, http://tinyurl.com/qfd5m25 (accessed April 4, 2013). TWC2, a local migrant worker NGO that runs a free food program, notes that their program assists at least 50 to 80 injured workers a month whose injury cases have stretched beyond a year.


965 They include the following non-governmental organizations: Humanitarian Organization for Migration Economics (HOME; http://home.org.sg), Transient Workers Count Too (TWC2; http://twc2.org.sg/), HealthServe (http://www.healthserve.org.sg/) and the Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI; http://www.acmi.org.sg/). The NTUC’s Migrant Workers’ Centre (MWC; http://www.mwc.org.sg) has also stated its intent to expand its welfare services to migrant workers (see Chapter 4).

The Precarity Package – A Sum of Parts

In assessing the situation for low-paid migrant workers, it is inadequate to view employment opportunities alone as progressive and pro-poor. The precarity package, as an exploratory framework, introduces a more holistic perspective. Foregrounding the features of dependency and deportability are a means to contextualize the institutional and political contexts in which these multiple dimensions of insecurity function. Issues such as food and housing insecurity highlight other problematic aspects of migrant workers’ everyday lives, an incomplete but vital component of their struggles in social reproduction. Collectively, these various dimensions and features characterize migrant workers’ precarity package (see Figure 6.12). Acknowledging that a complex combination of these mutually reinforcing insecurities shape and characterize migrant workers’ precarity mitigates against reductionist, atomistic strategies for correcting the status-quo.

![LOW-PAIRED MIGRANT WORKERS’ PRECARITY PACKAGE](image)

Figure 6.12: Migrant workers’ precarity package

When employers hire a migrant worker, they benefit from this tangled bundle of features that ensure low-paid migrant workers remain relatively more tolerant of exploitative working conditions. The oft-used term ‘cheap foreign labour’, and the

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967 It is acknowledged that daily needs such as food, shelter and healthcare are just one aspect of social reproduction. The concept refers more broadly to the reproduction of the conditions that sustain a particular social system. See Nina Martin, ‘The Crisis of Social Reproduction Among Migrant Workers: Interrogating the Role of Migrant Civil Society’, *Antipode* 42, no.1 (2010): 132.
suggestion that migrant workers are displacing locals by way of undercutting wages, needs to be understood in a more holistic way. It is not merely their low wages that makes them attractive and keeps them compliant; higher pay, while a key priority, is but one aspect of what is required to achieve labour justice. Policy prescriptions that focus narrowly on one aspect without giving sufficient acknowledgment of the other dimensions tend to fail, in the longer term, to correct intended policy failures or significantly improve workers’ wellbeing.

Viewing migrant workers’ precarity in this way is not to identify if the chicken or egg came first – thereby prioritizing what needs to be dealt with in some judicious order – but to highlight the complexities involved in dealing with precarity. From this perspective, governments, corporations as well as civil society actors cannot simply accede to random, concessionary tweaks in selected areas – usually the least contentious ones – and make a convincing argument that this is sufficient in dealing with labour injustice. Moreover, this can sometimes lead to unintended consequences that further disadvantage workers. One vexing and recurring problem relates to that of excessive overtime and low wages. When workers who are paid very low wages complain about fatigue from excessive work hours, this sometimes results in the company or authorities regulating overtime to meet accepted employment standards. However, as the problem of inadequate wages is not addressed, this means a reduction in workers’ overall monthly income – if large recruitment fee debts are involved, this can lead to further worker anxiety and discontent. This common socioeconomic reality results in a win-win for many businesses, who can then claim it is in the worker’s own interest to work more overtime; it creates, however, a vicious and exploitative cycle for workers trapped within it.688

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688 In discussing top-down approaches that affect workers negatively, one of Wells’ interviewees brought up the example of how a Western buyer who visited a factory in China was concerned about excessive overtime, which resulted in the factory changing its shift system. This, however, led to workers leaving the factory because they weren’t earning enough pay. See Wells, ‘Local Worker Struggles’, 579.
This concept of a precarity package enables the understanding that, often, migrant workers’ experiences of oppression are cumulative and wide-ranging. Though migrant workers’ key complaints are primarily salary-related, this tends to sit among a host of other daily indignities they are simultaneously suffering – the hazardous way they are transported daily, the abject living conditions they endure, the inferior food they have little choice but to consume. When there is a strong dislike or lack of faith in employers to uphold an agreement or make choices in their favour, it may be because their employer has not only withheld their salaries, but has also consistently underpaid and underfed them, denied them medical leave or treatment, exposed them indiscriminately to work hazards and/or threatened them with repatriation if they complained.

The precarity package reinforces that rights are interdependent as much as they are indivisible. Viewing these dimensions as an interrelated package emphasizes ‘the complex overlap between demands for rights as ‘things’ and demands for the power to make decisions concerning the ‘things’ (participation)’. As long as workers continue to be dominated over and oppressed by a labour migration regime that chooses, when it comes to fundamental work rights, to recommend rather than regulate, to emphasize personal rather than political responsibility, workers will remain subject to the vagaries of the prevailing ethical climate when it comes to their protection. The market forces in our current neoliberal political economy do not favour enhanced labour protections; moreover, it is clear that more than market forces are at work in the composition of this precarity package. It takes, as Biao has pointed out, ‘complex collaborations’ by a range of stakeholders and mediating agents to keep a significant proportion of a country’s adult workforce in a state of compliance with a labour regime that (controversially) merits comparisons with slavery.

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970 Reilly, ‘Seasonal Labour Migration’, 136; Southern Poverty Law Center, Close to Slavery.
Conclusion

Chapters 4, 5 and 6 have outlined, in broad terms, the policy framework and empirical realities governing low-paid migrant workers in Singapore as a generalized category, inclusive of migrant workers in a range of low-paid sectors. While their labour market positions are similarly marked by the various dimensions of precarity, there are also differences in their wages and working conditions, signaling a need to acknowledge the diversity that exists in the low-paid migrant labour market. The following two chapters examine the issue of migrant workers and access to justice in considerable detail through a specific case study involving construction workers from China. Employed by a subcontracting construction company and sent to work on a high-profile tourism development backed by the Singapore government, the two chapters describe what happens when ruptures are experienced in employment relationships, and how one particular group of workers navigated a highly politicized maze as they fought for what they believed were their rightful wages.
Chapter 7

A Company With ‘No Human Flavour’: Hai Xing Construction

Workers Seek Redress

I raced down the alley of shophouses, breathless and panicky. My phone rang: ‘Where are you? The police car just pulled in.’ I made it just in time, sliding into the lift with two police officers and Alan, a fellow NGO volunteer. Two hours earlier, I had received an anxious call from Hong, a construction worker from China. Two of his colleagues, Jin and Fang, were being held at their company office. Their employer wanted them to sign a settlement agreement and be repatriated. The settlement terms were disagreeable and they refused to sign. Their boss rang the police, claiming the workers were overstayers and should be taken into custody. The company had, by this time, cancelled the work permits of Jin and Fang – without their knowledge.

Now at the company premises, Alan and I paced the corridor. Vivien, the 老板娘 [lady boss], had just ordered us out of the office. ‘What are they doing here? I don’t want them here!’ She barked at the police officers, who instructed us to leave the room. Raised voices could be heard from inside the office, mainly Vivien’s. Outside, other workers milling about murmured to us that Hai Xing Construction was a bad company. Some time later, the door opened. Jin and Fang were in handcuffs, being led away by the police. Jin pleaded as he was led away, ‘Miss, please get my documents. They are in the bag I always carry, on top of my bed, you know where my dormitory is!’

Close to an hour later: We raced up two flights of stairs and barged into an overcrowded dormitory, where a group of bare-chested men huddled around their bunk beds, sharing lunch. ‘Where is Jin Da Ming’s bed?’ I asked. Pointed fingers directed me. I searched for what had already been taken, overturning the wooden board which doubled as mattress, pointlessly stuffing my hand into random plastic bags, only to find crushed newspaper clippings, packets of instant noodles and an expired lottery ticket. ‘You’re too late! Wang [their supervisor] was here and took it already,’ a voice called out. ‘It’ was a paper bag from Bee Chun Heng, a popular barbecued meat chain in Singapore. The bold red cardboard carrier served as Jin’s ‘briefcase’ and contained all his important documents. Alan asked if anyone was willing to be a named witness so we could lodge a police report for theft. A brief silence, before another voice said: ‘We need to earn a living.’

This incident, which took place in December 2008, marked a critical juncture in my fieldwork journey. As a volunteer with two local migrant worker advocacy groups, I

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971 Jin carried this paper bag conscientiously every time I met him. Ironically, he had left it behind that morning for ‘safety’ reasons, concerned his employers would force it off him.
was aware that working conditions for low-paid migrant workers in Singapore were exploitative. Yet, as my involvement with different groups of aggrieved Hai Xing Construction workers deepened, I gradually grasped the depth and breadth of the problems faced by male migrant construction workers, a community I had limited interaction with previously.

While the previous chapter highlighted the working conditions of low-paid migrant workers in Singapore, the next two chapters focus specifically on what happens ‘when things go wrong’. Chapter 7 narrates the unfolding (mis)adventures as Chinese construction workers hired by Hai Xing Construction sought remedial justice over allegations of withheld wages, excessive and unlawful deductions, as well as unpaid overtime. Chapter 8 details what happened when two Hai Xing Construction workers (from a subsequent group), dissatisfied with mediation outcomes, took their case to Labour Court and, eventually, the High Court.

The use of the first-person underscores the basic premise of this chapter – it is an eyewitness account of a specific dispute involving a group of migrant construction workers in Singapore. Through spending prolonged periods of time with Hai Xing construction workers as they struggled to reclaim their wages or seek compensation for their injuries, I was not only able to witness the mens’ interactions with state authorities, their recalcitrant employer and other collaborators (such as repatriation companies), I often became embroiled in these encounters too. There was little possibility of maintaining an air of neutrality in such instances. In any case, assumptions were quickly made as to whose side I was on. Meanwhile, I worked closely with other volunteers and the staff of two local migrant worker advocacy groups. As we shared updates and experiences, it became clear that the various problems encountered by the Hai Xing construction workers were not exceptional. Through my continued volunteer involvement, I started to meet other migrant workers from different companies and sectors embroiled in labour disputes. While not the primary focus of this chapter, these encounters have played a critical role in shaping my analysis. There were also interactions with reporters from the
mainstream media, who showed varying levels of interest in different aspects of the case; in this particular situation, it was the intervention of a popular local blogger/activist who, in the eyes of the workers, managed to influence the final mediation process such that outcomes were more favourable than the initial settlement offers.

**The First Meeting: ‘How Did I Get Into This Mess?’**

In late October 2008, I met Ren and Tung, employees of Hai Xing Construction, a subcontractor that provided construction workers to Ssangyong Building and Engineering, one of the main contractors for a major casino development – rebranded an ‘Integrated Resort (IR)’ – in Singapore. As detailed in Chapter 2, I approached Ren and Tung, who seemed distressed, while they were sitting by an office tower in the Central Business District. Initially suspicious, the men gradually opened up and shared their grievances over their employment situation. The men had, by then, stopped work due to their unhappiness over withheld wages, long working hours and the lack of overtime pay. Their company, Hai Xing Construction, was penalizing them by deducting ‘breach of contract’ fees from their owed wages. According to such calculations, the men apparently owed Hai Xing money, rather than vice versa. Both Ren and Tung, who had toiled for months on backbreaking shifts, viewed this assertion as outrageous. When asked how many fellow workers were in similar positions, the men replied: ‘Many.’ In their particular group from the same province, there were 12. Thinking of the huge debt he now shouldered due to the hefty agency fees he paid to work in Singapore, Ren said, ‘I have a wife and children back home who are relying on me. How did I get into this mess?’

**A Second Meeting: ‘Can You Really Help Us?’**

A few days later, arrangements were made to meet with Ren and his co-workers. Along with Mandarin-speaking colleagues and NGO personnel, we met ten men, including Ren and Tung. The men had started work in Singapore approximately four and a half months ago. Each had to date only received about S$650 in total,
which they were told were living allowances. This was paid in installments – S$200 on the first day they arrived, then S$150 each month. These amounts appeared to be arbitrary, as a previous group of workers who arrived earlier received only S$250 in total. While the men had signed an employment contract with their agent in China, they were not given copies. They arrived in Singapore with no written contract and had not been given one by their employer here. In China, their agent told them their monthly salary would range between S$1,200 and S$1,500, with the average monthly salary being S$1,375.

The men stopped work in mid-October, which was when they tried to negotiate with their employer for their withheld salaries. Their attempt was unsuccessful and when they continued to press for their salaries, their employer fired them. When the workers asked their employer to pay for their airfares so they could return home, not only did the employer refuse, he further claimed that if the workers wanted to return to China, they would have to pay him S$4,000 for breach of contract fees. The men also complained that they were made to work 74 hours to 78 hours a week, seven days a week. The general work pattern appeared to be 12 hours on Monday, Wednesday and Friday; 10 hours on Tuesday, Thursday and Saturday, although sometimes they would be made to work 12 hours on Tuesday and Thursday, and eight hours on Sunday. As the men had not been paid their regular and full wages, it was difficult to determine if overtime payments were going to be made. It also appeared that additional salary deductions were made when the employer was calculating how much the workers ‘owed’ the company; these were not clearly explained.

The workers had previously approached the Ministry of Manpower with their complaints and a meeting was initially scheduled for 24 October 2008. However, this was postponed, at the last minute, to 31 October 2008. The workers expressed the hope that their boss – not just company representatives – would be present at this next meeting so their case could be resolved swiftly. The men were visibly distressed and their desperation to resolve things quickly was magnified by the
misery of their daily realities. Their living conditions were poor, ‘much worse than anything I expected when I first arrived from China’, one said. Their cooking utensils had been confiscated by their supervisor, leaving them unable to save money by cooking meals together. As a result, the men had not been eating regularly. A few workers also asked if the authorities would allow them to transfer to another employer after they were paid their salaries, rather than have to return to China and then return to Singapore to work again, as this would mean having to pay another round of exorbitant agency fees.

Figure 7.1. A shophouse in Geylang where a number of Hai Xing workers were housed.
Figure 7.2. The bathroom in the overcrowded shophouse. One worker said the men were shocked at their living conditions, as they believed Singapore was a modern and urbanized country. ‘Even back in China,’ he said, ‘workers don’t live as poorly as this.’

Mediation at the MOM: Yet Another Postponement

It was the afternoon of the 12 men’s mediation at the Ministry of Manpower. I waited outside the building with a friend, Lin, who was fluent in Mandarin. The men headed out to talk to us during their toilet breaks. Trailing out in dribs and drabs, the men shared their frustration. ‘How come they don’t allow us to bring in an outsider, but they have brought someone with them not from the company?’ (Their case officer, Ms. Lam, had refused to allow Lin and I to sit in on the mediation.) One worker informed us the company representative had forgotten to bring their work permits, which the company retained; this is, in fact, against Work Permit conditions. ‘This is clearly a delay strategy,’ he said, exasperated. The workers had suggested the company representative return to the office for their permits but this suggestion was rejected. Further postponement would mean the men would have to endure living in Singapore without an income until the next meeting, a situation their employer knew would place the workers’ under greater pressure to settle the dispute in the company’s favour.
In between the men’s updates, I spotted Mr. Ping, a senior MOM official I had previously met at a Corporate Social Responsibility event. I hurriedly explained the situation – the workers’ plight, the non-payment of salary, the contested deductions, the breach of contract fees. Mr. Ping expressed surprise: ‘I didn’t know you were also doing “this kind of thing”’. He launched into a speech about how the economy was faring ‘so badly’, adding, ‘Sometimes there is a reason why workers are not paid.’ (The Global Financial Crisis, precipitated by the U.S. subprime mortgage crisis in 2007, had affected Singapore, which fell into a technical recession by the third quarter of 2008.) Mr. Ping reminded me that ‘employers are humans too’, emphasizing, once more, that the economy was doing ‘so badly’. He said: ‘Employers are also suffering right now – sometimes I also don’t know who to help.’

I pointed out some of the illegal and contested clauses in Hai Xing Construction’s employment contract. Mr. Ping then raised a point I was to hear more frequently in the coming weeks: ‘Workers who sign these contracts must take personal responsibility too.’ Quite suddenly, the fire alarm went off – it was 4pm on a Friday afternoon. Mr. Ping said he had to vacate the building and left me with this parting shot: ‘Anyway, there are so many workers like this, what can you do?’

Lin and I headed outside and searched for the men, who were not far off. The meeting had been postponed to the following week. According to them, the company representative arrived with two other persons the workers did not recognize. The company representative, these two ‘outsiders’ and Ms. Lam carried out their discussions in English, leaving the workers unclear about what was being discussed, which was not explained to them in Mandarin. When the workers tried to ask questions, they claimed Ms. Lam impatiently cut them off. She did mention, however, that their employer said they were liable to being sued in China for breach of contract. The workers felt their visit was a wasted one, as they were not allowed to speak or negotiate. The postponement due to their company representative

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forgetting their work permits was aggravating. Their next meeting would be in early November.

The Final Meeting: A ‘Generous’ $100 Payout

Unfortunately, I was overseas during their subsequent mediation on 4 November 2008. Other volunteers were present, and provided updates. Five of the workers who had worked for two months without being paid were repatriated with just S$100 each. This is how the amount was reached: The employer insisted the workers had breached their contract by stopping work, despite the fact this was caused by the non-payment of salary. This resulted in a penalty for each month out of a 24 month-contract they did not fulfill. After doing their calculations, the employer concluded the company no longer owed the workers any wages; in fact, there was a deficit and these five workers owed the company S$200. However, the employer said the company was willing to waive this fee and, in a show of ‘generousity’, award the workers S$100 each. According to the volunteer who updated me, the workers were stunned.

As for the other seven workers, who each worked for about four and a half months, they would each receive a total of between S$1,200 and S$1,400. This was their payment for working 74-78 hours a week, seven days a week, for four and a half months. Despite coming to a ‘settlement’, money did not exchange hands during the mediation. The arrangement was for the workers to be paid at the airport terminal, just before they boarded their return flight to China; they were scheduled to be repatriated the very next day. Close to midnight on Wednesday, while I was still overseas, I received a text message from one of the workers (an excerpt has been translated into English):
We are leaving Singapore at 2am tonight . . . Our case had a disappointing conclusion. In the end, the small group of us who wanted to stay and fight the legal battle had to concede our voice to the majority of the group who were resigned to the outcome of the case. We did not want to create trouble for the rest. And also for the consideration of everyone’s interests as a group when we try to seek repayment for our agent fees in China, we cannot create too much trouble in Singapore.

Days after the men returned to their province in China, a call was received from one of them. He recounted that a number of them had gone to their recruitment agent’s office to demand their agency fees back. Having paid thousands of dollars in agency fees, the men were angry at being deceived about contractual terms and working conditions in Singapore. When confronted, the agent hired thugs to beat the men – the men endured beatings over two days.

**More Hai Xing Workers Surface**

The above events took place in a space of less than two weeks. The 12 men were repatriated in early November and, just days later, I received a call from Jin, the Hai Xing worker detained at the start of this chapter. We arranged to meet in Geylang, Singapore’s red-light district and the location of Jin’s dormitory. ‘We’ included several others involved in migrant work advocacy and myself, along with what appeared to be 30 or so workers. We assembled ourselves at a coffeeshop and ordered a round of drinks, a ritual I soon became familiar with. After cursory introductions, Jin, who appeared to be the group’s appointed spokesperson, started to explain their predicament. The men, all construction workers employed by Hai Xing Construction, were caught in a similar situation. Owed three months of withheld wages, they worked seven days a week, sometimes over 90 hours per week, and were not paid overtime pay or compensated for working on rest days and public holidays. Over time, the men had become aware their company’s practices violated Singapore’s employment laws and tried to negotiate with their employer. However, Hai Xing denied wrongdoing and threatened the workers with blacklisting, so they would be barred from returning to Singapore to work; the men would also be charged the ubiquitous breach of contract fees if they persisted with
their claims. Jin and others in his batch had already resigned and filed complaints with the Ministry of Manpower.

Gui, meanwhile, related how he had filed a police report against Hai Xing. He handed me a letter outlining his complaints about how Hai Xing flouted safety standards at the worksite, thereby risking the lives of workers like him. His letter stated (excerpts translated into English):

What I find unacceptable is the way my supervisor flouts safety standards constantly at the worksite . . . they do not have any sense of safety consciousness. Scaffolding work is highly dangerous and it is difficult enough for workers to implement safety procedures. Emotionally, there is much anxiety for workers who labour under such risky conditions. There is actually very little safety for us. Therefore, I would rather risk offending people in positions of power (such as my boss) than to become one of those bullied into working under such dangerous conditions where safety standards are not met.973

Gui said he filed the police report upon provocation by his boss.974 When he voiced concerns over the lack of safety standards, his employer retorted, ‘These are company regulations. If you’re not happy, you can go report to the police.’ The police, however, were reluctant to intervene in what they said was an ‘employment issue’. Gui then turned to the Ministry of Manpower. During our meeting, documentation continued to surface – timecards (see Figures 7.3–7.4), letters from the MOM, work permits. The work permits, however, were photocopies. None of the men were able to keep their original work permits or their passports; both items were withheld by their employer.

973 In fact, Hai Xing was prosecuted several months later for flouting safety violations, but at a different work site. The violations included ‘not taking adequate measures to prevent falls at the worksite’ – for example, there were no anchor points for workers to secure their safety harnesses, and no barriers to prevent falls. See ‘2 Firms Fined for Safety Lapses’, Straits Times, December 30, 2009.

974 It is sometimes difficult to determine exactly who ‘the boss’ is – in such situations, it could be the site supervisor. At other times, when the men complain about company practices or management bullying, it could refer to their ‘guan li’ [supervisor] or Vivien.
Figure 7.3. Timecard of one of the Hai Xing workers (Inspector’s Signatures have been intentionally blurred). Note the 26-hour shift on Day 8-9, followed by 13 hour shifts over the next three days. Total hours worked for the month: 369 hours.

Figure 7.4. Timecard of another Hai Xing construction worker. The total number of hours worked for the month: 370 hours. No rest days were taken during this 31-day period.
The men expressed frustration and despair. At their first meeting at the Ministry of Manpower a few days earlier, there was no resolution and the men were concerned the upcoming meeting would be similarly fruitless. Their next settlement meeting (or ‘mediation’) at the MOM would be taking place in a few days and the men were keen for one of us to be present. As the earlier incident had taught us, the MOM does not allow outsiders to sit in on mediations. Sensing the men were anxious for moral support, however, I agreed to meet them, but just outside the Ministry of Manpower.

‘This is Bad for Our Image’: Another Afternoon at the Ministry of Manpower

I scribbled as fast as I could, but there were many voices and many details. Seated metres away from the main entrance of the Ministry of Manpower, I was surrounded by a group of male construction workers. Hai Xing workers Jin and his colleagues were having their settlement meeting indoors. As I waited outside, other male workers, some from Hai Xing as well as other companies, were sharing their grievances. Tien, a construction worker from Hebei, had fallen ill and had missed work for two days. When he returned to work on the third day, he was reprimanded by his supervisor, who said, ‘If you are going to fall sick and not be able to work, go back to China.’ He was then given two choices: return to China, upon which $500 would be deducted from his salary for his repatriation (an unlawful deduction), or continue to work and forgo one month’s salary for missing two days of work. Disgusted, Tien chose to resign but wanted his outstanding salary before returning to China. Having been to the MOM three or four times, Tien was visibly frustrated. He said the MOM officer he spoke to indicated a lack of interest, telling him to ‘settle it with his boss’. Tien had already been to his employer’s office frequently to do so; when he was finally given an appointment, he was made to wait from 8.30am to 5pm before he could speak with his boss. There was no outcome.
I also met Wang, a Chinese national who worked in a plastics factory. ‘Miss’, he approached tentatively, ‘Can you help me?’ A protracted game of charades took place as Wu tried to explain what was causing him physical discomfort – it was finally established he had developed strange, itchy boils on his body (as had some of his other colleagues, pointing to a possible case of workplace contamination) and needed to see a doctor. He was directed to a local community clinic that offered subsidized medical care for the needy, including low-paid migrant workers.

There were also other Hai Xing workers present. They had not resigned from the company but wished to know the outcome of the day’s meeting before deciding what to do. Waiting for three months of back pay, they were unhappy with the company and working conditions. Related An, ‘In five months, I have only gotten two days off.’ Having paid close to S$10,000 in agency fees and promised a monthly salary of about S$1000, he sighed, ‘Basically, all the work I did this year was 干 [in vain]978, I get nothing.’

Meanwhile, a few Hai Xing workers in Jin’s group came outside periodically with updates about their meeting. ‘We are not allowed to speak!’ one of them complained. Reported another, ‘Mr. Wang [their supervisor] is very fierce. He asked us to buy our own tickets and leave the country.’ Jin was offered the highest settlement amount in the group, but it amounted to only one-fifth of what he alleged he was owed. He insisted, ‘I will not sign!’ What Jin meant was he would not sign settlement papers, a procedure which signals the conclusion of the mediation session and the workers’ agreement with whatever amount and conditions are stated. After some time, the meeting came to an end and all the men filed out. ‘They threatened us!’ said one worker, ‘Wang said if we don’t solve this matter in three days he will deduct even more money and ensure we are blacklisted and can never come back to Singapore to work.’ Another exclaimed, ‘The MOM officer was on the side of the employer; we were not given a chance to speak.’

978干 indicates working at something but not getting any results. 干 in this context means ‘in vain’ and 干 is ‘working’ or ‘doing’.
Complained yet another worker, ‘Wang and Ms. Lam [the MOM officer] 讲悄悄话 [were whispering secretly]’976, we couldn’t hear what they were saying.’

In the midst of this, a security guard and two MOM staff members approached us. ‘Are you from the press?’ asked one of the staff, looking at my notebook of scribbles. He said we had to leave the premises, adding ‘it is bad for MOM’s image if people see large groups of workers outside . . . people will think the economy is bad’. A discussion followed where the MOM officer explained the standard operating procedure for workers who had salary disputes – filing an official complaint, waiting for the MOM to take a statement and call for a meeting. I mentioned the workers had already done that. The problem was the mediation process itself – workers claimed they were not allowed to speak during meetings. He replied, ‘You know these Chinese workers, they all want to talk.’ The officer said if the employer had breached terms of the Employment Act, MOM would settle it. I related that the workers were being held against contracts with terms that breached the Employment Act, by MOM as well as by their employer. He challenged these claims: ‘Do you have a copy of this contract? The workers told you this?’ He warned: ‘You cannot just listen to what these workers say.’ All this while, the men continued to stand around us, but were silent, unable to participate in this discussion, which took place in English.

Throughout our exchange, the officer made frequent references to the poor economic situation, stating, ‘The economy is so bad, we have to make sure employers stay afloat.’ He also believed that because workers have paid large sums of money to recruitment agents, they ‘do what they can to recover their money’. I pointed out there was sufficient evidence for these workers’ claims. The officer said MOM takes firm action against such companies and that the company had probably already been fined. As our exchange continued, he eventually conceded, ‘You and I know, that on every worksite, workers are getting whacked.’ (The term ‘whacked’ is a

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976 悄悄 means in or with secrecy, not wanting others to know or discover, while 话 is talk or conversation.
local euphemism that, in this context, means bullied or squeezed dry.) This matter-of-fact admission more or less ended our discussion.

‘These Men Are Not Protected By the Employment Act’

Within days, the group dwindled considerably. The stress of indefinite delays without an income and pressure from families back home left many resigned to not recovering their wages and returning to China. A local NGO staff member, meanwhile, received a call from an MOM official, who advised that the workers should take whatever was offered because they had little chance of improving settlement outcomes. According to the officer, these construction workers had signed what the officer termed an ‘off service contract’ and were therefore not covered under the Employment Act. In other words, they were bereft of the legislative protections accorded to other Work Permit holders.

This call led to much confusion. According to the Ministry of Manpower website, ‘contract for service’ workers are self-employed freelance agents. It is viewed that ‘under such a work arrangement, there is no employer-employee relationship’, and such workers are not protected by the Employment Act. This is distinct from ‘contract of service’ workers, in which there was a recognized contractual agreement and any terms and conditions of this agreement must not be less favourable than the EA, or such terms would be considered ‘illegal, null and void’.977 The MOM was now claiming that the Hai Xing workers were ‘contract for service’ workers, despite the high degree of managerial control the company exerted over its employees. The MOM officer also advised against media coverage, saying it may hurt the workers’ case by motivating the employer to revoke the settlement offer. If the workers decided to take the matter to the Labour Court (the next step after a failed mediation), it was in this MOM officer’s firm view that they would lose.

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When we next met, there were just seven Hai Xing workers left in the group, down from over 30. At the latest news, they appeared confused at first, then responded with indignation. ‘这是不可能 [It is impossible]’ was the general response. The men unequivocally rejected any suggestion they could be contract workers and pointed out contradictions between the autonomy this suggested and their highly controlled working realities. They wished for further clarification from the Ministry of Manpower before their next mediation meeting, due to take place in a few days. The men were left to decide if they wished to continue speaking to the media or not. They had, by this time, already spoken to a reporter from a popular English tabloid – the reporter said she had to contact the employers for their side of the story; she also required a statement from the MOM, without which, the story would not be able to be published.

**Revolutionaries, Rivers and Other Muddy Tales – Mediation MOM-style**

The following two weeks involved a string of delays. The next mediation meeting, involving the company and an MOM officer, would be the third. This time, it was to be held offsite, at the premises of the their worksite, the Marina Bay Sands office, not at the Ministry of Manpower itself. When asked about this, an MOM officer said this was due to ‘space constraints’. This unusual change in procedure worried the men, who felt even more vulnerable to being bullied into accepting poor settlement terms.

To contextualize the men’s anxiety, it is important to understand their experience of mediations involving the MOM. At their very first meeting in early November, there were about 20 workers, their company supervisor, Wang, and two MOM officers present, Ms. Lam and Mr. Zhong. According to Jin, the officer Zhong launched into three allegorical tales. The first was about a Chinese revolutionary, Ah Q, who was illiterate and ended up being executed because he signed a confession he didn’t

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understand. In response, Jin raised his hand to object, telling Zhong, ‘the era of Ah Q is over’. Jin instead brought out a newspaper article detailing how it was illegal for employers to make arbitrary deductions from workers’ salaries. Officer Zhong then brought up the Yellow River in China, describing how it was clear at its source but became murkier as it flowed downstream – was it really possible to separate the clean and the murky? The message was similarly unclear – Jin wondered if Zhong was implying that Singapore was like the Yellow River. In the final story, Zhong said when you rubbed two stones, you would get a spark. When you rubbed an egg against a stone, however, the egg would crack. The workers, Zhong said, were the eggs. Meanwhile, the company refused to budge on its deductions of the men’s salaries. The MOM officers insisted they could not tell the employer what to pay the workers. The meeting ended without any resolution.

The second meeting the following week, as described earlier in this chapter, was similarly disappointing, with workers unable to participate or listen clearly to what was discussed between the MOM officer and their supervisor, Wang. The Hai Xing company representative even emphasized that the Marina Bay Sands casino, which the workers were building, was a very important project for Singapore – if workers were allowed to resign when they wished, how could it get completed on time? Now, there was a third meeting to be held, but offsite. On top of which, there were new allegations the men were not protected by the Employment Act, on which they were reliant to fight for their claims.

The day before this third meeting, Jin related that he and Qi were called to visit Ms. Lam at the MOM. According to Jin, there was no company representative present. Ms. Lam had settlement papers with her and allegedly tried to use the men’s China contact to get them to sign it. Both men refused and, empowered with information that their contract had terms less favourable than Singapore’s employment laws, questioned the validity of the China contract. Jin reported that when challenged, Ms. Lam took on a confrontational tone. She told the men their work permits had already been cancelled and ‘the police can arrest you if they want to’. Jin felt this
was a veiled threat and was visibly upset. This added to his anxiety about their third meeting the following day.

The Third Meeting at Marina Bay Sands

The men reported back after their third meeting. This time, their boss, Huang, attended the meeting and the MOM officer present was Zhong. Huang, apparently agitated by the men’s insouciance, was now offering even worse conditions – threatening to deduct even more money and saying he would only pay 50 percent of the men’s return airfare to China (by law, repatriation costs are to be fully borne by employers). The men refused these terms. Huang eventually stormed out in anger, muttering, ‘If all my workers are like this, my company will go bust!’

The MOM officer, Zhong, meanwhile, drew a chart to demonstrate his dilemma. It involved a boatman, a wolf, a goat and some grass. There was a river that needed to be crossed. However, if the boatman carried either one of them first, there would be a disaster – for example, if the wolf was carried over first, the goat would eat the grass. If the grass was ferried over first, the wolf would devour the goat. If all three were brought across at the same time, they would end up on the same bank and similarly devour each other. As Jin explained it, Zhong saw himself playing the role of the boatman. The company was the goat, the workers the grass and the wolf represented outsiders or third parties (presumably NGOs and its volunteers). Shortly after this, Zhong told the remaining company representative to ‘settle this properly’ and excused himself. The meeting broke up soon after – again, there was no resolution. By the following week, the group was reduced to six. Qi, while initially determined to stay on, caved in under immense financial strain and returned to China with a reported S$700. He was owed three months of wages totalling S$3,600, excluding overtime pay.

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‘They’ve been taken!’

Days later, I received a frantic call from Jin. ‘They’ve been taken away!’ he repeated, as I continued to ask who, what and where questions, not grasping the severity of the situation. ‘Gui and Liang have been taken away by 黑保安 [secret security]!’

According to a fellow worker at Gui’s dorm, Wang, their supervisor, appeared in the morning with a few men they believed to be from a repatriation company. Gui was asked to leave with them and, being physically outnumbered, did as he was told. Since then, Gui had been uncontactable – it was presumed his mobile phone had been confiscated. Shortly after that, in another dormitory across the island, Liang was similarly removed by Wang and some men, though it could not be confirmed if they were the same security personnel. His mobile phone had also been switched off.

Frenzied calls were made to various NGO contacts. I also rang Wang, the company supervisor, to ask about Gui and Liang’s whereabouts. Taking on a defensive tone, he insisted the men ‘are supposed to go back to China’. I pointed out they were owed their salaries and should not be forcefully repatriated. He refused to comment, saying I had to contact their office directly, and hung up. I rang the Hai Xing office and eventually spoke to Vivien, the ‘lady boss’ (and Huang’s partner). Extremely displeased with my interference, she said it was none of my business where the men were. She insisted the men were illegal overstayers and defended her position, saying Hai Xing had done nothing wrong. She said she was ready to pay the men but they refused to settle, so she was forced to repatriate them or there would be severe penalties for her if the men ‘go missing’. She cited the heavy costs of hiring these men to legitimate the deductions made from their salaries and said I did not understand how the construction industry worked. Her tone was hostile and she refused to release information about Gui and Liang’s whereabouts.

Some time later, I received news that Liang was being held at a repatriation company, Top Security (a pseudonym). I was told we were allowed to visit, and

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980 The literal translation of these three words is: black [黑] protectors [保安]. ‘Black’ [黑] in this context has connotations of secrecy, wickedness and belonging to the underworld. Jin was referring to repatriation companies.
along with Jin and Fang, five of us visited Liang. The office was located on the fourth floor of a worn-out building in the Little India district. The lift was broken; we climbed up four flights of a winding staircase, the stale air pungent with cigarette smoke. We located a locked door with an intercom and pressed the buzzer. As we introduced ourselves, the door opened and we walked through a narrow corridor where men – Indian, Bangladeshi and Chinese – were loitering, listless and mildly curious.

As we walked into the main office, we located Liang. He assured us he was fine, but told us his mobile phone had been confiscated. Jin and Fang launched into animated chatter with him. The rest of us spoke with James, Top Security’s manager. James insisted he was not doing anything wrong. He said he was hired by Hai Xing to bring Liang in for ‘holding’ and that was what he is doing. According to his job sheet, Liang had been ‘running’. I mentioned Liang’s predicament, of going through an extended salary dispute. James was disinterested in the details and emphasized he was simply following job orders. He also insisted he was not the one who confiscated Liang’s phone and assured us we were free to come and visit Liang anytime we wished. In fact, I did not get to see or speak with Liang until one week later. The following morning, I was alerted that Liang had been taken from Top Security. When I arrived at their office, James told me, matter-of-factly, that Liang had been taken by the police. He said Liang’s employer called the police and there was nothing he could do.

**Going Public on the Worldwide Web**

Attempts to meet with Liang and Gui failed. At the Central Police Station, where Liang was said to be held, his Investigation Officer refused to release any information or allow anyone to meet him. After pleading with another officer, who agreed to check the police database, it was established Gui had also been taken into police custody for ‘overstaying’ that same morning. However, visits were not allowed and the men were soon transferred from police custody to the Immigration and Checkpoints Authority (ICA). Since then, Liang had rung Jin several times. The
ICA was pressuring Liang to return to China, saying he was an overstayer as his work permit had already been cancelled by his employer. They told him to find the cash to buy a return ticket to China; when Liang said he had not been paid his salary and didn’t have enough money, he was asked to ring his friends.

Jin, Fang, Yuan and Hong, the other four left, were extremely edgy. They had fled from their company dormitory and were living with friends. Jin also had what he termed a ‘near escape’ at the Ministry of Manpower. Called to the MOM by Ms. Lam, their case officer, Jin was asked to wait in the reception area when he arrived. Uncharacteristically, he was made to wait for a long time. On high alert, he decided to leave after some time when there was no sign of Ms. Lam. Just as he headed out, he spotted his supervisor, Wang, flanked by two security personnel. They had approached the MOM through a side entrance. Jin quickly left from another exit. He was flustered when we met shortly after, exclaiming repeatedly, ‘I just had a narrow escape!’

Later that very afternoon, Jin received a call from a police officer, who told Jin his employer had filed a report that he was an overstayer who had gone missing. Jin told the officer he was not missing and had not broken any law – he was simply waiting to claim his salary and wanted to return to China. He told the police officer he was fearful his company would forcefully repatriate him and asked if he could visit the police station, as he would feel safer there. Jin recounted how the officer hurriedly went, ‘No, no, don’t come.’ Instead, he was asked to swiftly settle the matter with his employer.

The following morning, we were gathered at another coffeeshop, this time with Alex Au, a popular blogger and civil society activist who runs Yawning Bread, a website known for its critical political commentary. Jin detailed their case from the

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981 Unlike other names in this chapter, Alex Au is not a pseudonym as his website, which includes a detailed self-description, is referenced several times in this chapter.

982 Alex Au Waipang, a retired Singaporean, launched his website, Yawning Bread (yawningbread.wordpress.com), in 1996. The site is known for its searing political analyses and Au has
beginning to the present. A local NGO volunteer, well-versed in both English and Mandarin, translated Jin’s account. In the middle of this, Liang rang again, saying he was under pressure from immigration authorities to find the money to return to China. It had been four days since he was forcibly removed from his dormitory. It was unclear why Liang’s status – of being in the midst of an unresolved salary dispute – had not been communicated to the Immigration and Checkpoints Authority by the Ministry of Manpower, despite Liang’s detention having already been reported to them.

That very evening, the blog post about Jin and his colleagues, ‘Muddy Singapore Swallows China Workers’, was uploaded onto the Internet. The article’s subheading read: ‘Government Departments are Abetting Cheating, Robbery and Kidnap: Here’s a Specific Case.’\(^{983}\) The article began with Jin’s near miss at the MOM, delved into the core of their salary dispute and the MOM’s mediation process and outlined the forced removal of Gui and Liang. Au was scathing in his final analysis, attributing responsibility not just to ‘an abusive employer’ but also to government departments, from the Ministry of Manpower, to the police and the ICA:

They all just want to get rid of the problem with no regard for justice, law or rights. The source of the problem is the employer, but by action or inaction, our government is abetting all these abuses, ranging from cheating people of their wages, to robbery of their handphones, to kidnap.\(^{984}\)

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\(^{983}\) Au, ‘Muddy Singapore’.

\(^{984}\) Ibid.
‘Hurry Up, the Police are Here!’

It was a Saturday morning in early December 2008, and the morning after Au’s article was posted online. Mid-morning, I received a call from Hong, telling me Jin and Fang were at the Hai Xing office, with Vivien threatening to call the police. This brings us back to where this chapter started – racing down the alleyway towards the Hai Xing office, then barging into Jin’s dormitory. After the unsuccessful attempt at retrieving Jin’s documents, Alan, an NGO colleague and I made our way to Bedok Police Station, hoping to explain to the Investigating Officer what had happened. On the way there, we received a call from a TV news reporter, who expressed interest in the case. We met the news reporter along with Hong, one of the two in the group left that had not been taken into custody. The reporter repeated that she would have to contact the MOM for a statement before running the story – it was unclear when this response would be forthcoming and when the segment would air. At the police station, the Investigating Officer said that as it was the Saturday of a long weekend, there was nothing that could be done now until Tuesday (Monday being a public holiday), when they could contact the MOM to confirm the men had an upcoming mediation session and were not overstayers. We were not allowed to visit Jin and Fang.

Unexpectedly, the next day, Sunday, the police agreed to release Jin and Fang. The Investigating Officer said they were able to confirm with the MOM the men had salary cases pending. We asked if it was possible for the police to issue a letter to confirm this. Being Sunday and a long weekend, the MOM would not be open till Tuesday – what if the men were targeted again and sent to another police station? Or taken by a repatriation company, like their colleagues Liang and Gui? The officer expressed surprise, saying he was not aware of private security firms removing workers in this manner. While genial, he insisted they could not issue such documentation and simply advised that the men ‘stay away from their employer’ and not go back to their company dormitories.
After we left the station, Jin and Fang took out their passports. Previously kept by their company, their Special Passes – which legitimized their stay here in Singapore while their salary dispute was being mediated – were stapled to their passports. Generally valid up to the date of their MOM meeting, the Special Pass would (presumably) get extended if the issue was not settled – again, to the date of the next mediation session. However, in this case, the Special Passes had been given to Hai Xing Construction, who kept the passes as well as the men’s passports. It was finally returned to the men upon their arrest and police intervention. Jin and Fang did not realize their work permits had been cancelled, nor did they realize they were issued with Special Passes, believing all this while the letters issued by MOM, stating upcoming meeting dates, were sufficient evidence of their claims they were waiting to resolve a salary dispute.

Next stop: Geylang. The men wished to pick up their remaining items from their company dormitory. As we parked our vehicle, Jin and Fang quickly dispersed to their respective dormitories. It was by now past 5.00pm on a Sunday evening. The street was buzzing with streams of Chinese construction workers in yellow hard hats and fluorescent vests, returning from work. A few men, who had just returned from work, sat on a bench, resting; they revealed they were also hired by Hai Xing. They worked seven days a week and had just finished their Sunday shift. Their wages were also being withheld for three months at a time. One of the men, who had been in Singapore for several months, said he was holding on for now, mindful that many of his colleagues have tried to reclaim their withheld salaries but had returned home with little success. Fang, meanwhile, had collected his things but was stalled at the entrance to his dormitory, surrounded by colleagues. There was an animated chorus around him, as fellow workers clamoured to find out the details of his dramatic encounter.

‘So, You’re Celebrities Now’: Mediation Under the Spotlight

Au had been alerted to what happened to Jin and Fang over the weekend. On his website, *Yawning Bread*, he provided an update on the men’s situation, detailing
their arrest and night spent in custody.\footnote{Alex Au, ‘Muddy Singapore Swallows China Workers, Part 2’, yawningbread.org, December 9, 2008, http://tinyurl.com/lgxsk5a (accessed November 2, 2013).} A few mainstream media reporters, alerted to the story, now wished to speak to the men as well. In the meantime, no story had yet appeared in the mainstream press, despite the men having been interviewed by both newspaper and television reporters.

The men’s next meeting at the Ministry of Manpower was scheduled for Wednesday, 10 December 2008. On that very morning, Liang and Gui were finally released from the Immigration and Checkpoints Authority. They were issued with a \textit{one-day} Special Pass to report to the MOM. They also proceeded to a police station to lodge a report regarding their detention and confiscated mobile phones. Both of them appeared dishevelled from their harrowing week but were relieved to be released. We were gathered at a café across the street from the MOM. Several reporters were also present (a TV crew appeared later, with the same reporter that interviewed Hong on 6 December). They started to interview Liang and Gui about their experience. Meanwhile, Jin, Fang, Hong and Yuan headed in to the MOM for their mediation.

The three men finally agreed to sign the settlement agreement. Jin and Hong were now being offered S$3,000 each and Fang S$2,000. There was a discrepancy of more than S$2,000 between what each of the men alleged they were owed – calculated based on working hours and a per hourly wage of S$3.50 as stated in their contract, including overtime pay – and what they were offered. For Hong and Yuan, this discrepancy was greater than S$4,000. This is represented in Table 7.1, with amounts rounded up to the nearest dollar:
Table 7.1. Alleged salary arrears and the men’s settlement offers

<table>
<thead>
<tr>
<th>WORKER</th>
<th>SALARY ARREARS (S$)</th>
<th>SETTLEMENT OFFER (S$)</th>
<th>DIFFERENCE (S$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jin</td>
<td>5115</td>
<td>3,000</td>
<td>2115.25</td>
</tr>
<tr>
<td>Fang</td>
<td>4578</td>
<td>2,000</td>
<td>2578</td>
</tr>
<tr>
<td>Hong</td>
<td>7820</td>
<td>3,000</td>
<td>4820</td>
</tr>
<tr>
<td>Yuan</td>
<td>6942</td>
<td>2,000</td>
<td>4942</td>
</tr>
</tbody>
</table>

As Table 7.1 shows, the settlement offers appeared arbitrary, with discrepancies unreflective of the men’s computed salary claims. However, the stress of the previous weeks had taken their toll – the men were eager to return home. Jin and Hong were relieved their current settlement offers had increased from earlier meetings. Hong, for example, was previously offered just S$500, after deductions. Fang was displeased with the amount offered but was under pressure to sign because his wife was anxious for him to return home. He related that back in China, his wife had received a phone call from their recruitment agent, saying, ‘Your husband is causing trouble in Singapore.’ Fang showed us her text message, where his wife expressed her worry and pleaded with him to return home as soon as possible. Yuan, inexplicably, was offered a lower settlement amount than the other three men, despite being owed more than Jin and Fang in terms of back wages and overtime. Yuan was adamant he would not accept the S$2,000 he was currently offered. He remained worried and tense.

That very night, the men appeared on the 10pm Mandarin news. The same segment was repeated again at 11pm. It was a short news clip, just over two minutes, with the emphasis being that of Liang and Gui being removed by the repatriation company. A short snippet of the previous interview with Hong, recorded on 6 November 2008, was also aired. The following morning, Thursday, 11 December, we were gathered at the same café again. Jin, Fang, Hong and Yuan were there, while Gui and Liang – the two released from the Immigration and Checkpoints Authority the day before – were inside the MOM having their mediation. The mood was considerably more jovial than the week before; high anxiety had given way to relief.
Yuan had now also signed, having been called in that morning and offered S$3,500 instead. The men would be leaving Singapore the same day, but on different flights.

I showed the men the news clip that aired the night before. The men gathered around my laptop, shaking their heads and lapsing into exclamations throughout. As we ordered our last round of drinks, there was much reminiscing. The men discussed what they perceived to be a critical shift in mediation outcomes due to the media coverage, precipitated by Au’s articles on Yawning Bread. Yuan recounted how, during his meeting that morning, the MOM officer commented, with some sarcasm, ‘So, you’re 明星 [celebrities] now? Appearing not once, but twice on TV last night.’ According to Yuan, the officer mentioned that the Chinese embassy had apparently contacted the MOM and instructed them to ‘settle this matter by today’.

After an intense and dramatic month, this last-minute gathering seemed a rushed farewell. But Yuan needed to return to his dormitory to gather his belongings. He was leaving on an afternoon flight. We rode back together to his dormitory, and talk turned to his future plans. Yuan, who was separated from his wife but supports a young daughter, said he would like to return to Singapore to work the following year, perhaps after the Lunar New Year. As the arrangement was that the men were to be paid their agreed upon settlement amounts at the airport after checking in, Yuan promised to ring if the money was not received. Jin, Fang and Hong were also leaving that same day and Hong rang from the airport, to confirm they had received the amounts they were promised and were about to board their flight.

The following day, Friday, 12 December, I finally had the opportunity to chat with Liang and Gui. Gui told me that on the morning he was removed from his dormitory, his wife in China received a call from a man he presumed to be linked to his recruitment agent. This person rang his wife and said: ‘Your husband is causing trouble in Singapore and is going to be removed.’ Following that call, Gui’s anxious wife tried to ring her husband but he had just been taken from his dormitory, his
mobile phone already confiscated. For an entire week, she was unable to reach him, growing increasingly frantic and desperate.

Shortly after our brief conversation, the men received a call and had to rush back to the Immigration and Checkpoints Authority. Again, they had been given but one-day passes to sort out their affairs. They were scheduled to return to China that night and were confused about where they would receive their money. It was later confirmed the arrangement would be similar to that of their colleagues – payment would only take place at the airport. Their flight was timed close to midnight and, past 10pm, a call was made to Liang, who was already at the airport with Gui. ‘We have not received the money,’ he said, slightly worried. At 15-minute intervals, calls were exchanged, until finally, just past 11pm, Liang confirmed they had received their money and were about to board. I also received a text message from Gui, confirming they had received their money.

‘A Very Important Project’ – A Tale of Two Casinos

Before discussing the implications of the events described, it is important to provide some background information on Hai Xing Construction and the high-profile development projects the men were working on. Hai Xing was a subcontractor to main developers involved in the construction of two major casino-resorts in Singapore – Resorts World Sentosa (RWS)986 and Marina Bay Sands (MBS).987 Many of the construction workers were initially sent to work at RWS, before being sent to the worksite of Marina Bay Sands. Developed by Las Vegas Sands Corp, a gaming giant in the United States, MBS is touted as the world’s second most expensive casino, at an estimated total cost of S$8 billion (USD$5.5 billion).988 Designed by world renowned ‘superstar architect’ Moshe Safdie, the Marina Bay Sands has been

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heralded an incredible architectural feat. In a relatively short time, it has become a key icon and tourist attraction, winning international awards for technical innovation in structural engineering. What has received considerably less attention are the working conditions on the site of this challenging and dangerous worksite that was, at one stage, teeming with thousands of construction workers. One news report claimed that up to 10,000 people, including many migrant Chinese workers, had been ‘working round the clock’ to complete Marina Bay Sands. Another article estimated that up to 28,000 people were building both casinos, the bulk of whom were migrant workers.

The 20-hectare Marina Bay Sands comprises the famed three-towered hotel (see Figure 7.5), made up of 2,600 rooms spread out over 60 floors and covering 9 million square feet. It is joined at the top with a visually arresting Skypark – measuring two acres, it includes a garden, restaurants and the much talked-about ‘Infinity pool’ (see Figure 7.6). In order to achieve this ‘engineering masterpiece’, it is said that ‘crews must perform some of the highest and heaviest lifts ever attempted.’ Over 7,000 tonnes of steel had to be lifted to different sections to complete the Skypark. There is also a lotus-shaped ArtScience Museum, with 21 gallery spaces covering 50,000 square feet, convention facilities to host over 45,000 delegates, a sprawling retail arcade filled with luxury stores and food outlets, entertainment theatres and nightclubs as well as, of course, the ‘Vegas-style’ casino. Described as ‘one of the largest construction projects in Asia’, the timeline for completing such a large-scale and technically demanding project was staggering. Las Vegas Sands won the

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bid to develop MBS in May 2006, and the casino was originally set to open in 2009. Delays meant the first partial opening eventually took place in April 2010,997 followed by an official opening in June 2010,998 and a Grand Opening celebration in February 2011.999 During the Labour Court proceedings detailed in the next chapter, it was revealed by one Hai Xing construction worker that the men completed seven storeys of the MBS hotel per month, a detail that surprised even the Assistant Commissioner for Labour.

Figure 7.5. Marina Bay Sands Integrated Resort. Source: Safdie Architects, http://tinyurl.com/kf5scfd (accessed April 20, 2011)


998 Claire Huang, ‘Marina Bay Sands All Set to Open on Apr 27, with Round-the-Clock Work’, Channel NewsAsia, April 24, 2010.

According to an architect involved in Marina Bay Sands, while the main contractor for the MBS hotel was SsangYong, a South Korean-based conglomerate, there were ‘lots and lots of subcontractors’ involved in various stages and components of the large-scale project.\textsuperscript{1000} The architect said MBS was a ‘crazy project’ with several key components, including the hotel, podium and infrastructure (such as roads and the promenade). The North and South sections of the project may each have about 50 contractors, who may also hire subcontractors as there is ‘too much logistics to handle’. When I mentioned some of the problems faced by migrant construction workers hired by MBS subcontractors, the architect acknowledged that many construction projects in Singapore faced similar issues. He did mention, however, that MBS is a ‘sensitive project’ and is ‘very political’.

The first signs of trouble appeared – at least publicly – in October 2008, when 186 Chinese construction workers working at the MBS site lodged claims at the Ministry of Manpower against Ssangyong Engineering and Construction. The company had

\textsuperscript{1000} Author’s interview with architect, June 16, 2008.
threatened to reduce the workers’ pay by $500 a month because it found a subcontractor ‘whose workers were cheaper’. The men were building the Marina Bay Sands hotel and one of them, Shen, said they worked 28 days a month, 12 hours a day. Shortly after that, I met with Ren and Tung from Hai Xing Construction; then more and more workers from Hai Xing Construction surfaced. In December 2008 and January 2009, large numbers of Chinese construction workers continued to lodge collective complaints with the Ministry of Manpower against their employers. Their grievances, similar to those of Hai Xing’s workers, included withheld wages, unfair wage deductions (up to 50 percent of their monthly pay) and discrepancies between the salaries they were promised in China and what they were being paid upon arrival in Singapore. These 200 workers were employed by two companies who were subcontractors and apparently shared the same management; they were also China-owned companies and the men were sent to various worksites, including Marina Bay Sands. In May 2009, the BBC reported that more Chinese workers from the MBS site have stopped work in protest over salary problems and working conditions – their employer was Hai Xing Construction. The report stated that work on the site continued 24 hours a day, seven days a week.

Worksite injuries on the teeming worksites where work continued round-the-clock were another concern and fatalities have occurred on both the Resorts World Sentosa and Marina Bay Sands worksites. In July 2008, a company director was killed and a construction worker injured during the assembling of an excavator at Marina Bay Sands. In June 2009, a brick wall collapsed on an Indian migrant worker at the MBS site; the man died of multiple fractures. In August 2009, a Resorts World Sentosa contractor was fined for workplace safety lapses. In the

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1002 Ibid.
1004 Ibid.
1005 Liu, ‘Casino Builders Strike’.
same month, there were two fatalities at the RWS site in a span of two weeks: On 10 August 2009, a 300kg metal pipe fell on the head of a 33 year-old Indian migrant worker, who suffered multiple fractures and died on the spot. Just two weeks prior, a Chinese migrant worker had fallen to his death on the worksite. Despite this, no stop-work orders were issued by the Ministry of Manpower after the deaths.\footnote{2nd Death at IR Construction Site Within 2 Weeks', \textit{TODAY}, August 10, 2009.} This meant, as a RWS spokesperson stated in a newspaper report, that ‘the accident would not delay the completion of the integrated resort’.\footnote{Kimberly Spykerman, ‘Falling Metal Pipe Kills Worker at Sentosa IR’, \textit{Straits Times}, August 10, 2009.} In September 2009, another worker was killed at the Marina Bay Sands worksite – the 40 year-old Chinese construction worker fell 14 metres to his death. Ministry of Manpower safety officers who examined the site said they spotted areas that did not have effective safety barriers to prevent worker injuries.\footnote{Jermyn Chow, ‘Worker Killed at Marina Bay Sands IR Site’, \textit{Straits Times}, September 19, 2009.} In December 2010, a fire broke out at the MBS site, where work was being completed on the ArtScience museum. A worker on a crane platform was painting the building when the blaze started beside him and he had to be rescued on a separate crane; fortunately he was unhurt.\footnote{‘Worker Saved From Burning Crane at Marina Bay Sands’, \textit{AsiaOne}, December 19, 2010.}

While the two casinos have attracted their share of public controversy, this has mainly concerned the social problems that might arise with the opening of two large gambling establishments in Singapore.\footnote{Chun Han Wong, ‘Singapore Bets on Casino Revenues’, \textit{Wall Street Journal}, September 5, 2012, http://tinyurl.com/oe2lq4 (accessed September 25, 2012).} In response, the state ceased calling the developments ‘casinos’ and aggressively rebranded them as ‘Integrated Resorts’ (IRs). To achieve this, the casinos’ non-gambling attractions were emphasized.\footnote{Resorts World Sentosa, for example, includes the Universal Studios Theme Park and a Marine Park.}

\footnote{\textsuperscript{1009} ‘2nd Death at IR Construction Site Within 2 Weeks’, \textit{TODAY}, August 10, 2009.} \footnote{\textsuperscript{1010} Kimberley Spykerman, ‘Falling Metal Pipe Kills Worker at Sentosa IR’, \textit{Straits Times}, August 10, 2009.} \footnote{\textsuperscript{1011} Jermyn Chow, ‘Worker Killed at Marina Bay Sands IR Site’, \textit{Straits Times}, September 19, 2009.} \footnote{\textsuperscript{1012} ‘Worker Saved From Burning Crane at Marina Bay Sands’, \textit{AsiaOne}, December 19, 2010.} \footnote{\textsuperscript{1013} Chun Han Wong, ‘Singapore Bets on Casino Revenues’, \textit{Wall Street Journal}, September 5, 2012, http://tinyurl.com/oe2lq4 (accessed September 25, 2012).} \footnote{\textsuperscript{1014} Resorts World Sentosa, for example, includes the Universal Studios Theme Park and a Marine Park.}
all Singapore citizens and permanent residents who visit the casino, exclusion bans for problem gamblers and restrictions on media advertising for the casinos.\textsuperscript{1015}

Meanwhile, the state has remained resolute in defending the necessity of these casinos in boosting tourism numbers and revenue as well as creating large-scale employment.\textsuperscript{1016} In June 2011, a year from the opening of both Resorts World Sentosa and Marina Bay Sands, there were already predictions Singapore might become the ‘second largest gaming hub after Macau’.\textsuperscript{1017} The combined revenues of both casinos were estimated to hit US$6.4 billion (S$7.9 billion) in 2011, an increase from US$5.1 billion the previous year (in comparison, the revenue from Las Vegas in 2010 was US$5.8 billion.) By February 2012, it was reported that high-rolling gamblers had boosted revenue at Marina Bay Sands beyond the S$1 billion mark. This stellar economic performance has generated much interest in expansion, with MBS revealing it was currently engaged in talks with the Singapore government about obtaining more land – adjacent to the current casino – to build an additional 1,000 to 1,500 more rooms.\textsuperscript{1018} The opening of the casinos have been also been credited for record highs in visitor arrivals to Singapore, amounting to tourism receipts of S$4.98 billion.\textsuperscript{1019} Additionally, the government revealed that RWS and MBS had collected S$130 million in casino entry levies – imposed on citizens and permanent residents – between April and November 2010.\textsuperscript{1020} Meanwhile, the two casinos also paid the Singapore Government S$420 million in betting taxes and goods and services tax (GST) last year,\textsuperscript{1021} forming a considerable component of the


\textsuperscript{1016} According to a PAP minister, the two IRs ‘directly hire more than 22,000 employees and have spun off more than 40,000 jobs throughout the economy’. See ‘Two Integrated Resorts Have Met Singapore Government’s Expectations – S Iswaran’, Xinmsn News, November 16, 2012, http://tinyurl.com/lgvcvx7 (accessed September 23, 2013).

\textsuperscript{1017} Kevin Tan, ‘S’pore “Will Likely Overtake Las Vegas”’, Straits Times, June 8, 2011.


\textsuperscript{1019} Tan, ‘S’pore “Will Likely Overtake Las Vegas”’.

\textsuperscript{1020} This levy goes to the Tote Board and is meant to be directed towards activities that benefit the community through welfare organizations such as the Community Chest. See Ng Kai Ling, ‘Casino Entry Levies Rake in $130m’, Straits Times, January 12, 2011.

\textsuperscript{1021} Ng Kai Ling, ‘Casino Entry Levies Rake in $130m’, Straits Times, January 12, 2011.
Government’s overall revenue from betting taxes. Economists have also commented on the financial ‘flow-on’ effects generated by both RWS and MBS in terms of ‘increase[d] activity in the restaurant, hotel, entertainment, retail, and conference and exhibition industries’. The Ministry of Trade and Industry has estimated that the Integrated Resorts have contributed S$3.7 billion towards nominal gross domestic product (GDP) in the first nine months of 2010.

**Hai Xing Construction: A Company with ‘No Human Flavour’**

Hai Xing Construction is listed as a ‘foreign company registered in Singapore’. The company’s activity is described as ‘building and civil engineering construction, construction project management service, general building’. Its director is a Chinese national whose address is listed in China. One news report estimated Hai Xing Construction hired around 1,000 construction workers. A number of Hai Xing workers have insisted that Hai Xing Construction is ‘the same’ as two other listed construction companies, KSK Enterprise and KEK Engineering. According to business records, one of the listed agents of Hai Xing Construction, Huang, is also the director of KEK and a former director of KSK. Vivien, who represented Hai Xing Construction during the Labour Court hearings – where she identified herself as the company’s Senior Manager in charge of the company’s human resource functions – is listed as a director of KEK. She is also listed as a shareholder of KEK, as is Huang. Vivien and Huang have the same listed address in Singapore and workers say they are in a relationship, hence their reference to Vivien as 老板娘, which literally translates to ‘wife of a boss’, though the term is often used more generally to refer to a female boss. Huang is in fact recognized by the men as their ‘big boss’ and, in earlier meetings, was sometimes present for mediations.

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102 Yasmine Yahya, ‘Casinos Give Big Boost to Govt’s Betting Taxes’, *Straits Times*, February 24, 2011.
1021 Ibid.
1024 Ibid.
1025 The reporter was unable to confirm this figure, as the company refused to meet with her. Liu, ‘Casino Builders Strike’.
1026 The two original names were equally similar acronyms – though it wasn’t clear what they stood for – which caused some confusion.
While Hai Xing Construction is listed as a foreign company registered in Singapore, KEK is registered as a ‘limited exempt private company’ and KSK a ‘limited private company’. The office addresses of KEK and Hai Xing Construction show that they are in the same building and on the same floor, with their offices being just one unit apart (Hai Xing Construction was located at No 1, while KEK was at No 3). In December 2008, among the larger group of men trying to claim withheld wages, I saw work permits that named Hai Xing Construction, while others listed KEK or KSK as their employer. When questioned about this, the men replied, matter-of-factly, ‘They’re the same company. Hai Xing is KEK and KSK.’ One of the men offered the explanation that earlier batches of workers had been hired under KEK or KSK, but that as these two companies gained a poor reputation for their treatment of workers, there was a need to change the name of the company yet again, hence the setting up of Hai Xing Construction.

Besides workers with salary arrears, I also met several injured Hai Xing Construction workers, the first of which was Song, a metal-cutter, who had accidentally sliced off the tip of a finger during a night shift. He said it was a long shift and he was extremely tired. Bone was protruding and there was profuse bleeding. While the site supervisor was alerted immediately, Song was left waiting – and bleeding – for four hours because there was ‘no available car’. It was close to midnight before Song was finally taken to a small family clinic. The injury was too severe for the clinic to deal with and he was referred to a hospital. At the hospital, Song’s finger was wrapped up and he was asked to return the following afternoon for day surgery. When he returned the following day, the doctor ground away the exposed bone and ‘sealed’ the wound with stitches. For that, Song was given two days of medical leave. Song said he was originally given 16 days of medical leave but, upon the insistence of his company, this was reduced to just two days. This reduction in medical leave meant that Hai Xing Construction would be exempt from reporting Song’s injury. Ministry of Manpower regulations dictate that workplace accidents are to be reported to the Commissioner of Workplace Safety and Health if

107 Author’s interview with Song, Hai Xing construction worker, November 16, 2008.
the injured employee is given more than three days of consecutive medical leave.1028 Through Song, I met other Hai Xing workers with a range of injuries: eye injuries, torn ligaments, fractured ankles. Their stories were similar. Sent to the same orthopedic clinic, the doctor would dispense all their medical documents to their employer and tended to give them two days of medical leave; this meant their injuries remained unreported and workmen’s compensation claims unfiled. When we met, these men were ‘resting’ in their dormitories and were not receiving an income. I asked one of them how many other injured workers were in a similar position and he replied swiftly: ‘Many!’

Meanwhile, on top of their work injuries, the men also endured similar wage problems. Song, for example, also had his wages withheld for three months like his other Hai Xing colleagues and was told any outstanding arrears would only be paid to him before he was repatriated. In the meantime, the company continued to deduct the cost of accommodation and dispensed a living allowance periodically. These allowances were small amounts, perhaps S$100 or S$150, and Song only received a total of approximately S$800 over five months. In addition, as he was not working, he did not receive the meals delivered to the men at the worksites. This was a common predicament for all injured workers hired by Hai Xing Construction.

For Song, the actions of his company led him to describe it as 没有人情味. A literal translation is ‘no human flavour’, lacking empathy or humanity. This sentiment, regarding Hai Xing Construction as a ‘bad company’ with ‘no human flavour’, was echoed by other Hai Xing workers. Jin, the Hai Xing worker detained by the police, said that while the non-payment of salaries was his key complaint, witnessing how the company treated injured workers like Song increased his dislike of the company. It had also surfaced that Hai Xing was overcharging its workers through compulsory monthly food deductions. The company arrangement was that meals were provided daily for workers at the construction site. For this service, S$1201029

1029 The deduction amount was increased to S$135 in January 2009.
was deducted from the workers’ salaries each month. A typical daily menu included: fried rice with an egg for breakfast; white rice with two sides – one meat and one vegetable, usually cabbage – for lunch and dinner. One day, some workers intercepted the food delivery person to complain about the inadequately portioned and poor quality meals, despite paying S$120 a month. The delivery man retorted, ‘What do you mean? Your boss only pays me S$90 for each of you.’ The men realized then that Hai Xing was profiting from their food deductions, making S$30 per worker per month. While not central to their claims, such anecdotes fuelled the workers’ perceptions that their company was untrustworthy and added to their anger and mistrust.

The grievances recounted by Hai Xing workers occurred over a relatively extended time period. I met the first group of 12 workers in October 2008. This was followed by the misadventures highlighted in this chapter, which occurred in November and December 2008. In January 2009, I continued to meet Hai Xing workers in similar situations, until I left Singapore for several months. In March 2009, it was reported that a group of 25 Hai Xing workers had lodged claims against the company. In June 2009, I met Yong and Shen in Singapore, the only two left from the group of 25 by then – the two men had filed their claims at Labour Court. While their case was ongoing, I also attended a few Labour Court sessions involving another Hai Xing worker, Qing, who had a pending work injury claim as well as claims for unpaid wages. Periodically, more Hai Xing workers with similar claims of salary arrears and unpaid overtime surfaced. In October 2009, a full year since my first encounter with Hai Xing construction workers, I met two more workers contemplating filing claims at Labour Court after Hai Xing refused to pay them their withheld salaries in full during mediations at the Ministry of Manpower. The two men eventually decided not to do so after seeing the delays their co-workers were facing in Labour Court.

Throughout this period, there was no evidence that Hai Xing Construction had been fined by the Ministry of Manpower for violating employment laws or barred from
further hiring construction workers. If there had been any such action, this was not made public knowledge. The only known intervention was MOM advising Hai Xing Construction to pay their workers their salaries each month, a move Hai Xing Construction claimed to put in place in January 2009. However, what the company did was simply pay a portion of workers’ salaries each month, so as to appear to fulfill the MOM requirement of monthly salary payments. This resulted in even greater discontent among workers, who did not receive adequate explanation over this sudden move, and perceived it initially as a pay cut.\textsuperscript{1030} It also caused quite a bit of confusion during subsequent mediations over salary arrears, including at Labour Court. In late 2011, it appeared that the company had reemerged as a new construction company with a different name. Some migrant construction workers had lodged complaints against the new company with a local NGO, which consequently discovered the company was managed by the same people behind Hai Xing Construction.

**Discussion and Conclusion**

The problems faced by Hai Xing’s construction workers are shared by many marginalized migrant workers around the world – withheld wages, deductions, poor living conditions, being bound to illegal and unreasonable contractual terms. Errant employers, in the meantime, often do what they can to thwart enforcement efforts by ‘stonewalling investigations, providing low-ball settlement offers, and failing to pay out even when so ordered’ by the authorities.\textsuperscript{1031} What these in-depth case studies of attempts to seek remedial justice illuminate, however, are the particular political processes at play and the opportunities, as well as obstacles, for achieving labour justice. As Cummings’ detailed analysis of the anti-sweatshop movement in Los Angeles shows, outcomes from efforts to address widespread labour rights abuses are highly context-specific and dependent on many intersecting

\textsuperscript{1030} I received a few calls from Hai Xing Construction workers in January 2009 shortly after this happened. Some workers thought the reduction in their salary was a pay cut, but had not been notified by management.

\textsuperscript{1031} Cummings, ‘Hemmed In’, 73.
variables. In Cummings’ view, ‘thick case studies based on qualitative research’ can facilitate evaluations of the various factors that shape such outcomes.\(^{1032}\)

In Singapore, the workers’ experience of mediation as well as the attitudes displayed by the bureaucrats they encountered gave the men a distinct impression of differential treatment – that a prosperous and efficient Singapore exists for wealthy persons like their employer, but delays, neglect and condescension were accepted practice when it came to low-paid migrant workers like themselves. Shen, a Hai Xing worker, commented shortly before he was repatriated: ‘Actually, Singapore is a good country . . . for rich people, like my boss’. Once the men were cognizant of their entitlements under the Employment Act, their indignation grew at how their legal entitlements were blatantly disregarded by their employer, then, totally ignored during mediation sessions at the Ministry of Manpower. The men’s encounters pose a serious challenge to official rhetoric about amicable resolution of workers’ complaints. While the MOM says the vast majority of migrant worker claims in 2009 ‘were resolved amicably through mediation’,\(^{1033}\) there needs to be greater clarity over what they consider barometers of a successful mediation. The objective, from the Hai Xing experience, appears to be getting workers to return home swiftly, as opposed to ensuring they are able to access what they are rightfully due under the law.

In the public realm, MOM officials frequently emphasize that labour laws exist to protect workers in Singapore and press releases are occasionally issued regarding companies being charged for workplace violations.\(^ {1034}\) Yet it is not clear that the punitive measures match up to the violations, and enforcement efforts continue to appear weak and inconsistent. The general reluctance to publicly name and shame errant companies, and those responsible for running them, does not send a strong

\(^{1032}\) Ibid., 6.


signal to non-compliant employers. In fact, Hai Xing Construction is just one of many recalcitrant China-linked subcontracting companies engaged in unlawful behaviour involving the exploitation of migrant workers.\textsuperscript{1035} There is also a low ratio of convictions versus complaints lodged. In 2009, the Ministry of Manpower received 3700 pay-related complaints from migrant workers\textsuperscript{1036}, but only four employers were prosecuted for failure to pay salaries,\textsuperscript{1037} a prosecution rate of less than 1 percent. In 2011, the MOM reported that 3000 employment claims were filed by migrant workers (this downward trend was not shared by migrant worker NGOs, one of whom saw a 25 percent increase in unpaid salary cases).\textsuperscript{1038} Comparatively, in the same year, ‘26 employers were convicted of Employment Act offences, of which 22 were for salary-related offences’.\textsuperscript{1039} There is also the question of whether current fines are sufficient deterrents. In 2010, under the Employment Act:

A first-time offender is liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or both. For any subsequent offence, an offender shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding one year or both.\textsuperscript{1040}

Companies and recruiters that hire large numbers of migrant workers can profit handsomely from recruitment fees, kickbacks, wage theft and other exploitative practices – maximum fines of S$5,000 to S$10,000 do not seem to be adequate; a single worker’s agency fee alone often exceeds S$5,000. (It should be noted that the

\textsuperscript{1035} Chan, Hired on Sufferance; HOME, Migrant Chinese Construction Workers; Sim Chi Yin, ‘Plight of the Migrant Worker’, Straits Times, February 21, 2011.

\textsuperscript{1036} 林慧慧, ‘外劳向雇主索偿个案激增 达三年来新高’, Lianhe Zaobao, April 26, 2010.


\textsuperscript{1038} Jessica Lim and Amanda Tan, ‘Fewer Foreign Workers Filing Claims: MOM’, Straits Times, February 8, 2012.

\textsuperscript{1039} Farah Abdul Rahim, letter to the editor (‘Better Outreach, Legislation to Address Employment Malpractices’), Voices, TODAY, January 21, 2012.

\textsuperscript{1040} MOM, ‘Six Companies and Four Directors’. 

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MOM is looking into increasing some employer penalties via amendments to the Employment of Foreign Manpower Act.)

With regards to media coverage, despite the fact that two reporters (one newspaper and one TV reporter) had interviewed Jin and his other Hai Xing colleagues, it was not until Au, a popular and influential blogger, had published his scathing report online that greater interest was generated. In the end, despite the media circus on the day Liang and Gui were released, there was a short television news clip but no articles in the written mainstream press specifically about the case. It is unclear if it was the editorial policy of having to obtain an official statement from the Ministry of Manpower before a story can run that caused delays, or whether the case was deemed not newsworthy enough or, perhaps, too politically sensitive.

There are frequent complaints about Singapore’s mainstream press being state-controlled and ‘compliant’, operating with a heavy dose of self-censorship. Singapore has consistently ranked poorly in terms of press freedom, but fell to a record-low in 2013, as determined by Reporters Without Borders’ ‘World Press Freedom Index’, in which Singapore fell 14 places to 149th position, placing it in between Russia and Iraq. Mainstream media personnel, particularly those in the higher rungs, are often defensive against these charges. When the BBC reported that migrant construction workers at the Marina Bay Sands worksite were protesting over pay and working conditions, a local blogger commented that there was no mention of this in the country’s main English newspaper, the Straits Times, insinuating the paper was reluctant to report on news reflecting negatively on

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1041 The slant of these amendments, however, have been described as ‘quite lopsided as the focus is on penalties, rather than the welfare of workers’. See Janice Heng, ‘Errant Bosses Face Stiffer Penalties’, Straits Times, May 11, 2012.

1042 Tan has noted how the PAP regime has presented media freedom as ‘destructive of the national interest’, and rejects the notion of an ‘adversarial press’. See Tan Tarn How, ‘Singapore’s Print Media Policy: A National Success?’, in Management of Success: Singapore Revisited, ed. Terence Chong (Singapore: Institute of Southeast Asian Studies, 2010), 243.

Singapore. This prompted a response by the *Straits Times’* Foreign Editor, Carl Skadian, who felt compelled to ‘respond to the unfair charge’.\footnote{Carl Skadian, ‘Another Day, Another Accusation’, *Straits Times* Blogs, June 12, 2009, http://tinyurl.com/n7rjux (accessed September 25, 2012).}

Skadian’s defence was that the paper did know of the case, but decided ‘it wasn’t worth running because it involved a small group of workers not being paid’ – that is, 25 workers out a total workforce of approximately 10,000. Skadian also said that ‘ST has been aware of this development for some time, and we called the IR [Integrated Resort] to check if work has been affected. It has not.’ The editor went on to assert the case was not much different from others the paper had reported on previously; he also said questions had been put forward to the MOM and hopefully there will be developments to report on. In the meantime, Skadian asked: ‘Was the foreign agency’s story a case of making a mountain out of a molehill? Were workers at the IR really “subjected to oppressive conditions, forced to meet crushing deadlines while their monthly/OT pay was being withheld”?\footnote{I also encountered reporters who requested to speak with ‘happy foreign workers’ in order to present a ‘balanced’ story if the article featured cases of workers being exploited. Some expressed that they needed a ‘new angle’ to stories of worker abuses, or else they sounded too much like previous stories.}

From my own recurring encounters with Hai Xing Construction workers, as well as through networking with other migrant worker advocates assisting construction workers sent to the casino worksites, the answer to his second question would be ‘yes’. There were large numbers of construction workers – not just 25, though they were the ones highlighted in the BBC report – at the two casinos working in oppressive conditions that included withheld salaries, unpaid overtime and wage deductions, not to mention unreported work injuries and unpaid medical leave. The view that this involved just a small group of workers, as well as the conclusion that things were satisfactory because ‘work has not been affected’, appears to be a pervasive one – a disturbing indication of what is or is not considered newsworthy among influential newsmakers.\footnote{I also encountered reporters who requested to speak with ‘happy foreign workers’ in order to present a ‘balanced’ story if the article featured cases of workers being exploited. Some expressed that they needed a ‘new angle’ to stories of worker abuses, or else they sounded too much like previous stories.}
Several months later, I bumped into Fang, Hong and Gui. They had returned to Singapore, and were now working at different companies. Fang and Gui said their work situation was again different from what they had been promised. The work was unsuitable for what they were trained to do, and their employer subsequently reduced their salaries. However, they were being paid their wages every month, and the men hung on to the jobs. About half a year later, I received a call from Fang – he had just been terminated that morning without an explanation. Stressed and anxious, Fang said he had barely recouped his losses from the Hai Xing fiasco. Losing this job, after paying a second round of agency fees, meant he was back where he started, almost two years after leaving home for ‘greener pastures’. In the meantime, disgruntled Hai Xing workers were still surfacing. Up to 25 men had approached the Ministry of Manpower between March and May 2009 in a bid to claim salary arrears and overtime payments. The BBC report said that all but two of the men had settled and returned home;\(^{1046}\) the two men had remained to bring their claims to Labour Court. The following chapter outlines their protracted struggle.

\(^{1046}\) Liu, ‘Casino Builders Strike’. 
Chapter 8
Still Seeking Justice: From Mediation to Labour Court

This chapter continues to examine the political processes involved in accessing remedial justice for low-paid migrant workers. While most of the Hai Xing Construction workers in Chapter 7 eventually signed settlement papers and returned to China, Yong and Shen were exceptions among their colleagues. Part of a group of 25 Hai Xing workers who approached the Ministry of Manpower between March and May 2009 over salary arrears, the two men decided to stay and take their employer to the Ministry of Manpower’s Labour Court when mediation failed to achieve satisfactory outcomes.

Yong and Shen spent five months attending Labour Court hearings. During this time, there were ten Labour Court sessions, including one closed-door hearing where only the claimants and respondents were allowed – Hai Xing Construction’s representative, Vivien, claimed there was confidential company information that could not be shared with ‘outsiders’. The first hearing took place on 19 June 2009 and the final one, when the verdict was delivered, on 18 November 2009. The men left for China shortly after. In total, from the date they stopped work, to the day they left Singapore, the men had spent almost six months unemployed while trying to settle their claims.

The Labour Court verdict, when it was finally delivered, was contested by both the workers and Hai Xing Construction. The case eventually found its way to the High Court, which is where appeals for Labour Court decisions must be lodged. Legal representation was required for this and the men were back in China at this time. The High Court hearings took place in July 2010, almost eight months after the Labour Court verdict, and were concluded in two sessions. Results were not in

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1047 While the hearings tended to be spaced two weeks apart, there were a few occasions where delays were encountered, such as when documents in Mandarin (such as employment contracts) had to be translated into English by court-accredited translators.
favour of the workers and no additional payments by Hai Xing Construction were ordered. In all, this entire process – from MOM to Labour Court to High Court – took more than a year.

This chapter begins with an overview of Labour Court processes in Singapore. Relevant background information is then provided on the claimants, Hai Xing workers Yong and Shen, and their key claims. The main contentions that dominated Labour Court proceedings are then detailed, and the Labour Court verdict summarized. This is followed by a brief summary of the High Court proceedings and outcome. The discussion on the challenges migrant workers face in accessing justice through the Labour Court system includes a comparative case study in which the Fair Work Ombudsman in Australia filed charges against a China-linked director and his company for exploiting and underpaying its Chinese migrant workers.

I attended all Labour Court sessions except for the closed-door session. I also obtained a copy of the Assistant Commissioner for Labour’s (ACL) Grounds of Decision and Notes of Evidence; the latter includes notes taken by the ACL during proceedings as well as evidence provided by both parties, such as employment contracts, attendance and payment records, and personal statements. While the claimants, Yong and Shen, spoke in Mandarin, the ACL took notes in English based on the court-appointed translator’s translation of what they said. Pseudonyms are used throughout the chapter with regards to names of claimants, respondents, witnesses and names of companies, the only exception being the development projects the men were building, which are named accordingly. Court documents are referenced briefly – for example, ‘Notes of Evidence’ – for similar reasons; images are blurred selectively to ensure names and signatures are not identifiable.
Labour Court – A Brief Introduction

Labour Court was established in 1968 with the aim of ‘enabling workers with valid claims to seek a quick resolution without incurring high costs’.\(^{1048}\) In 2009, it cost just S$3 to register for Labour Court. When mediation efforts at the Ministry of Manpower fail, workers can choose to file a claim at the Ministry’s Labour Court, an administrative tribunal presided over by senior MOM officers, who are appointed Assistant Commissioners for Labour.\(^{1049}\) The ACL makes a ruling according to provisions in the Employment Act and/or employment contracts.\(^{1050}\) Legal representation is prohibited – neither party is to be represented by a lawyer or paid agent. The rationale is that this levels the playing field for workers who, unlike their employers, may not have the financial means to engage legal assistance. Proceedings are in English but court interpreters are available.

In February 2010, the MOM issued a press release stating 1500 local workers filed Employment Act claims against employers in 2009, with salary arrears being the most common complaint; over S$1.5 million was recovered through Labour Court.\(^{1051}\) Another press release in September 2010 stated that, in the first six months of 2010, 700 local workers managed to recover S$750,000 collectively from their employers through Labour Court.\(^{1052}\) No similar figures were provided in relation to migrant workers. In April 2010, an article in the Chinese newspaper, *Lianhe Zaobao*, reported that the Labour Relations Department (LRD) saw 1,300 claims from migrant workers in 2007, and this doubled to 2,600 claims in the year 2008; by the following year, 2009, it increased to 3,700 claims.\(^{1053}\) The LRD maintains that 90

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\(^{1050}\) Ibid.


percent of these claims were resolved through mediation, with only six percent (approximately 220) proceeding to Labour Court. While an MOM reply stated that ‘more than half’ of employers followed through on court order payments, the article pointed out that 40 percent of employers did not comply with Labour Court Orders. When this happens, workers can choose to enforce the order at the Subordinate Courts – a highly impractical course of action for a migrant worker to take. Firstly, there are additional costs involved. The Subordinate Court charges a stamp duty of S$270 for endorsement of enforcement documents.\footnote{MOM, Labour Court Inquiry.} The order may then be enforced by a writ of seizure and sale, which involves seizing the assets of the employer and auctioning them off to recover the arrears. A writ of seizure and sale requires a bailiff to seize property from the debtor for auction – a bailiff’s attendance fee is charged at a rate of S$50 per hour. Claimants are also required to make a minimum deposit ranging from S$150–S$800, depending on the value of the assets to be seized.\footnote{HOME and TWC2, Justice Delayed, Justice Denied, 10.} Cash-strapped workers who are already owed salary arrears are generally unable to obtain the additional capital required to enforce such proceedings. Moreover, there is no guarantee a writ of seizure and sale will succeed – companies can easily transfer assets of value, leaving behind low-cost items not worth auctioning.

The other enforcement option through the Subordinate Courts if employers do not honour Labour Court orders is to execute a Garnishee Proceeding. This involves obtaining payment from a third party (such as a bank) that is holding money for the company. This requires gaining access to key documents determining where a company’s assets are held – a challenging task for workers who are often unable to obtain even pay slips; moreover, corporate personalities can be complex and assets easily moved. As outlined in an NGO report, workers will likely be ‘bewildered by the arcane rules, forms and procedures required. All in all, the worker would have to file no fewer than six documents before s/he can obtain a single cent from the
Garnishee application’. There are also additional fees to be paid and such costs will not be recoverable if the Garnishee application is unsuccessful. In general, these enforcement options are unfeasible for unemployed migrant workers on Special Passes with limited social networks, dwindling financial resources and a tenuous immigration status.

The Claimants: Yong and Shen

The Recruitment Process

Both Yong and Shen were iron steel benders employed by Hai Xing Construction. Before Yong arrived in Singapore, he was told by an agent in his province in China that he would be receiving a minimum salary of S$1,250 a month for eight hours of work a day; anything beyond eight hours would be considered overtime and there would be additional payments, though the rate was not established. Based on that verbal agreement, Yong made the decision to come to Singapore to work. Arrangements were made for him to undergo a requisite training course, as all migrant construction workers in Singapore have to pass an examination accredited by Singapore’s Building and Construction Authority. These technical trade tests – for example in welding or bricklaying, tiling, pipe fitting etc. – are administered by overseas test centres in China, India and Bangladesh, the main source countries for Singapore’s pool of migrant construction workers.

Yong paid about RMB 26,000 (S$5,370) for the opportunity to work in Singapore. This consisted of RMB 23,000 in recruitment (or agency) fees and another RMB 3,000 for 培训费 [training fees]. During the training course, the men also had to pay for their own living and food expenses, as these training schools are typically located in capital cities away from the men’s homes. This can incur another RMB 2,000–3,000

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1056 Ibid., 10.
1057 Some fees include: summons (S$20), affidavit (minimum S$10, depending on number of pages), Garnishee Order (S$50), oath fees (S$25), and other surcharges related to electronic filing and related costs. See HOME and TWC2, Justice Delayed, Justice Denied, 10.
1058 These overseas test centres are also located in Thailand and Myanmar. For more on overseas test centres (including location and trades available for testing in each centre), see the BCA Academy website, http://www.bca.gov.sg/academy/testcenters.aspx (accessed April 20, 2011).
($400–$600) a month – RMB 2,000 if you are thrifty, said Yong. Meanwhile, Shen paid RMB 29,000 ($5,990) in fees – RMB 26,000 in agency fees and another RMB 3,000 for training fees (excluding living expenses incurred during training).

When the men arrived in Shanghai, the final city before they were to depart for Singapore, they were presented with employment contracts, ‘Worker Detachment Contracts [sic]’, and instructed to sign them, failing which they would not be allowed to board the plane for Singapore. Their agency fees, already paid, would also be forfeited. The men signed. The contracts were signed between the men and an overseas recruitment agency, China Overseas Human Resource Corporation (COHRC). According to Yong, his agent further demanded that Yong backdate his contract by several days. Yong did as he was told – there was ‘no other way’ [没办法], he said; he would not have been able to continue his passage otherwise. Upon signing, the contract was taken away and both Yong and Shen were not to see their employment contracts again until their employer produced them during Labour Court proceedings a year later. This ‘Worker Detachment Contract’, which contained a range of ambiguous as well as illegal terms (such as the withholding of salaries and confiscation of workers’ passports), was the cause of much consternation and contention during the extended Labour Court proceedings (see Appendix B for a court-accredited English translation of the contract).

Later on, Vivien, Hai Xing Construction’s representative, used the date on the contract as evidence in Labour Court that Yong could not have signed the contract at the airport as he claimed. There was little room to raise the coercive circumstances involved in the signing of contracts; coercion, it appears, could only be raised in a civil suit. The Assistant Commissioner for Labour himself reiterated this when the men suggested the circumstances under which they signed these contracts were coercive. Vivien also rejected any suggestions of coercion, at one point raising her voice to ask the men: ‘Did I use a knife to force you?’

1099 If the terms

1099 Author’s notes from Labour Court Hearing, September 16, 2009.
of the contract were so unreasonable, she argued, why did the men come to Singapore?

Meanwhile, Hai Xing Construction signed their own contract with China Overseas Human Resource Corporation. Workers were not given a copy of this contract and were not privy to its contents. In fact, this contract similarly only surfaced during Labour Court proceedings. This ‘Labour Work Cooperation Contract [sic]’ listed the terms and conditions of the working relationship and the responsibilities of each party. Some of the listed responsibilities of COHRC included: ensuring the workers underwent and passed the Building and Construction Authority-accredited assessments; educating workers to be law-abiding and obedient (for example, to not go on strike and abide by company regulations); making sure workers sign the ‘Worker Detachment Contract’ as well as the ‘Worker Deduction Authorization Agreement’ before they leave the sending country – the latter authorizes Hai Xing Construction to deduct a ‘management fee’ from workers’ salaries on behalf of the recruitment agent.1060 (This deduction was contested by Yong.) Party B’s [the recruiter’s] responsibilities also included disciplining the workforce it recruits, with the contract stating agency representatives will assist with the following in Singapore: educating workers on local laws and the importance of work discipline; preventing workers from ‘stirring and causing troubles [sic]’; repatriating workers who fail to make the mark or who violate company regulations and local laws, amongst other terms.1061

There was no direct contract signed between Yong and Hai Xing Construction. Both workers as well as Hai Xing Construction signed contractual agreements only with the mediating broker, COHRC, which was authorized to recruit the men on Hai Xing Construction’s behalf.1062 At the same time, upon the men’s arrival in Singapore, they were under the full managerial control and payroll of Hai Xing

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1061 Ibid., Clause 1.3.
Construction. These contracts appeared to be standard contracts, because most Hai Xing employees – regardless of which province in China they hailed from – were bound by similar terms. This arrangement was recognized by the Labour Court, as the men were held to these signed contracts throughout proceedings, barring specific terms that violated local labour laws.

Yong started work with Hai Xing Construction in the first week of May 2008. Originally working on a site in Geylang, he was sent to work at Resorts World Sentosa at the end of May. Five months later, he was sent to the Marina Bay Sands worksite, where he worked from October 2008 to early May 2009, when he stopped work. Shen arrived in Singapore in late May 2008 and was sent to work quite soon at Resorts World Sentosa. In mid-October that year, he was transferred to Marina Bay Sands. He stopped work at the end of April 2009.

After a year of working for Hai Xing Construction, Yong and Shen did not wish to renew their work permits when they expired and wanted to return to China. The men had ‘stuck it out’ for a year, but were disgruntled with the withheld wages, fluctuating pay, wage deductions and non-transparent payment methods that did not correspond with original promises made by their agent in China. Working hours were long and the men generally worked seven days a week. The tussle began, however, when the men approached the company to claim their unpaid wages. Hai Xing wanted to deduct breach of contract fees as well as the cost of their return air-ticket from their withheld wages. The latter, recovering repatriation costs, is in violation of the Employment of Foreign Manpower Act. After a series of mediations at the Ministry of Manpower, Hai Xing made its final offer to the men in early June 2009 for three months of unpaid wages: S$1,870 to Yong and S$1,600 to Shen. The men rejected these amounts and decided to bring their claims to Labour Court.

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Key Claims

While the two claimants, Yong and Shen, attended the same hearings, they were questioned separately, and there were slight variations in their claims. However, these differences were minimal. The men were bound by similar contractual terms and their key claims included:

a) Payment of withheld salaries for three months;
b) Unpaid overtime for approximately one year – for 357 days worked for Yong and 322 days for Shen (the men worked overtime virtually every day);
c) Additional payments for working on public holidays;
d) Additional payments for working on rest days (the men generally worked seven days a week);

According to the men’s calculations – based on a minimum monthly basic wage of S$1250 a month – total payments owed to them (inclusive of claims a to d) amounted to approximately S$23,653 for Yong and S$22,669 for Shen. With regards to unlawful deductions, Yong was claiming an additional S$1,000 (deducted by Hai Xing as an ‘overseas management fee’), while Shen was claiming S$160 (deducted by Hai Xing for medical insurance, an employer obligation under the Employment of Foreign Manpower Act).1064

Doing the calculations for how much they were owed in total was a major challenge for the men, as their employment contract contained ambiguous clauses concerning rates of pay and method of calculation. For example, Clause 3.1 of the employment contract described the wage system as follows (my emphasis):

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3.1 Party A [employer] mainly enforces the by the job salary system based on teams and groups as the unit or by the time salary system based on the quantity of projects taken up and completed. The by the job salary quota or the quota of quantity of the project taken up and completed shall be executed in accordance to the regulations by the employer. The salary shall be determined based on a combination of the quota Party B [employee] completed, the working attitude and the quality of the project completed. On the premise of a perfect work attendance record, the monthly salary shall be around S$1250 to S$1500 (including perfect work attendance award). Due to the execution of the by the job salary system and the quantity of projects taken up and completed, Party B shall not enjoy the benefit of annual paid leave and medical paid leave. The average salary standard for the worker of the entire company is $1375 every month [sic].\textsuperscript{1065}

However, this is followed by Clause 3.2, which states (my emphasis):

3.2 Employer shall under normal circumstances not execute time based system. The employer shall have the right to arrange or not to pre-arrange Party B to undertake work base on the time-based system. The standard work time shall be 20 Singapore Dollars for every working day of 8 hours, that is, 2.5 Singapore Dollars every hour. For the convenience of calculation, time based salary standard shall be calculated according to the length of time that Party B is at work and use the salary standard of 28 Singapore Dollars for every working day of 8 hours or a salary standard of 3.5 Singapore Dollars every hour. This is a salary standard of average hours and this standard has already included and taken into a round up consideration on the situation of workers working overtime and working during public holidays. The workers shall not make additional request for any overtime salary or allowance. At the same time, this salary standard had already included and taken into overall consideration of the living expenses of the workers during their stay in Singapore and the management fee in the domestic country [sic].\textsuperscript{1066}

Based on these clauses alone, the wage could therefore be construed to be a minimum of S$1,250 a month, or an average of S$1,375 a month, or S$20 a day, or S$28 a day, or S$2.50 per hour, or S$3.50 per hour – at the absolute and unilateral discretion of the employer. For Yong and Shen, their verbal agreement with their agent in China meant they believed they would be receiving a minimum of S$1,250 – not including overtime payments. As it was already at the lower end of the stated salary range in Clause 3.1, the men felt it reasonable to use a monthly salary of S$1,250 as a benchmark for their calculations. The contract clauses also included

\textsuperscript{1065} See Clause 3.1, Appendix B.

\textsuperscript{1066} See Clause 3.2, Appendix B.
terms in violation of the Employment Act – these terms are italicized in the above-cited clauses (denial of annual paid leave, medical leave, extra payment for overtime work and work on public holidays). As the Employment Act states that contractual conditions offering terms less favourable than those prescribed by the EA will be considered ‘illegal, null and void to the extent that it is so less favourable’,1067 both Yong and Shen did their calculations accordingly, including payments for overtime work and increased rates of pay for work on public holidays. Payment for work done on rest days was contestable, as will be explained later.

Several other claims surfaced as the hearings progressed. These included contests over ‘full attendance incentives’, ‘team leader subsidies’ and deductions for meals that were not consumed by the men (who were not on-site that day to receive them). These tended to arise in response to Vivien’s counter-claims, for much of what Vivien revealed in Labour Court – from the men’s employment contracts to tables listing salary payments and deductions – was new evidence for the men. At a September 2009 hearing, both Yong and Shen also submitted additional claims for an extra half hour of work per day. On-site, workers were required to attend mandatory half-hour safety meetings at the start of each working day, but these were not recorded as work hours. Yong was thereby claiming an extra half-hour’s wages for the 357 days he worked in total; Shen made a similar claim for the 322 days he worked. At the same hearing, the men also made claims for the loss of income incurred while waiting for the case to be resolved, as well as damages for the psychological trauma suffered as a result of these delays. The ACL dismissed these last two claims, stating that such claims could only be made in a civil suit, not at Labour Court, where decisions are made based on provisions in the Employment Act.1068

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1067 Employment Act, Part II, Section 8.
1068 In the ACL’s Notes of Evidence, 83, it is recorded under Court Advice to CW1 and CW2: ‘As regards your claims for overseas management fee of RMB 16850, loss of income and damages for psychological trauma, these fall outside the jurisdiction of the Commissioner.’
As these other claims were not the main impetus for the men going to Labour Court, they will not be discussed in great detail. What is of interest is how the prolonged nature of the dispute, and the progressive souring of relations between both parties, led to increased claims-making. In fact, as the hearings went on, the men’s frustration grew visibly. Shen felt Vivien was deliberately deploying delay tactics to wear them down, such as her contradictory statements about salary payment methods and refusal to provide key evidence such as the men’s attendance records. ‘Delays mean nothing to them,’ Shen said, ‘but they know it is difficult for us. We have waited too long, much longer than we ever expected.’

In court proceedings, Vivien implied simple-mindedness was the cause of the men’s confusion over the company’s wage payment system, rather than the fault of the company. At one hearing, when Shen disagreed with Vivien’s payment records, Vivien interjected angrily with: ‘You go to university then you understand!’ On another occasion, in a long and memorable speech detailing the ‘Background of Existing Order of the Construction Industry [sic]’, Vivien spoke of how ‘the vast majority of Chinese construction workers are not industrial workers in the true sense’. Prior to working in Singapore, she said, most of them were farmers in China. These men have benefited from assistance by employers, who give them the opportunity to work in Singapore. In arguing that these men pose ‘special management difficulties’, Vivien described such workers in the following way:

Due to the restrictions of their educational level, the awareness of work ethic and personal integrity is extremely low to a given portion of this group. A small number of them even lack basic personal credit and contract awareness [sic].

Vivien even cited the Cultural Revolution and its influences on ‘some Chinese people, especially a significant portion of the Chinese farmer class’ who have

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1069 Author’s Labour Court Notes, September 8, 2009.
1070 A copy was submitted to the court and is included in the ACL’s Notes of Evidence, Exhibit C9A, ‘Background of Existing Order of the Construction Industry’.
1071 Ibid.
become ‘overly greedy for money’. Yong and Shen did not formally address these statements in court. In fact, as proceedings were in English, it was only after the court hearing that Yong and Shen understood the full contents of Vivien’s speech. (A Mandarin-speaking court interpreter was present at all sessions. However, line-by-line translations were not provided and if conversations moved quickly, the men would only obtain a brief summary of an exchange.) As the sessions dragged on, however, greater levels of acrimony could be detected between both parties, with some harsh words exchanged between the claimants and the respondent.

**Key Contentions**

The following section focuses on the key contentions raised during the Labour Court hearings:

- Establishing the mode as well as rate of salary computation, which affected calculations of payments owed to the claimants for overtime work and work done on public holidays;
- Establishing if work done on rest days was done at the worker’s own request or at Hai Xing Construction’s request – this affected the rate of payment for work done on rest days in accordance with Section 37 of the Employment Act;
- Establishing if mandatory daily half-hour safety briefings should be considered paid work.

**The ‘More Effort More Gain, No Effort No Gain’ Wage Payment System**

A significant part of the hearings were focused on determining Hai Xing’s salary system. While the Employment Act does stipulate payment for overtime work and work on public holidays, establishing the basic rate of pay for the purpose of calculating how much was owed proved vexing. There was contention over whether Yong and Shen were monthly-rated, piece-rated or hourly-rated employees, an argument complicated by the ambiguous – not to mention convoluted and clumsily worded – contract clauses (3.1 and 3.2) highlighted earlier.

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1072 Ibid.
Vivien argued the company adopted a productivity-based ‘job value system’ based on ‘value of work done’. Some other terms used to describe this salary system included the ‘group based contracting system’, ‘group contract’ and ‘task work’ system. This system is allegedly premised on the principle of ‘more effort more gain, no effort no gain’. According to Vivien, under this system, there are no fixed rest days; entitlements such as overtime, working on holidays and annual leave have already been ‘taken into consideration’. While wages will fluctuate each month, Vivien said workers with a ‘perfect attendance record’ could expect a monthly salary of at least S$1,250.

Yong and Shen, meanwhile, maintained there was no clear and consistent method of salary computation. The amounts they were awarded each month did not appear to correspond to the hours they worked. Moreover, if their salaries were based on the quantity and/or value of work done, what was this value and why was it not disclosed to them? In her cross-examination of Yong, Vivien asked: ‘The amount of money paid was based on value of work done and not an hourly rate of pay. Do you agree?’ To which Yong replied:

I do not understand. For work done on Saturdays and Sundays, will I be paid double? Another example, if a project is done, say, by five persons, then reduced by half, how would the amount of pay be calculated? Sometimes, long hours were taken to complete the work but the amount of pay received did not commensurate with the work done. On average, the overtime work was more than 100 hours a month which is more than that allowed under the law. How does the company calculate the salary? If the pay was based on work done, there was no need for a time card to record the hours of work. There should be a record on the value of work done.\textsuperscript{1073}

The men’s confusion over fluctuating amounts was exacerbated by delays in salary payments and arbitrary changes in the salary system. Initially, Hai Xing Construction withheld workers’ wages for three months, paying them for the first time only after their fourth month at work – subsequently, they were paid monthly, but this meant that at any point, they were owed a backlog of three months wages.

\textsuperscript{1073} ACL, Notes of Evidence, 7.
The company abruptly changed their mode of salary payment after the events in November-December 2008 (highlighted in the previous chapter), as the Ministry of Manpower had requested the company pay their workers monthly. In order to comply, Hai Xing Construction started to pay their workers a portion of their salaries each month from January 2009. In Labour Court, Vivien said the system was modified to one in which a basic salary was paid to workers each month, while their additional bonus payments were paid a few months later. This made the claims process even more convoluted for Yong and Shen, as they were already owed a backlog of salary arrears. Moreover, the men said this new payment system was not explained to them – what constituted the basic salary and what made up the bonus? Contradictory remarks made by Vivien throughout the hearings added to the confusion. At one point, Vivien denied there was a basic salary. When questioned by Shen, ‘What constitute [sic] the basic salary?’, Vivien replied: ‘We do not have this concept of salary.’

Throughout their employment, the men did not receive pay slips. Vivien herself admitted this: ‘As the company has a few hundred of workers [sic] and they are all over the worksites, it is difficult to issue payment vouchers to them.’ Instead, cash was deposited into the men’s bank accounts, but with no notification or breakdown. Shen testified:

I do not know how much my salary per month [sic]. The company did not explain to me. There was no fixed payday. The salary was credited to my bank account. There were no payslips.

While cash may have been deposited monthly into the men’s bank accounts after their first four months of employment, the fluctuating cash amounts appeared arbitrary to Yong and Shen. A scan of Yong’s bankbook shows the deposits that

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1074 Ibid., 11.
1075 Ibid., 47.
1076 Ibid., 19.
1077 Ibid., 15.
were made between September 2008 and April 2009 – see Figures 8.1 and 8.2.\textsuperscript{1078} The
transactions in Shen’s bankbook were of a similarly erratic nature.\textsuperscript{1079} During the
hearings, and after requests by the ACL, Vivien produced payment records for both
Yong (see Figure 8.3) and Shen that provided breakdowns of their gross and net
salary payments throughout the duration of their employment. These tables listed
the worksites of the men, the days they worked per month, the gross salary
received, any incentive payments, deductions for meals and accommodation as well
as items such as ‘Tools dd.’, ‘Loan Repmt’, ‘A/c Dep’ (which was not explained),
‘Other dd.’. The ‘actual salary’ is taken to mean the net income finally received.\textsuperscript{1080}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure81.png}
\caption{A copy of Yong’s bankbook listing transactions between September 2008 to January 2009.}
\end{figure}

\textsuperscript{1078} Ibid., Exhibit C12.
\textsuperscript{1079} Ibid., Exhibit C14.
\textsuperscript{1080} Ibid., Exhibit C6.
Figure 8.2. A copy of Yong's bankbook listing transactions between January 2009 to May 2009.
Figure 8.3. The payment record Vivien produced in Labour Court for Yong for time period May 2008 to May 2009.

While discussions in Labour Court quickly turned to clarifications over items listed in these tables, what received less attention were the men’s claims that this was the first time they had seen such records. These tables were released by Vivien after claims had already been made against the company. It remained unclear when these undated records were drafted. Were they always available, but never released to Yong and Shen? Or were they drawn up after the ACL requested the men’s payment records? Vivien’s presentation of these tables diminished the men’s claims of confusion over wage payments in subsequent hearings, despite their allegations that throughout the entire year of their employment, the men were never privy to such detailed explanations, verbally or in writing. The gross salary amounts listed in Vivien’s tables – used as evidence to demonstrate that the men earned the S$1,250 minimum monthly – were pre-deduction amounts and did not reflect the actual net amounts received by Yong and Shen. Some of these unexplained deductions – for example ‘A/c Dep’ – were also contested by the men. A juxtaposition of Vivien’s payment records and Yong’s bank deposits (see Figures 8.1–8.3) show vast
disparities between amounts recorded as paid compared to what was actually deposited.

An additional complication involved the men’s incomplete set of attendance or work record cards to verify their working hours. Yong had five months worth of attendance cards (May 2008–September 2008) while Shen had four (June 2008–September 2008). These work record cards recorded the total work hours for each day – but not the actual timings – and were signed off by a supervisor (see Figure 8.4). In general, attendance cards were withheld by the company and Yong said it was up to the site manager if the cards were returned to them at the end of the month; these were the only attendance cards they had been able to retain.

![Figure 8.4. A copy of one of Yong’s attendance records/timecards which he managed to retain.](image)

When the ACL asked the company for the worker’s attendance records, Vivien replied, ‘We only keep the attendance cards for three months.’\(^{108}\) After that, she said, the records are discarded. In another hearing, Vivien insisted work records are

\(^{108}\) ACL, Notes of Evidence, 24.
not kept on a daily basis but on a monthly basis. She continued, ‘It is not possible to calculate the quantity of work on a daily basis.’ Yong then asked: ‘If you do not keep the daily records, how do you calculate for the whole month?’ Vivien replied, ‘At the end of the month, we will measure and compute the quantity of work done.’

In one hearing, Vivien cited a convoluted example whereby seven levels of the Marina Bay Sands hotel were constructed in March 2009. According to Vivien, one level was valued at S$56,245 – multiplied by seven (levels), this would lead to a total of S$393,715. This amount was then marked up to S$411,819.90, Vivien’s only explanation for this mark-up being that the former amount was ‘insufficient to distribute to all the workers’. This amount of S$411,819.90 was then divided by the ‘total number of hours’ clocked in by the ‘entire group of workers’, giving an average hourly rate of S$4.13. To get Yong’s monthly salary for March 2009, this hourly rate of S$4.13 was multiplied by 338 hours (the number of hours worked by Yong for that month), followed by a co-efficient of 0.931 (no explanation was given as to how this co-efficient was derived). This amounted to a gross salary (pre-deductions) of S$1,299.62 for Yong for March 2009, which was rounded up to S$1300.

When questioned about the co-efficient, Vivien said it was computed by a team leader and based on the ‘skills, efficiency and attitude’ of each worker. According to Vivien, this co-efficient is not fixed – it varies from worker to worker and month to month. Yong and Shen claimed they were not aware of this co-efficient. However, if pressed for further elaborations on the formula for this co-efficient, Vivien’s answers ranged from ‘it is not me who calculates’ to ‘it is very complex’, often stating there are ‘hundreds and hundreds of workers’ on the worksite. Once, Vivien said the co-efficient was formulated by engineers and even she does not know the ‘hidden’ formula. If pushed into a corner, an aggravated Vivien would turn to

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1082 Ibid., 41.
1084 Ibid., 25.
Clause 3.2 of the employment contract (cited earlier), which dictates an hourly wage of either S$2.50 or S$3.50 per hour.

The argument put forth by Vivien essentially boiled down to this: Our company generally goes by the job value system based on the value of work done, as stated in Clause 3.1. It involves a complex calculation involving a co-efficient, the total value of work done, as well as hours. A gross minimum monthly salary of S$1,250 (before deductions) is guaranteed, but this already includes all entitlements such as overtime, annual leave and even medical leave wages. If the workers are now disagreeing with this system, we can revert to a time-based system, as stated in Clause 3.2. However, in this situation, the hourly rate is $2.50; it can be raised to $3.50 ‘for convenience’ so that this rate already includes overtime pay; there are to be no further entitlements for overtime pay.

Shen called Vivien’s arguments 歪理, which literally means ‘crooked reasoning’. In other words, something that is unreasonable is argued or presented in such a way as to make it appear logical. Shen said it was unreasonable to take the total number of hours worked by all workers to seek an average – surely each worker should be paid according to how many hours he worked individually? Yong questioned the co-efficient – how are intangible items like attitude measured, and by whom? While Vivien was now revealing the alleged value of work done (in totality), this sharing is taking place after the fact – the men insisted there was no disclosure of this information throughout the entire time they were employed by Hai Xing Construction.

During the Labour Court proceedings, the men maintained that their minimum salary each month should be S$1,250 and that the Employment Act awards them entitlements for overtime pay.\textsuperscript{1085} In fact, the EA also states that workers’ overtime hours should not exceed 72 hours a month;\textsuperscript{1086} Yong and Shen’s overtime hours

\textsuperscript{1085} Employment Act, Part IV, Section 38 (4).
\textsuperscript{1086} Employment Act, Part IV, Section 38 (5).
consistently exceeded this. In July 2008, Yong worked a total of 394.5 hours, including 162.5 overtime hours; in June 2008, Shen worked a total of 383 hours, including 159 overtime hours. On average, Yong worked 139 overtime hours each month; Shen, an average of 109 overtime hours each month.

If the men’s minimum basic wage was taken to be S$1,250, their hourly wage would be approximately S$6.56 (USD 4.80). However, this rate was considered ‘highly inflated’ by Vivien. At the same time, the hourly wage of S$2.50, as stated in Clause 3.2, was fiercely rejected by Yong and Shen, who said it was too low. Yong said they would never have agreed to work in Singapore at that rate.\(^\text{1087}\) The absence of minimum wage laws in Singapore meant there was no benchmark with which to determine what is a legal hourly wage in the event of contractual disputes. The men were therefore stuck between two contract clauses: Clause 3.1, which bound them to a vague salary system shaped by unilateral and arbitrary decisions made by their paymaster, or Clause 3.2, which although also convoluted, offered a tangible but disagreeably low rate of salary computation – S$2.50 per hour.

**Rest Day Pay: ‘No Fixed Rest Day, Workers Decide for Themselves’**

There was also much contention over work done on rest days. Were workers asked to work on rest days (Sundays) by Hai Xing Construction or was work on rest days done at the workers’ own request and accord? Singapore’s Employment Act stipulates that employees should be allowed one rest day a week without pay\(^\text{1088}\) – employees who work on rest days are not necessarily paid additional rates. Distinctions are made based on the number of hours worked and on whose request this work was done. For work done on rest days at a worker’s ‘own request’, the rate of pay is increased to 1.5 times only if the hours of work exceeds normal work hours. For workers ‘who at the request of his employer works on a rest day’, the rate

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\(^\text{1087}\) At S$2.50 per hour, even with entitlements for paid overtime and rest day pay at double rates, Yong would only earn a gross salary of S$1,269 for July 2008, a month where he worked 394.5 hours in total (approximately 14 hours each day). If rest day pay entitlements were not awarded, the gross amount would shrink even further to S$1,189 – this is before monthly deductions for rent and food.

\(^\text{1088}\) Employment Act, Part IV, Section 36 (1).
of pay is doubled only if the hours of work exceed half his/her normal hours of work.1089

Yong and Shen testified that their supervisors on various worksites instructed them to work on rest days and that workers were threatened with penalties if they took rest days.1090 The men pointed out Clause 2.2 of their employment contract, which states: ‘Absent from work without any reason and without the medical certificate shall be fine 50 Singapore Dollars everyday [sic].’ In total, Yong only rested for nine days out of the 357 days he worked for Hai Xing Construction. Shen similarly only rested for nine days out of the 322 days he worked for the company.

Vivien, however, refuted the workers’ claims for rest day pay entitlements at double the basic rate of pay. She insisted ‘there is no fixed rest day and the workers decide on when to work’.1091 Vivien also said the two men were not fined when they did not work on those nine days – this, she reasoned, was sufficient evidence there are no penalties and the men are lying about being forced to work on rest days. In the Labour Court hearing on 29 September 2009, Vivien called on two witnesses to support her claims – Bai and Weng were both site managers at Marina Bay Sands, and both Vivien and the workers cross-examined the witnesses.

Bai was the first witness to be questioned. When asked by Vivien whether he ‘had ever request [sic] the worker to work on Sundays by force’, Bai replied, ‘No.’1092 He also said no fines were imposed on workers who did not work on Sundays. When questioned by Yong, Bai testified that he did not inform workers which day of the month is their rest day.1093 The ACL also questioned Bai, who said he did not know the two claimants: ‘There are too many workers at the worksite. I cannot remember them.’1094 He also testified there is no fixed rest day and rest days are not arranged

1089 Employment Act, Part IV, Section 37.
1090 ACL, Notes of Evidence, 50-51.
1091 Ibid., 9.
1092 Ibid., 61.
1093 Ibid., 63.
1094 Ibid., 61.
for workers in the monthly work roster.\textsuperscript{1095} Bai said he oversees over 300 workers and it is ‘impossible’ for him to arrange the off days for his workers,\textsuperscript{1096} therefore ‘workers decide for themselves’ which are rest days.\textsuperscript{1097}

Weng similarly reiterated when questioned by Vivien that he did not request the men to work on Sundays ‘by force’ and no fines were imposed on workers who did not show up for work on Sundays.\textsuperscript{1098} Shen then questioned Weng, asking if he told workers when their rest days would be. Weng replied: ‘No. You decided on the rest day yourself.’ To which Shen responded: ‘If you did not tell me when was my rest day, how could I take my rest day?’ Weng responded thus: ‘The Integrated Resort project runs 24 hours and there are two shifts. It is a practice for the workers to decide on their rest day.’\textsuperscript{1099}

Yong and Shen considered getting their own witnesses, co-workers who could testify to being assigned work by their supervisors on rest days and to penalties at the worksite. However, it was unlikely current Hai Xing co-workers would agree to testify against their employer. Eventually, Yong and Shen met with two Hai Xing workers who had also filed salary claims at the Ministry of Manpower and were considering going to Labour Court. They agreed to be witnesses for Yong and Shen. However, the two potential witnesses decided to reach a settlement with the company – after seeing the delays Yong and Shen were enduring in Singapore – and returned to China before the next hearing.

\textit{Mandatory Safety Briefings: ‘There Is No Work Carried Out During This Period’}

Yong raised the issue of the half hour meetings workers were required to attend at the start of each working day but which were not included as work hours over the

\begin{quote}
\textsuperscript{1095} According to the \textit{Employment Act}, Section 36 (4), ‘where the rest day of an employee is determined by his employer, the employer shall prepare or cause to be prepared a roster before the commencement of the month in which the rest days fall informing the employee of the rest days appointed to be his rest days therein’. \\
\textsuperscript{1096} Author’s Labour Court Notes, September 29, 2009. \\
\textsuperscript{1097} ACL, \textit{Notes of Evidence}, 64. \\
\textsuperscript{1098} Ibid., 65. \\
\textsuperscript{1099} Ibid., 67.
\end{quote}
357 days he worked. Shen made a similar claim for the 322 days he worked.100 These meetings took place either at 7.30am-8am (for day shift work) or 7.30pm-8pm (for night shift work). In response, Vivien said these mandatory half hour safety meetings are a requirement of the Ministry of Manpower. As workers are paid according to the ‘value of work done and not by hours’, it should be not considered part of work payable. After all, she maintained, ‘there is no work carried out during this period’.101

The Verdict

In November 2009, the Assistant Commissioner of Labour delivered his verdict, which was made based on the following: a) the Employment Act, which superseded any terms in the contract less favourable; b) the evidence given; c) the employment contracts. In summary, the ACL awarded the two claimants, Yong and Shen, entitlements for overtime pay. However, he rejected the men’s calculations, which used S$1,250 as their minimum base salary. The amount awarded to Yong and Shen for overtime pay and work on public holidays was S$3,284 for Yong and S$2,478 for Shen. The ACL also awarded the two men their salary arrears (calculated according to Vivien’s contested payment records) and refunded deductions for repatriation costs (which are meant to be paid for by the employer). Yong was additionally awarded his team leader subsidy for two months, an attendance incentive for two months, and refunded S$35 for meals overcharged by Hai Xing. At the same time, the ACL did not allow for Yong’s claims for S$1,000 in alleged unauthorized deductions as he felt this was a ‘private arrangement agreed upfront between both parties’.102 The ACL also determined Yong owed Hai Xing Construction pay-in-lieu for terminating his employment without sufficient notice – this amounted to $105 for two days’ salary. In total, after deducting the salary-in-lieu payable to Hai Xing Construction, Yong was awarded a net sum of S$5,694.

100 Ibid., 81.
101 Ibid., 76.
102 Ibid., 88.
Shen was refunded for the unauthorized deduction of S$160 for medical insurance payments, but also charged to pay salary-in-lieu to Hai Xing Construction for termination of employment without sufficient notice. He was awarded a net sum of S$4,153. The ACL did award each man an extra half hour per day over their period of employment, recognizing that the mandatory safety briefings should be recognized as paid work.\textsuperscript{1103} The payments awarded by the ACL to both Yong and Shen reflect these hours. The ACL, however, did not award Yong and Shen additional payments for work done on rest days. He accepted the evidence provided by Vivien and the two supervisors that workers ‘worked on rest days on their own accord’.\textsuperscript{1104}

The ACL concluded that if there was no objection, Hai Xing Construction was to pay this amount directly to the two men. However, both the claimants and the respondent, Vivien, were unhappy with this verdict. An agitated Vivien uttered, ‘This cannot be imagined, as nowhere in the contract states overtime pay.’\textsuperscript{1105} The ACL emphasized this was his final decision. If any party was displeased with the verdict, the only avenue would be to file an appeal at the High Court with the assistance of a lawyer, within 14 days of the order.

Vivien wanted to know the basis of the overtime payments and the rate applied. The ACL responded by saying the rate varied per month and Vivien asked how the figures were derived. The ACL told Vivien she would have to make a formal written request for the court notes if she wished to know the grounds of decision and the calculations made. As the notes cost S$5.00 per page, she was warned this could lead to ‘a tidy sum’. Yong and Shen similarly did not understand the rates of pay the ACL undertook in his calculations, and expressed frustration that further explanations were not provided. The men were shocked to realize the Labour Court

\textsuperscript{1103} This is in accordance with the Employment Act, which defined hours of work as ‘the time during which an employee is at the disposal of the employer and is not free to dispose of his own time and movements exclusive of any intervals allowed for rest and meals’. See Employment Act, Section 2(1); ACL, \textit{Grounds of Decision}, 17.

\textsuperscript{1104} ACL, \textit{Notes of Evidence}, 89.

\textsuperscript{1105} Author’s Labour Court Notes, November 18, 2010.
notes explaining the grounds of decision would have to be purchased. ‘Five dollars a page?’ repeated Shen, shaking his head in disbelief, ‘How can this be?’

Hai Xing Construction did, in fact, contest the verdict. While they agreed to pay the men their salary arrears, the company refused to budge on overtime payments. In late November 2009, soon after the verdict, Yong and Shen were repatriated. They returned to China after six months of unemployment and attending Labour Court hearings, with an amount just marginally higher than what they rejected at their last MOM mediation session.

Eight Months Later: The High Court Appeal

In the end, a request was made to purchase the Labour Court notes, including the ACL’s grounds of decision. This cost almost S$2,000 in total and took several months. Through the assistance of a migrant worker NGO, a pro-bono lawyer was appointed to represent the claimants, Yong and Shen, and an appeal was filed at the High Court. The first hearing for the appeal against the ACL’s Labour Court decision took place on 6 July 2010, almost eight months later. Both parties were represented by lawyers. While Vivien attended the hearing, Yong and Shen were unable to as they were back in China; attempts to return to Singapore through a job placement were unsuccessful, as it appeared the men had been blacklisted.1180 I was able to attend this hearing, but not the second one, which was a closed-door session.

At the first hearing, the Judge initially rejected the ‘job value system’ upheld by the Respondent, Hai Xing Construction. The Judge determined this system was akin to

1180 Yong and Shen, back in China, told me in May 2010 that they had earlier tried to apply for construction jobs in Singapore. When their prospective employers tried to file for the requisite approval at the Ministry of Manpower, they were told the men were ‘blacklisted’. This occurred in two different instances with two different prospective employers – in the end, the prospective employers simply turned to hiring other workers. When a local NGO contacted MOM to clarify the situation, they took a month to respond. Their reply stated the men did not have an adverse record and prospective employers could submit a Work Permit application for their consideration. Another possibility is a method sometimes employed by disgruntled former employers whereby they submit an application for a Work Permit for the worker, despite having no intention to hire him/her. This results in any further Work Permit application for the same worker by a genuine prospective employer being rejected. See HOME and TWC2, Justice Delayed, Justice Denied, 18.
subcontracting but there was no disclosure of the value of work done and no mutual agreement between the employer and workers. At one point, the Judge was inclined to accept the workers’ proposal of calculating their wage and entitlements for overtime pay, rest day pay and public holidays using S$1,250 as their minimum basic salary, which would result in their hourly rate of pay being S$6.56. The lawyer for Hai Xing Construction objected vehemently, arguing that S$1,250, though stated as a minimum monthly salary in Clause 3.1 of the contract, only pertains to the job value system. This figure, according to the lawyer, is indicative of the salary attainable after other entitlements have already been considered, but it is not the basic salary. If the claimants were to insist on a time-based system, the lawyer continued, then there is only Clause 3.2, which states that their hourly wage would be S$2.50 per hour (the other mentioned rate of S$3.50 in the same clause was rejected because it intended to subsume entitlements for overtime pay).

In the end, the Judge accepted the arguments of the lawyer from Hai Xing Construction and ordered that calculations be redone at this new rate of S$2.50 per hour, with entitlements awarded according to the Employment Act for overtime pay and rest day pay. Calculations were to be done by both parties and compared at a second (closed-door) session, which took place on 16 July 2010. These new calculations resulted in a deficit. At the hourly rate of S$2.50, inclusive of payments for overtime and rest day pay, the men’s total gross salaries over the year they have worked amounted to S$13,838 for Yong (for 357 work days) and S$11,453 for Shen (for 322 days). The discrepancies were significant, as can be seen in Tables 8.1 and 8.2.
Table 8.1. Differences in salary payments for one year of work, Yong

<table>
<thead>
<tr>
<th>Rate of pay</th>
<th>Total amount (covering period of employment)</th>
<th>Monthly average</th>
</tr>
</thead>
<tbody>
<tr>
<td>@ $2.50 per hour</td>
<td>13,838*</td>
<td>1153</td>
</tr>
<tr>
<td>@ $6.56 per hour</td>
<td>36,307*</td>
<td>3025</td>
</tr>
</tbody>
</table>

Total gross salary Hai Xing Construction alleges to have already paid (via Hai Xing's 'job value system')

| Total net salary Hai Xing records as having actually paid the men (after deductions) | 15,273 | 1273 |
| Total salary payable (including overtime + public holiday pay + half-hour safety meetings), as awarded by the ACL | 18,081 | 1507 |

* Including overtime and rest day pay

Table 8.2. Differences in salary payments for one year of work, Shen

<table>
<thead>
<tr>
<th>Rate of pay</th>
<th>Total amount (covering period of employment)</th>
<th>Monthly average</th>
</tr>
</thead>
<tbody>
<tr>
<td>@ $2.50 per hour</td>
<td>11,453*</td>
<td>1041</td>
</tr>
<tr>
<td>@ $6.56 per hour</td>
<td>30,051*</td>
<td>2732</td>
</tr>
</tbody>
</table>

Total gross salary Hai Xing Construction alleges to have already paid (via Hai Xing's 'job value system')

| Total net salary Hai Xing records as having actually paid the men (after deductions) | 13,390 | 1217 |
| Total salary payable (including OT + public holiday pay + half-hour safety meetings), as awarded by the ACL | 15,487 | 1408 |

* Including overtime and rest day pay
At an hourly rate of S$2.50 per hour, Yong and Shen were deemed by the Judge to have been overpaid by Hai Xing Construction – that is, according to the company’s payment records. Based on Vivien’s records, it is claimed that Hai Xing Construction had paid Yong and Shen total gross salaries of S$15,273 and S$13,390 respectively (the fact that salary payments were withheld and arrears were owed was not acknowledged). In terms of total net salaries received, however, Hai Xing Construction’s own records show that total income awarded to Yong and Shen were only S$12,052 and S$10,833 respectively. This distinction between gross and net salaries is contentious and confusing. While Vivien made constant claims during Labour Court proceedings that the minimum monthly salary of S$1,250 was fulfilled, this was not the case in terms of net total income (that is, actual cash received by the men). This difference is due to deductions made by the company from the gross salaries, some of which were contested by the men.

The Judge contradicted two other decisions made by the Assistant Commissioner for Labour. The Judge viewed that both Yong and Shen should not pay Hai Xing Construction salary-in-lieu of notice. At the same time, the Judge also viewed the ACL was mistaken in adding the additional half-hour to the daily working hours already recorded in the workers’ timecards. Hai Xing’s lawyer had argued the ACL did not realize the recorded hours were already ‘inflated’, such that adding an additional half-hour a day resulted in ‘further inflating’ of the men’s work hours.107 Yong and Shen were not present to contest this claim that their recorded work hours were inflated; in their absence, their lawyer was unable to provide any evidence to the contrary. In the end, the Judge deemed that in light of his ruling, with some gains and losses on both sides, both parties would bear their own costs and no additional payments were required to be paid by either party.

Discussion

In May 2010, HOME and TWC2 released a joint report, Justice Delayed, Justice Denied, which identified the key problems workers face when seeking recourse via Labour

Court: a) difficulties in establishing evidence; b) unfamiliarity with Labour Court settings and procedures; c) difficulties in enforcing Labour Court orders. At the report’s launch, Yu, a PRC construction worker, shared his experiences:

When I first went to the Ministry of Manpower, I had hope, because it is a government body, but then they told me they cannot do anything if the employer doesn’t pay up. I was confused and disappointed – I don’t understand . . . If I had known this, I would not have gone through the [labour court] process . . . I had to wait almost six months, and during that time, I could not work and had to rely on charity for food and shelter. It is my employer who had committed an offence, so why am I being punished?

Yu said that before he came to Singapore, he and his fellow co-workers discussed their choices before heading overseas. At the time, he had advised others to choose Singapore because it is a ‘good country, it is law-abiding’. Singapore had, it appears, gained a reputation in China for being an advanced and efficient country with strict adherence to the law. His personal experience, however, contradicted this expectation – Yu worked for his employer in Singapore for about six months and was not paid his salary. He then spent the following six months trying to claim his unpaid wages. When mediations at the Ministry of Manpower failed to achieve this, Yu decided to bring his employer to Labour Court. At the end of the hearing, Yu was awarded approximately S$6,000. However, his employer failed to pay up, leading a distressed Yu to return to the MOM, only to be told there was little they could do; they also mentioned that his employer’s company could be closed due to bankruptcy. Yu rejected this explanation and insisted that his company was still operating.

While quasi-judicial dispute resolution processes such as Labour Court allow workers an opportunity to seek redress, additional factors need to be considered in assessing its success. While the low S$3 fee makes registration affordable, low-paid migrant workers face other opportunity costs (and losses) in the event of a salary

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1108 HOME and TWC2, Justice Delayed, Justice Denied, 9-10.
1109 Author’s notes from HOME and TWC2’s launch of report, Justice Delayed, Justice Denied, May 31, 2010.
dispute. As highlighted in Chapter 6, their high level of dependency on employers places them in a particularly wretched situation when employment relations sour, with basic needs, such as the provision of food and accommodation, jeopardized.

Yong and Shen did not expect to spend five months attending Labour Court hearings. After each session, and upon the allocation of another hearing, the men had to update their Special Passes, which barred them from working. The men were reliant on local welfare organizations for shelter and food. There was also the problem of finding ways to occupy their time as they waited in between hearings. As another Chinese construction worker, Mao, also on a Special Pass, once commented: ‘When you’re employed, you’re exhausted to death because you have no rest; when you’re unemployed, you’re frustrated to death because you have too much rest.’ Yong and Shen often slept irregular hours and were eager to find ways to take their mind off the case. Pressure from families back home made this stretch of waiting time worse. While Yong had informed his family what had happened, Shen found it too difficult to explain, and for many months his wife still believed he was working. According to Yong, the inability to send money home during those months was especially hard for Shen. The longer the case dragged on, the higher the stakes and the levels of anxiety experienced.

**Language Barriers and Legal Representation**

While prohibiting legal representation in Labour Court for both parties is meant to level the playing field, this measure alone does not address the grave imbalances of power between low-paid migrant workers and their employers. Moreover, in the event that Labour Court decisions are contested, workers must then file an appeal at the High Court, where legal representation is required. While lawyers are barred from representing employers during Labour Court hearings, there is nothing to prevent employers, who have greater financial resources and, often, professional networks, from consulting lawyers and hiring them to write submissions. At the same time, a migrant workers’ inability to seek representation means they are often disadvantaged by their unfamiliarity with court procedures and protocol as well as
Singapore’s legal framework. This was evident during the hearings as Yong and Shen were initially ill-prepared for cross-examinations (under oath); neither were they familiar with the full range of provisions under the Employment Act (and its limitations). Court proceedings are also conducted in English, with a court interpreter present.

During Yong and Shen’s court hearings, they were only able to gain a partial understanding of what was happening. Precise translations were not provided. If a conversation was being carried out between Vivien and the ACL, who conversed in English, the men would only get a brief summary. There were also occasions where certain items were misinterpreted or not interpreted fully. For example, during Shen’s first cross-examination by the ACL, he was asked for his attendance records. Shen brought out four work record cards, explaining in Mandarin that the rest were withheld by the company. However, the interpreter only repeated to the ACL that Shen had four months’ worth of timecards without explaining the important reason for this incomplete documentation. Shortly after, when Shen was asked to state his claims, there was a misinterpretation. Shen stated that he wanted to claim rest day pay. The Assistant Commissioner for Labour wanted to know for which time period. Shen again explained that he only had attendance records for four months as the rest were withheld by the company. The interpreter proceeded to tell the ACL that Shen only intended to make rest day claims for those four months (June–September 2008), when in fact Shen intended to make rest day pay claims for the entire duration of his employment; he was merely explaining to the ACL that his work record cards were incomplete. As the exchanges between the Assistant Commissioner for Labour and the interpreter were in English, Shen had no idea what was being interpreted and could not make further clarifications or corrections immediately (even though I was present, attendees were not allowed to speak during Labour Court).

There was also a discernible impatience and weariness displayed by the interpreter towards the claimants. Shen once asked the interpreter to explain what the ACL and
Vivien were discussing and was silenced with a terse ‘Later!’ Occasional, when the men wanted to make additional clarifications, the interpreter would brush them off instead of interpreting their concerns to the ACL. For example, during the second hearing, Vivien brought out Shen’s contract and cited terms in it to support her claims. Shen immediately raised the fact that he did not have a copy of this contract, but this was not translated. Shen continued to ask the interpreter to mention this to the ACL, to which he got the impatient response, ‘Yes, yes, you’ve said that many times. Later!’ It was, in fact, much later, at the close of the hearing and after multiple prods, when Shen’s request for a copy of his contract was finally put forward to the ACL. Vivien immediately snapped back, ‘Ask him to ask from his agent in China, I only have one copy.’ The ACL said Vivien could make a photocopy and bring it along ‘next time’. Shen insisted he wanted a copy that day so he could examine it before the next hearing. But, again, this request was not interpreted. Instead, the interpreter himself replied to Shen, saying, ‘You can ask for a copy next time.’

Key documents in Mandarin also had to be translated into English. These included the employment contracts, which had to be translated by a court-accredited translator. This not only delayed Labour Court hearings, it was also costly (though the cost, in this instance, was born by Hai Xing Construction). When Yong and Shen wanted to make personal submissions, however, they wrote their claims/counter-claims in Mandarin; these claims then had to be translated into English (this was done by NGO volunteers). The English version would then be submitted to the ACL. When the ACL questioned the men in court, he would refer to the English version, which occasionally caused some confusion, as the men would be holding on to their own written claims in Mandarin and were unable to verify anything written in English on their own. This led Vivien to question the veracity of the claims submitted in court. By all accounts, the lack of dominant language literacy as well as legal literacy was disadvantageous to the men.

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1110 I was seated in the bench just behind the claimants, Yong and Shen, so was able to listen to their conversations with the interpreter.
The Uneven Burden of Proof

The Assistant Commissioner for Labour said his final decision was made based on the Employment Act, employment contracts and other evidence provided. However, obtaining the documentary evidence required to substantiate claims – for example, contracts, attendance records and salary slips – is often challenging for migrant workers.\(^{111}\) In the case of Yong and Shen, their attendance records were incomplete as the company withheld them. When Vivien stated these records were destroyed after three months, there was a show of surprise and advice from the ACL that records should be kept for at least a year. Beyond that, no punitive measures appeared to have been meted out to Hai Xing Construction for this practice, despite Employment Act provisions stating the requirement of maintaining ‘intelligible’ payment records.\(^{112}\)

Yong and Shen did not even have copies of their contracts, which were signed in China. They only received a copy during the Labour Court hearings. The men were unable to provide pay slips, because they were not provided with any. Yet Vivien’s payment records, which were undated and provided only upon the ACL’s request, were accepted by both the ACL and the High Court judge as the basis for calculating salary arrears and other entitlements, despite certain terms being contested by the men.

It is also extremely difficult for migrant workers to find co-workers willing to corroborate their claims and testify as witnesses; co-workers are often concerned about their own livelihoods and the possibility of being blacklisted should the employer retaliate. Conversely, employers like Hai Xing may easily pressure other employees to testify against the claimants. With regards to the contention over rest day pay, Yong and Shen were penalized for not being able to provide evidence to support their claims that they worked at the request of the employer and that this

\(^{111}\) HOME and TWC2, Justice Delayed, Justice Denied, 9.

\(^{112}\) The Employment Act states that employers are required to maintain payment records for their employees that are ‘readily accessible to the workmen there employed’. These records should display, in ‘intelligible’ form, items like basic rates of pay, allowances, as well as overtime payments and any deductions made. See Employment Act, Part XII, Section 96.
was company-wide practice. While Vivien said the men were not fined for the nine
days they did not work, Yong and Shen pointed out that the threat of a S$50 fine
was an effective deterrent to workers taking regular rest days. The men risked the
possibility of a S$50 fine on those nine days out of an entire year they didn’t work
because they were physically exhausted. They also pointed out that as their wages
were withheld for three months and wage amounts fluctuated, they could not
actually verify during their employment period if deductions were or were not
made for rest days taken.

Contracts and Coercion

While the employment contract was upheld as a key piece of evidence, there was
little recognition of the coercion involved in getting the men to sign a document
littered with terms that were ambiguous, illegal and/or unreasonable. Contract
terms that violated local laws – under the Employment Act (EA), the Employment
of Foreign Manpower Act (EFMA), the Work Injury Compensation Act (WICA) and
the Passports Act (PA) – included:

• The denial of overtime pay, annual leave, medical leave and additional
  payments for work done on public holidays (in violation of the EA);\footnote{See
  contract clauses 2.2, 3.1 and 3.2 in Appendix B; Employment Act, Part III, Sections
  38, 43, 88, 89.}
• The withholding of workers’ work permits and passports (in violation of
  the EFMA and the PA),\footnote{See contract clause 2.13 in Appendix B; Employment of
  Foreign Manpower Act, Fourth Schedule, Part III, Section 7; Passports Act (Chapter
  220), Revised Edition 2008, Division 2, Section 47, Subsection (5a–b), http://tinyurl.com/lqvzkvh
  (accessed November 4, 2013).} including a S$500 fine for workers who
  ‘borrow’ their passports from the employer and fail to ‘return’ them;
• The withholding of salaries for three months; determining the employer
  has the ‘right’ to choose to pay a worker in his home country after he has
  been repatriated (in violation of the EA and EFMA);\footnote{See contract clause 3.4 in
  Appendix B; Employment Act, Part III, Section 20; Employment of Foreign
  Manpower Act, Fourth Schedule, Part III, Sections 3, 14.}
• Reserving the unilateral right to make either upward or downward
  adjustments to the payment system (in violation of the EFMA);\footnote{See
  contract clause 3.7 in Appendix B. The EFMA actually states that employers should not
  reduce a foreign employee’s basic monthly salary to an amount less than that declared in the work pass
  applications unless they have a foreign employee’s written agreement. A subsequent subsection states
  that before implementing such a reduction, the employer shall inform the Controller in writing. See
  Employment of Foreign Manpower Act, Fourth Schedule, Part IV, Section 6A (1–2).}
• Paying workers a ‘subsidized’ rate of S$6–S$8 a day – instead of their promised salaries – in the event work is not available, due to a lack of work projects or work stoppages (in violation of the EFMA);1117
• Charging workers RMB4,000 (S$815) for air tickets to and from China;1118
• Deducting RMB9,000 (S$1,834) from workers’ salaries as a ‘form of compensation’ for Hai Xing’s ‘various expenditure, service and management expenses [sic]’ (in violation of the EFMA);1119
• Denying the payment of outpatient treatment for workers who have suffered an industrial injury (in violation of the EFMA and WICA);1120
• Terminating the employment of an injured worker after 45 days of medical leave and refusing to bear the costs of the workers’ upkeep if he remains in Singapore to wait for his work injury compensation (in violation of the EFMA);1121
• Refusal to pay workers’ salaries while they are on medical leave (in violation of WICA);1122
• Deducting money from workers’ salaries for mandatory medical insurance (in violation of the EFMA).1123

Contract clauses that may or may not be deemed illegal but are nonetheless viewed as unreasonable and/or exploitative include:

• Workers must not refuse taking on work that is different from their own specialization – refusal to abide by such arrangements may result in punishment;1124

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1117 See contract clause 3.9 in Appendix B; Employment of Foreign Manpower Act, Fourth Schedule, Part IV, Section 6A (1–2).
1118 See contract clause 4.3 in Appendix B; Employment of Foreign Manpower Act, Fourth Schedule, Part III, Section 14.
1121 See contract clause 6.4 in Appendix B; Employment of Foreign Manpower Act, Fourth Schedule, Part III, Section 16.
1122 See contract clauses 6.5 and 6.10 in Appendix B; MOM, ‘What Can Be Claimed Under WICA’.
1123 See contract clause 6.12 in Appendix B; Employment of Foreign Manpower Act, Fourth Schedule, Part IV, Section 4.
1124 See contract clause 2.5 in Appendix B.
- Workers are to accede to arbitrary changes in work location and working times as decided by the employer and are not allowed to seek additional compensation;\(^{1125}\)
- Workers’ safety qualification certificates and skills certificates are to be withheld by the employer during the period of employment;\(^{1126}\)
- In the case of a worker’s death, family members shall not request to come to Singapore to handle funeral matters; the employer will not bear any costs in relation to such requests.\(^{1127}\)
- Threatening workers with contestable salary deductions that do not appear to be authorized,\(^{1128}\) with the ‘breach of contract fees’, tolerated by MOM officers during mediations:
  - Workers who raise their voice to scold management staff or crack indecent jokes may be fined S$100;\(^{1129}\)
  - Workers who make complaints to government departments in Singapore may be fined between S$100–S$300 for the administrative and transport fees required to sort out the problem;\(^{1130}\)
  - Workers are not allowed to change employers, be passive at work, participate in a strike or petition, or even a silent protest; workers who do so may face financial penalties in the form of salary deductions;\(^{1131}\)
  - Workers who do not fulfil their two-year contract for whatever reason shall compensate the employer by paying S$200 a month for each remaining month not fulfilled (‘breach of contract’ fees). All other expenses already paid for by the worker will be forfeited.\(^{1132}\)

From the court’s perspective, the men had signed these contracts, and were therefore bound to such terms. The only exceptions were if specific terms violated the Employment Act, in which case such conditions should be considered null and void ‘to the extent that it is so less favourable’.\(^{1133}\) A narrowly legalistic approach would mean that any complaints related to exploitative clauses would not result in

\(^{1125}\) See contract clause 2.7 in Appendix B.
\(^{1126}\) See contract clauses 2.13 and 4.2 in Appendix B. Presumably, this is to prevent workers from seeking other job opportunities while in Singapore. While there is no specific law prohibiting this, in a TWC2 article, a law professor at a local university suggested that general criminal law could apply in such instances. See TWC2, ‘Fact Sheet: Retention of Passports and Important Personal Documents’, October 1, 2011, http://tinyurl.com/t4nlrmd (accessed November 4, 2013).
\(^{1127}\) See contract clause 6.9 in Appendix B.
\(^{1128}\) See Employment Act, Part III, Section 27, for a list of authorized deductions.
\(^{1129}\) See contract clause 2.10 in Appendix B.
\(^{1130}\) See contract clauses 2.11 and 6.2 in Appendix B.
\(^{1131}\) See contract clause 5.1 in Appendix B.
\(^{1132}\) See contract clause 7.2 in Appendix B.
\(^{1133}\) Employment Act, Part II, Section 8.
punitive measures against the company as they are not technically illegal. With regards to ambiguous clauses, Clauses 3.1 and 3.2 stipulated two different types of salary payment systems and also included illegal elements, even within the same clause. Yet, ultimately, the court judgments were not interpreted in favour of the workers, who believed the ambiguity, coupled with Vivien’s inability to satisfactorily clarify them, should have led to an acknowledgment of a minimum guaranteed salary of S$1,250 and supplementary payments under local labour laws. In such an instance, one could ask why the *contra proferentem* rule was not practiced, whereby ambiguity in a contract is ‘interpreted against the interests of the person who insisted the clause be included’1134. In this case, Hai Xing Construction. Such a ruling would incentivize the drawing up and use of contracts with clearer and more straightforward terms. The juxtaposition of Clauses 3.1 and 3.2, which accorded unilateral powers to the employer to decide which payment system to use and how to interpret subjective terms such as ‘working attitude’, ‘quality of project’ and ‘value of work done’ is tantamount to wage manipulation. It took some time for the NGO volunteers assisting Yong and Shen on their case, myself included, to fully understand the complexities of their salary claims because documentation was scant and the company’s wage payment system inconsistent and non-transparent. The challenges Yong and Shen faced in both disproving their employer’s claims and strengthening their own was intimately linked to the ways in which the company withheld as well as manipulated information to serve its own interests.

*Kentwood and the Fair Work Ombudsman – A Comparative Case*

The exploitation of low-paid migrant workers is by no means a Singapore-specific problem. However, opportunities for redress are critically influenced by the socio-political context in which violations – and attempts at remedial justice – take place. A comparative case study from Australia, a high-income industrialized country Singapore is keen to extrapolate ‘best practices’ from (in terms of its construction

industry, is instructive. In May 2011, the Fair Work Ombudsman (FWO) in Australia filed a case in the Federal Court of Australia against a construction company called Kentwood Industries. The company, as well as its managing director and part owner, were charged for exploiting its Chinese migrant construction workers, with violations strikingly similar to those of Hai Xing Construction: withheld and irregular salary payments; long working hours (up to 11 hours a day); six or seven day work weeks with no rostered days off; no penalty rates (that is, higher payments for working on public holidays or weekends); no annual leave entitlements. The workers were also paid below Australia’s minimum wage and underpaid for overtime work. The FWO’s intervention resulted in the company being ordered to pay a large fine (AUD $123,000/S$144,743) as well as to back-pay the workers a total of AUD$242,000 (S$282,803), plus interest of AUD$65,000 (S$76,490). The director of the company, Zhang, was also fined AUD$24,600 (S$28,951).

In the Kentwood case, the Federal Court’s verdict, and the show of solidarity by a range of stakeholder groups including the construction workers’ union stand in stark contrast not only to the outcomes experienced by Hai Xing workers, but to the institutional support (or lack thereof) demonstrated towards exploited workers. The presiding judge, Mckerracher, noted that as temporary migrant workers, the men were ‘particularly vulnerable’ and ‘highly reliant’ on Kentwood and Zhang. Their lack of fluency in English was also recognized, as this impacted their limited knowledge of ‘how to exercise their rights under relevant industrial instruments and standards’. In assessing the ‘nature and extent of loss or damage’, the judge found that by virtue of their vulnerable status, the men had ‘limited capacity’ to mitigate the impacts of the labour violations and would have experienced ‘significant/substantial financial hardship’. The ‘lack of cooperation’ displayed by

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1135 In 2010, the Chief Executive Officer of the Building and Construction Authority, John Keung, visited Australia to study how some of the construction industry’s ‘best practices’ could be adopted in Singapore. See Lee Jia Xin, ‘Learning Points for Builders’, Straits Times, July 2, 2010.


Kentwood and Zhang with authorities was also noted. McKerracher viewed that ‘general deterrence is particularly important’ and his judgment stated:

> Failure by employers to comply with Commonwealth workplace laws in relation to migrant workers can result not only in exploitation of vulnerable workers, but can also give the non-compliant employer an unfair advantage against competing Australian businesses and workers operating lawfully. By imposing a penalty in an appropriate range, the Court can attempt to counteract, or at least reduce, those dangers.

Meanwhile, in a media interview, Craig Bildstein, the Fair Work Ombudsman’s director, said, ‘This type of shoddy behaviour by unscrupulous bosses is completely unacceptable to decent Australians and deserves complete condemnation’. The Department of Immigration and Citizenship also suspended the company from hiring any more temporary migrant workers. The CFMEU’s (Construction, Forestry, Mining and Energy Union) acting state secretary Mick Buchan, while questioning the need for such temporary visas when local labour is available, nonetheless acknowledged the union was taking steps to address such exploitation; the union has hired an organizer fluent in Mandarin and Korean to assist workers who are ‘just absolutely being ripped off’.

The case of Hai Xing Construction and its aggrieved workers, meanwhile, is symptomatic of a depoliticized labour relations framework that insists on tackling problems which arise under the veneer of equality among parties. Issues of workers’ weak bargaining position, lack of language facility and legal knowledge as well as dependence on employers were completely disregarded. Their precarity was of no consideration in making judgments, despite compelling evidence, including in contractual terms, of oppressive managerial control and illegal company practices.

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1139 Ibid., 12.
1140 Ibid.
1142 Ibid.
Singapore’s legal framework for labour rights, provided by the Employment Act and the Employment of Foreign Manpower Act, do not include statutory requirements regarding a minimum wage, and allow for employer discretion in deciding terms like rates of rest day pay. Employer malpractices such as the disposing of critical evidence (in this case, workers’ timecards) and failing to provide timely and itemized pay slips, as well as roster workers’ rest days, did not attract punishment or influence the outcome of the case. Meanwhile, the MOM officials encountered in Chapter 7 expressed concern over the economy doing poorly, and of ensuring employers stay afloat. During an interview with a local construction and building workers’ union representative, I recounted some of the problems faced by Hai Xing Construction’s workers. The union representative responded with a curious remark about how migrant workers these days are ‘very smart’.1143 This was a comment I was to hear a number of times from a range of persons, from bureaucrats to recruitment agents – the insinuation appearing to be that migrant workers, notably, those that seek redress through publicizing their grievances, are cunning and manipulative.

Meanwhile, mainstream media coverage and representation remained problematic. In two local newspaper articles about Hai Xing workers from Yong and Shen’s group of 25, the story angle focused on the phenomena of ‘job-hopping’ migrant workers, rather than that of the workers’ labour dispute itself.1144 One article, which did not mention that their contractual terms violated local labour laws, or any of the workers’ complaints which led to the work stoppage, stated: ‘Some construction workers from China are causing a bit of a stir on construction sites in Singapore by job-hopping and leaving others to clean up the mess.’ It also included a press statement from the Ministry of Manpower cautioning workers against breaching contractual obligations, only to turn up at the MOM ‘in a bid to overturn those obligations, claim extra monies from their employer and job-hop to another

1143 Author’s interview with a union representative from the local construction and building workers’ union, January 12, 2009.
employer in Singapore’. This glib framing of Hai Xing workers as capricious job-hoppers completely negates the oppressive circumstances that led them to stop work; it also absolves Hai Xing of their contractual obligation to ensure contract terms are fair and abide by employment laws. This representation is also misleading, for Singapore’s work pass system curtails job mobility for low-paid migrant workers, making the prospect onerous and expensive.

As argued in Chapter 3, the law alone has ‘limited, contextual potential’ in correcting expansive and grave social problems rooted in political dysfunction, particularly under authoritarian regimes. A range of mutually reinforcing factors crucially affect justice outcomes, including ‘the context of interaction between activists and legal processes’. Cummings has pointed to the risks involved in litigation campaigns. Legal outcomes can be dependent as much on ‘legal maneuvering’ as it does on ‘judicial ideology’. Powerful companies are also adept in adjusting to regulatory environments and often have the financial resources and influence to severely undermine advocacy campaigns and, ultimately, escape legal liability – or, at the very least, diminish their impacts considerably.

States also play a critical role in either facilitating or inhibiting industry reform towards the betterment of employment conditions, particularly for industries embedded within a competitive and complex global economic system. The social and political environments further determine variables such as strong civic support and extensive media coverage for a cause, as well as individual and coordinated political support for campaigns at a higher level. While legal protection and enforcement remain important, legislative measures must maintain their relevance and account for the asymmetrical power relations between employers and employees. Strategic litigation can be a powerful advocacy tool, but it should be

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1145 Sim, ‘25 China Construction Workers’.
1147 Ibid., 274.
1148 Cummings, ‘Hemmed In’, 73.
1149 Ibid.
utilized as part of a multi-faceted approach towards political reform. As Piper suggests, there is a need to move beyond legalistic dimensions in human rights studies to a consideration of ‘rights as a political process, of rights as a work in progress, forged and refined through social struggles’.1150

Ultimately, while the Kentwood incident lends a striking contrast to the case of Hai Xing Construction, it also highlights the inadequacies of current legal frameworks in dealing with transnational social injustice. While the judgment ruled firmly in favour of the migrant workers, it is highly unlikely the substantial penalties and the workers’ back-pay would be recovered1151 – Zhang, the Managing Director and part-owner of Kentwood, being a Chinese national, had returned to China. Nicholas Wilson, the Fair Work Ombudsman, acknowledged this: ‘The blunt reality with this matter is that the penalties . . . and the underpayments won’t be recovered, which is the sadder thing.’1152 Nonetheless, the FWO determined it was important to pursue the case ‘to ensure that the issue of compliance is front and centre’, so that business operators are clear such practices could result in ‘catastrophic effects for their company’.1153 While Zhang escaped liability by returning to China, this charge would prohibit him from repeating similar offences in Australia, whether through Kentwood or some other business entity. Unfortunately, there are no such prohibitions on Zhang in terms of continuing such practices in another country – one with less punitive laws and enforcement zeal for exploitative employers.

**Conclusion**

While this chapter has focused on Yong and Shen’s particular case, their situation is by no means exceptional. What made it noteworthy was that Yong and Shen were the first two Hai Xing Construction workers to have persisted through Labour Court, then subsequently to High Court. Yet the nature of their salary disputes, working conditions and problems in accessing remedial justice are relatively

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1150 Piper, ““Migration-Development Nexus””, 289.
1151 ‘Fair Work Ombudsman v Kentwood Industries’.
1152 Ibid.
1153 Ibid.
common among construction workers in Singapore who have come forward to seek assistance from migrant worker organizations. In HOME’s 2011 report on Chinese construction workers, many of the employment contracts described mirror that of Hai Xing Construction’s: they were ambiguous, skewed towards employers’ interests, and disregarded labour laws.\textsuperscript{1154} These contracts also tended to be signed hurriedly, often at the airport in China before boarding the plane for Singapore. Yet these contracts commonly included a clause stating that the worker was ‘under no pressure’ to sign the contract, that he ‘has read and pondered over the document many times’ and is signing it ‘totally aware it is of his own volition’. Their employers are generally subcontractors and predominantly China-owned companies operating in Singapore. China Labour Bulletin, an NGO based in Hong Kong, also released a report in early 2011, \textit{Hired on Sufferance: China’s Migrant Workers in Singapore}. The report corroborates HOME’s in its detailing of the problems faced by Chinese migrant workers in Singapore.\textsuperscript{1155} In September and October 2013, similar employment contracts were still surfacing.\textsuperscript{1156} One contract, from a Chinese construction company, included the following illegal terms: workers are to work fully for a whole year without rest; workers who do not submit to ‘total obedience to supervisors’ face wage deductions of up to S$500; workers must pay for the renewal of their work permits; S$120 is deducted from workers’ salaries for insurance premiums; workers who do not give six months advance notice before resigning must pay the company S$6,000; workers are not entitled to medical leave wages; workers who are repatriated due to illness must bear their own repatriation costs.\textsuperscript{1157}

\textsuperscript{1154} HOME obtained and analysed 36 such contracts. See HOME, \textit{Migrant Chinese Construction Workers}, 19.

\textsuperscript{1155} Chan, \textit{Hired on Sufferance}.


\textsuperscript{1157} These contract terms were listed (in English) in Jolovan Wham’s Facebook update posted on September 24, 2013, http://tinyurl.com/lrghe6v (accessed November 5, 2013).
As Chapters 6, 7 and 8 have documented, migrant workers’ precarity in Singapore is sustained by the complex collaboration of a range of mediating agents, with differing levels of complicity and acknowledgement. Some are willful acts (like deliberately cheating workers), others are rationalized as normal duties within a prescribed job scope (repatriating workers) or the ‘logical result’ of cost pressures (illegal cost recovery). As the varied ways in which migrant workers are exploited in Singapore operate through the processes of everyday life – and via a wide range of (ordinary) stakeholders – this has the effect of normalizing their oppression. In order to conceptualize a relevant framework for obligations of justice with regards to low-paid migrant workers, the following chapter explores a more expansive and holistic ‘social connection’ model.
PART IV

DISCUSSION & CONCLUSION
Chapter 9
Labour (In)Justice and Political Responsibility: A Social Connection Model

‘You don’t understand this industry.’ By ‘this’, Vivien meant the construction industry. At the last Labour Court session – after the verdict was delivered – Vivien approached me, suggesting we have a talk. Hai Xing Construction’s ‘lady boss’ was earnest in explaining how difficult it was to operate her business as a subcontractor.1158 There were policy constraints (such as construction-specific quotas),1159 industry pressures (like large fines for work not completed within a certain timeframe)1160 and the sheer stress of managing a large and ‘unruly’ workforce. The incidents and absurdities she had to deal with from workers on a daily basis, she insisted, were ‘simply unimaginable’ [不可想象].1161 According to her, Singapore’s competitive economy meant business had to be conducted a certain way: ‘If I paid my workers on time every month, I would go out of business.’ Vivien alleged that was precisely what happened to a company she knew – they paid their workers on time, and eventually closed down. There is a need to be flexible, she argued, one could not ‘completely follow’ the Employment Act.

This chapter explores contested notions of responsibility in relation to labour injustice. Invariably, when exploitative practices are exposed, questions are raised

1158 In the construction industry, a subcontractor is ‘a construction firm that contracts with a general contractor to perform some aspect of the general contractor’s work’. In most construction projects, subcontractors play ‘a vital role’ in performing specific tasks. See David Arditi and Ronan Chotibhongs, ‘Issues in Subcontracting Practice’, Journal of Construction Engineering and Management 131, no.8 (August 2005): 866.

1159 Construction companies in Singapore are subject to Man-Year Entitlements, which reflect the total quota of migrant construction workers allocated to a main contractor for a specific construction project. Main contractors are allocated a certain number of ‘man-years’ to complete a project and this affects the number of migrant workers it is entitled to hire. See Ministry of Manpower, ‘Work Permit – Before You Apply – What are Man-Year Entitlements (MYE)?’, http://tinyurl.com/mdcx234 (accessed September 28, 2012).

1160 Vivien mentioned ‘liquidated damages’, which refers to the compensation parties like her company are liable to pay to main contractors if work is delayed; the sum is indicated in the contract signed by both parties.

1161 Vivien recounted, for example, how one migrant worker had dashed across a busy expressway on foot and was subsequently involved in a road accident.
over issues of responsibility: Who is responsible? What needs to be done to remedy
the situation, and how? Expectations vary over who should be held responsible and
why, and how restitution should occur (if at all). Generally, a ‘liability model’ of
assigning blame for injustices is our dominant model, and this is dependent on
marking out a specific perpetrator; establishing legal responsibility is often required
for the purpose of seeking redress and compensation. This concept of
responsibility presents significant limitations when it comes to transnational social
injustice, in which a range of mediating agents contribute – directly and indirectly –
to sustaining complex, cross-border labour regimes.

The chapter begins by discussing key challenges to establishing responsibility –
under a liability model – and achieving labour justice. The first is the aggressive and
co-ordinated push by industry and influential multilateral organizations towards
corporate self-regulation when it comes to addressing corporate malpractices,
including labour rights violations. Correspondingly, a booming corporate social
responsibility (CSR) industry has emerged, in which voluntary-based CSR strategies
are the preferred means of establishing systems of corporate accountability. These
market-driven approaches frequently frame corporate social responsibility as a
strategic business advantage rather than a political activity involving controversial
efforts to make companies – and states – accountable for their actions/inaction. A
critical examination of CSR discourse in Singapore demonstrates how it has been
effectively depoliticized, such that labour rights is no longer a contentious issue and
the more radical elements of rights activism displaced and morphed into service-
oriented forms. The commoditization of corporate codes of conduct, along with the
primacy of consumer-driven activist strategies, marginalizes social groups and
issues incompatible with this neo-utilitarian framework of moral considerability.

Assessment of the Global Compact’, Globalizations 4, no.4 (December 2007): 500-513; Christina Garsten
and Kerstin Jacobsen, ‘Transparency and Legibility in International Institutions: The UN Global
1164 Michael E. Blowfield and Catherine S. Dolan, ‘Stewards of Virtue? The Ethical Dilemma of CSR
There is also the problem of establishing responsibilities when it comes to convoluted labour supply chains, particularly in relation to transnational arrangements such as low-paid labour migration. There is a central contradiction between state-centric responses to the transnational logic of low-paid labour migration, and the complicity and cooperation of a range of migration intermediaries, across borders, in sustaining such labour migration regimes. The density of subcontracting relationships embedded in our structural dependence on low-paid migrant labour contrasts with the shallow and fragmented approaches to manifestations of consolidated power.

The final section argues for a move away from notions of responsibility that are narrowly legalistic, deceptively apolitical and unrealistically spatially-bound. A more encompassing model that recognizes our interdependencies is explored, namely, Young’s social connection model (SCM). Young’s framework for examining global justice and responsibility emphasizes the structural processes that produce and reproduce inequalities and the social connections that implicate all agents who contribute to this process, albeit in differentiated ways. Ultimately, Young views achieving global justice as a shared political responsibility requiring collective action from a diversity of social actors and significant social and political change.

**Corporate Self-Regulation: The Business of Regulating Business**

Globally, increasing emphasis is being placed on industry-led – though, often, state-supported – initiatives to self-regulate corporate activity and inhibit its destructiveness. This has fuelled the growth of an expansive corporate social responsibility industry, in which the regulation of corporate behaviour, through ‘social auditing’, has spawned what is estimated to be an USD$80 billion dollar industry. The privatization of business regulation, in other words, the business of

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1166 Young, ‘Social Connection Model’, 102-130.
1167 AFL-CIO, Responsibility Outsourced, 1.
regulating business, is often promoted as a pragmatic solution, a much preferred carrot rather than stick approach to ensuring ‘virtuous cycles’ and ‘sustainable’ business models. Corporate social responsibility, however, much like sustainable development, is a ‘morally-charged concept valued for its unifying qualities, yet remains vulnerable to political hijacking’.\textsuperscript{1168} Fierce political struggles continue over the interpretation and implementation of CSR, with labour and environmental rights activists continuing to challenge claims that CSR is making a genuine difference in improving environmental and labour standards. \textsuperscript{1169} As my conversation with Vivien illustrates, there remains an immense gap between the progressive language employed in the CSR or ‘sustainability’ materials large property developers and construction companies produce,\textsuperscript{1170} and the actual business practices of such companies and the subcontracted firms (such as Hai Xing Construction) that they engage.

Despite a veneer of consensus, corporate social responsibility is a deeply political discourse, one where ‘different actors struggle to fill the empty shell of “CSR” with a legitimate interpretation and thereby create and delimit the space of responsibility’.\textsuperscript{1171} Corporate social responsibility, thus, can be conceived as a politicized ‘morality play’.\textsuperscript{1172} Strategies may emphasize legal or ethical dimensions


\textsuperscript{1170} Ssangyong, the main contractor that hired Hai Xing, professes on its website to ‘follow an ethical code of conduct regulating all our business activities and practices maintaining a strong social responsibility away from blindly pursuing self interest disregarding laws, ethic and the consequences for society’. See Ssangyong Engineering & Construction, ‘Corporate Philosophy & Vision –Transparent Management’, http://tinyurl.com/qe3567 (accessed September 23, 2013).


and tactics may favour engagement or confrontation, but they are underpinned by value and interest conflicts, held by diverse stakeholders situated in disparate and uneven social positions to each other.

A pressing concern is how neoliberal epistemology has shaped corporate social responsibility discourse. In general, neoliberalism discourse prioritizes freedom for economic activities as society’s prime organizing principle. Actions are justified if they enhance competitiveness and social inequality is legitimized by promoting a ‘survival of the fittest’ ideology, set against the construction of modern day society as an ‘economic war zone’. With competitive market relations the underlying organising principle of public authorities (that is, governments), social actors, including non-governmental organisations, are pushed to assume the economic enterprise form. Business enterprises, in the meantime, adopt ‘a moral agency . . . congruent with the attributed tendencies of economic-rational actors’. With economic rationality the primary basis for responsible decisions, corporate social responsibility becomes commodified as a competitive advantage for businesses, urged to act in ‘enlightened self-interest’ for ‘win-win’ outcomes. This ethical construct of CSR reflects an ideational view of globalization that is ‘rooted in both rationalism and capitalism’, and critically influences ‘which issues and people are granted or denied moral considerability’.

Framing corporate social responsibility as an apolitical business choice for enlightened companies has particular implications for labour rights discourse and advocacy. In her examination of the United Nation’s Global Compact (UNGC), the ‘world’s largest voluntary corporate responsibility initiative’, Soederberg demonstrates how it co-opt struggle through attempts to depoliticize expressions

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1174 Mark-Ungericht and Weiskopf, ‘Filling the Empty Shell’, 286.
1176 Ibid., 7.
of discontent and resistance. A depoliticized view of CSR assumes an operational context in which stakeholders relate in a ‘neutral space devoid of power relations’ – interactions are assumed to be ‘frictionless’, with the political contestation that arises over CSR shaped into exclusionary practices centred around collaboration and consensus-building. As a result, the more radical elements of civil society are not just excluded but marked negatively as confrontational and thereby ‘unconstructive’. The problem-solving emphasis of mainstream CSR discourse tends to assume the ‘functional coherence of existing phenomena’; such approaches do not require fundamental transformations of existing systems. The heavy emphasis on (financially) pragmatic solutions to morally complex problems leads to a bias for ‘realistic’ approaches consistent with present social and political contexts and the constraints it presents, rather than ‘idealistic’ recommendations which issue a significant challenge to current socio-political arrangements and seek to shape alternatives based on principle, that is, what is widely viewed as morally right.

Corporate Social Responsibility in Singapore: ‘Doing Good and Doing Well’

In Singapore, corporate social responsibility, at least in rhetoric, has been enthusiastically embraced by the state, which launched the National Tripartite Initiative (NTI) on CSR in May 2004. The NTI, a ‘national steering committee to review and formulate broad CSR strategies’, included key government bodies such as the Ministry of Manpower, the Ministry of Community Development, Youth and Sports and SPRING Singapore, a government ‘enterprise development

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1181 Ibid., 504.
1182 Ibid.
1185 The MCYS was restructured to form three new ministries from November 1, 2012. See Imelda Saad, ‘MCYS, MICA to be Restructured to Form 3 New Ministries’, Channel NewsAsia, http://tinyurl.com/kb6zguj (September 28, 2012).
agency’ that aims to ‘enhance competitiveness and facilitate trade’. This steering committee also included the National Trades Union Congress, the Singapore Institute of Directors, the Singapore Business Federation and the Consumers Association of Singapore, among others.

A year later, in 2005, the NTI officially launched the Singapore COMPACT for CSR (henceforth Singapore COMPACT), a local participant of the UN Global Compact. This was hailed as an indication of the commitment to ‘doing good and doing well’, with the organization framed as playing a ‘pivotal role’ in helping Singapore ‘embrace CSR as a coordinated national initiative’. It started with 100 members, including companies, unions, NGOs, voluntary welfare organisations and other institutions; in 2007, it listed 170 members, including ‘corporate heavyweights like Shell, Singapore Airlines and Singtel’. In late 2008, the organization co-hosted the Asian Forum for CSR with the Asian Institute of Management; membership increased to 220. They have continued to organize CSR summits in the subsequent years, including the International Singapore CSR Summits in 2011, 2012 and 2013. In 2012, its new President, Mr. Kwek Leng Jo, stated his aim to increase Singapore COMPACT’s membership from 405 companies to 1,000.

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The Singapore COMPACT, at least publicly, gives the appearance of a united society in the state-endorsed spirit of tripartite cooperation. The composition of its first and founding committees, the National Tripartite Initiative on CSR, as well as the terms of its constitution, show close alignment with state values and objectives. The National Trades Union Congress and the Singapore National Employers’ Federation are listed as founder members of the Singapore COMPACT in its original constitution, which also includes a clause for termination of membership in the event of ‘disaffiliation from the NTUC from any cause whatsoever, in the case of trade unions and co-operatives who are affiliates of NTUC’.194

While CSR has been popularised in public discourse locally, there remains confusion over what it entails and conflation of corporate philanthropy with CSR,195 often promoted as making ‘good business sense’. Social justice imperatives directed towards altering fundamentally unjust relations are absent or else subsumed under non-confrontational language. Labour concerns are framed as enhancing employee relations through means such as skills training, encouraging volunteerism and achieving work-life harmony.196 Congruent with state sensibilities, financial pragmatism remains the dominant guiding principle.197

In their analysis of CSR-Austria, a business-led industry-government initiative formed ‘to initiate a pro-active CSR policy and . . . strengthen Austrian companies

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197 In a newspaper interview in 2012, the Singapore COMPACT’s new President, Kwek, viewed the association’s ‘do-gooding angle’ as unhelpful to the CSR cause. For him, it was problematic that ‘many bosses and investors think CSR is just about aiding society with no benefit to their firms’ bottom line’. He continued: ‘If applied strategically, CSR can help companies to reduce risk, manage cost, mitigate their carbon footprint, improve productivity and enhance branding and reputation.’ See Lee, ‘CSR Not Just About Charity’. 
and Austria as an economic location’, Mark-Ungericht and Weiskopf identified distinguishing characteristics of this initiative. They are: voluntarism, promoting CSR as a win-win situation that provides a competitive advantage, and encouraging philanthropy, rather than structural changes to core business activities. Despite passing references to international standards of regulation, the emphasis, in practice, focused on local dimensions of business activity, and ‘no concrete obligation that transgresses national boundaries is mentioned’.

There are notable parallels between CSR-Austria and the Singapore COMPACT, demonstrating the global hegemonic character of neoliberal discourse, within which CSR in Austria is also embedded. The Singapore COMPACT similarly encourages businesses, as a matter of self-interest, to ‘take a proactive approach on CSR issues’. It strives to position Singapore, globally, as a progressive and competitive corporate hub with expert knowledge and authority on key corporate trends like corporate social responsibility. The Singapore COMPACT framework also displays the following characteristics: an emphasis on corporate self-governing rather than prescriptive and binding legislation; the tendency to depoliticize associated concepts, for example ‘sustainable development’, ‘stakeholder dialogue’, and ‘labour relations’; implementation (or CSR ‘outputs’) takes on technocratic forms, with a focus on professionalizing the growing CSR industry. These characteristics, also identified by Shamir in his work on CSR in Israel, contribute to a depoliticizing process that has profound implications, particularly from a labour justice perspective.

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1198 Deuerlein et al. 2003, as cited and translated in Mark-Ungericht and Weiskopf, ‘Filling the Empty Shell’, 287.
1200 Ibid., 289.
1201 Singapore COMPACT, Implementing CSR, 6.
1202 As stated in its CSR toolkit, the Singapore COMPACT aims to ‘broaden awareness and strengthen the Singapore Compact as a country authority with CSR as the competitive advantage and value creation process for all stakeholders’. Ibid.
The Depoliticizing Process: From Labour Relations to Human Resource Management

A case study in the Singapore COMPACT’s toolkit relates a company’s promotion of employee volunteerism. The employees’ abilities to utilize their professional skills to serve the community was seen as empowering. Not only did the time allocated for such programs not hamper work, it was suggested employees feel a ‘sense of achievement and identification with the company’; this in turn benefits the employer through improved ‘staff engagement, motivation and work productivity’.1204 In his ethnographic study of a non-profit organisation promoting CSR in Israel, Shamir noted how CSR assumed the role of a company’s ‘normative control apparatus’.1205 By encouraging employee participation in CSR projects, normative control is deployed as employees are transformed into ‘a “community” and . . . labour relations into a question of employees’ satisfaction and loyalty’.1206 This is similarly evident in the Singapore COMPACT’s approach. Rights-based language is generally absent in discussions about employee-employer relations, with the modern day workplace framed as an aspirational nucleus of high productivity and shared goals. Key workplace issues are thereby framed as work-life balance (for the typical urbanised and overstretched white-collar worker), and what is a perceived ‘search for meaning’ by employees, who are viewed as service-oriented. There is therefore no ‘labour rights’ issue, just the need to focus on ‘human resource management’, very much a discourse catering to those in the professional classes.

While employees are recognised as valuable assets, managers are identified as the latent tools with the capacity to engage and transform employees, as long as they undergo appropriate training. This leads to another noteworthy characteristic: the professionalizing of a ballooning CSR industry through an emphasis on training and

1204 Singapore COMPACT,Implementing CSR, 10.
1205 Shamir,‘Mind the Gap’, 244.
1206 Ibid.
certification schemes. In 2007, Chiang, Singapore COMPACT’s then President,\textsuperscript{1207} talked about the need for human resource professionals to develop a ‘certain type of skill-set’ required to ‘assess [the] work-life needs of prospective employees’. She identified ‘a need to grow and nurture an industry of work-life managers’ and recommended HR professionals attend classes and become certified for those skills. Similarly, in our interview, the Executive Director of the Singapore COMPACT emphasized, more than once, the need for ‘good [CSR] consultants’ and ‘good expertise’ in the market.\textsuperscript{1208}

This shifting of traditional labour relations discourse, with its more confrontational and politicized overtones, into one of human resource management, effectively demarcates the spaces for dialogue, resources and outcomes. Generally, the narrow selection of workplace issues within CSR discourse results in a disproportionate focus on a particular community of employees, namely middle to high-income, white-collar workers. It also defines what constitutes a workplace problem (for example, the lack of work-life balance, or poor employee health) and how this should be dealt with (flexi-work arrangements or health programs, perhaps). Frequently, recommended solutions demonstrate a strong emphasis on personal responsibility on the part of employees, with companies asked to play a facilitating role, perhaps through the provision of physical resources (a wellness room, or on-site childcare), training programs (for example, on financial management) or some shifts in work arrangements (to promote ‘flexi-work’ options).\textsuperscript{1209} Less prominent are problems related to restructuring processes that may have resulted in ‘unsustainable patterns of work’.\textsuperscript{1210} These are characterized by increased work stress and pressure

\textsuperscript{1207} At the time, Chiang was also chairperson of the Employer Alliance and a member of the Tripartite Committee on Work-Life Strategy. See ‘Will Claire Chiang Change the Way Singapore Works and Plays?’, \textit{HRM Singapore}, July 2007, 16–20.

\textsuperscript{1208} Interview with Thomas Thomas, Executive Director of Singapore COMPACT, January 29, 2009.

\textsuperscript{1209} In his speech at Singapore’s Business Awards 2012, Singapore’s Deputy Prime Minster, in discussing CSR, mentioned Cerebos, a company that helps ‘employees take the initiative as responsible citizens’, including the responsibility to help others. The company allows employees to leave work early to exercise, and donates money to the less fortunate for each exercise session staff attend. The Volunteerism Leave scheme gives employees one day of paid leave to volunteer at a charity of their choice. See speech by Shanmugaratnam, ‘Inclusive Businesses’.

\textsuperscript{1210} Watson et al., \textit{Fragmented Futures}, 9.
(work intensification due to under-staffing, additional simultaneous demands, higher productivity targets and a shift to results-based rather than time-based criteria for remuneration), or a gradual stripping away of staff benefits (sometimes via an organizational preference for short term labour contracting rather than direct full-time hire). In Singapore, problems such as workplace discrimination are framed as attitudinal at a micro level, requiring a ‘promotional and educational approach’ in order to change mindsets rather than reform institutionalized contexts; it is perceived that anti-discrimination legislation could render Singapore’s labour market ‘more rigid and hence less competitive without achieving its aims’.

This selective framing of workplace problems (and consequently, solutions) has another effect: low-paid, blue-collar workers, particularly casual, subcontracted workers, tend to be excluded, or else viewed as recipients of philanthropic efforts. This further embeds elitism into the CSR mediation process, reproducing the same hierarchical structures that further sustain social and economic inequalities. The issue of large numbers of low-paid migrant workers in a variety of industries being denied what would be considered basic needs such as adequate rest days, a living wage and decent accommodation, not to mention broader considerations such as job mobility and marriage rights, is more or less completely censured from this discourse. When low-paid migrant workers are included in industry initiatives, these tend to be welfare or service-oriented, such as the organization of recreational activities. A research paper on CSR initiatives in Singapore noted that, among its study samples, companies that employed migrant workers ‘did not have any policies with the subcontractor that ensures a minimum welfare standard’. Despite the study’s focus on ‘publicly listed and government linked companies that

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1211 Ibid., 97-98.
have a large impact on the private sector’,\textsuperscript{1215} it concluded that, ‘[a]cross the board, no thought had been given to this as a CSR initiative’.\textsuperscript{1216}

At a CSR conference held in Thailand, a Thai labour rights activist detailed the labour rights abuses endured by female factory workers manufacturing branded goods and the union-busting tactics of companies. The fiery speaker, Junya Yimprasert, from the Thai Labour Campaign, said it was time to stop talking about charity and welfare, and move on to changing laws and regulations. She raised the problems of intense competition affecting profits, the lunacy of mass production (‘we don’t need millions of garments’), the immense lobbying power of employers’ associations vis-à-vis workers’ rights organizations, the inequities embedded in outsourcing and subcontracting, and the trend of internal monitoring as part of companies’ CSR initiatives (workers are warned before the arrival of monitoring staff: ‘If you say something positive, you get 400 baht, if you say anything negative, you will be fired’).\textsuperscript{1217}

Immediately after her talk was a presentation by the director of a large supplier company for women’s apparel; the company hires over 42,000 workers in five countries. The speaker, Ravi Fernando, outlined their company’s ‘Women Go Beyond’ plan, a ‘Social Sustainability’ initiative which emphasized the following: career enhancement (where they teach women workers skills such as English and IT), work-life balance, and rewarding excellence. Other examples of programs included courses on ‘health, hygiene and grooming’ and skills on how to balance the multiple roles women play in life. Also important, said Fernando, was teaching the women workers how to manage their personal finances (and cut down on items that are ‘not necessary’), as well as ‘how to manage their pregnancies’.\textsuperscript{1218}

\textsuperscript{1215} Ibid., 2.
\textsuperscript{1216} Ibid., 10.
The juxtaposition of these two presentations illustrates the ideological and ethical chasm between politicized advocacy and depoliticized CSR. For Yimprasert, even the title of the session, ‘A Space for Women Workers’, was problematic – women are at the heart of CSR, she asserted, it is not merely about carving ‘a space’. The power struggles faced by the thousands of ‘unaccounted for, unnamed and invisible’ female factory workers she represented underscored her entire presentation. Yimprasert spoke of how she had to ‘fight the system’ to defend women workers, including being sued by companies – the ‘politics of the industry’ had to change. In contrast, Fernando’s presentation positioned low-paid women workers as primarily benefiting from this labour regime, with skills training improving their lives as they better manage their hygiene, their finances and their reproductive health. The ‘problem’ thus becomes framed as inherent rather than structural, a case of ‘uneducated’ and ‘unskilled’ women needing direction on how to manage their limited resources, with no discomforting questions raised about whether the wages they receive are adequate for a dignified life; also censured is scrutiny of the women’s working conditions. Not only is gender discrimination unexamined as a factor in women workers’ subjugation, it is reinforced by the company’s highly gender-typed and paternalistic approach.

**The Depoliticizing Process: Stakeholder Engagement as Neutral Activity**

CSR rhetoric tends to frame stakeholder engagement as something necessary, rewarding and uncontroversial. The Singapore COMPACT’s definition of stakeholders is identified for companies as falling into four major groups: employees and the trade unions representing them; the community; clients and customers; suppliers. The CSR toolkit adds: ‘Listening and talking to your stakeholders on a regular basis can improve your business reputation – at a very low cost.’ It recommends that companies send the message to stakeholders that ‘you are a social and environmental leader in CSR’ – this is viewed as a ‘positive risk management process’.\(^\text{1219}\) Stakeholder engagement is presented as yet another strategic business commodity as well as an apolitical activity.

\(^\text{1219}\) Singapore COMPACT, *Implementing CSR*, 15, 19.
Often portrayed as ‘ideationally neutral’, stakeholder engagement, as currently framed, presupposes democratic relations and processes.Absent are questions about who gets included as stakeholder and invited to stakeholder dialogues: Who eventually participates and who decides? What is the manner of participation? In a developing country context, Prieto-Carrón et al. point out that those who normally do not have a voice in society – farmers, children, home-based and women workers – are often excluded from this process. Moreover, if they are included, uneven power relations crucially shape the issues raised, alliances formed and opportunities for fair outcomes.

When stakeholders such as employees and the community are popularly represented as benign and cohesive, those who challenge this representation quickly become positioned as extremist. Winston, for example, highlights how the division between NGOs who engage with corporations versus those who confront them can be exploited as a divide-and-rule strategy by companies. Corporate campaigns may attempt to deflect criticism by ‘co-opting the mainstream, moderate groups’ and delegitimizing the more progressive and politically-charged elements of the movement. This tendency is not just reflected in corporate initiatives but also in the discursive strategies of CSR professionals tasked with training those in the business community to ‘manage’ stakeholder relations. At one CSR training session in 2006 – where attendees were mainly corporate employees sent to improve their CSR-proficiency – the trainer asked the question: ‘Who is a “legitimate” stakeholder?’ Examples were then given of civil society groups viewed as excessively demanding in judging the labour standards of factories in China (‘What were students expecting? Wages may be low but not lower than the average’), and of ‘very very radical’ animal rights groups who ‘wrongfully’ released animals from

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1220 Prieto-Carrón et al., ‘Critical Perspectives on CSR and Development: What We Know, What we Don’t Know, and What We Need to Know’, *International Affairs*, 82, no. 5 (September 2006): 984.
1223 By this, I refer to all those who work in the CSR industry or make a living from engaging in and producing CSR discourse – CSR trainers, consultants, compliance officers etc.
laboratories, and objected to animal testing in the pharmaceutical industry, a view framed as unprogressive and equivalent to not wanting to cure life-threatening diseases. Thuggish behaviour from activist groups – such as beating up the director of a major multinational company – was also cited, with the trainer asking, ‘Now, is this a group you want to engage with?’ He also referenced case studies where stakeholder groups were ‘wrong’, and caused problems to communities and companies through the spread of ‘misinformation’. The trainer then went on to case studies where ‘win-win’ outcomes were achieved, through corporate engagement with NGOs that gave what was perceived as constructive feedback. The trainer advised companies, in negotiating stakeholder dialogues and partnerships, to go for ‘little wins’ and ‘strategic fits’; he also encouraged them to adopt community-based projects (for example, promoting ‘ethnic goods’).1224

In 2013, at a forum on Business and Human Rights held in Singapore, a representative from the UN Global Compact, in response to a question about corporate engagement with civil society groups, acknowledged that NGOs play an important role. He stressed, however, that ‘constructive engagement is more material than traditional campaigning approaches’. In determining what is a ‘constructive’ approach, the speaker voiced a preference for ‘knowing and showing’ – a phrase used several times during the forum – rather than ‘naming and shaming’ companies who perpetuate abuses. This corresponds with Soederberg’s observations about the UNGC and its purported function as a ‘learning network’ to promote good corporate behaviour through multi-stakeholder dialogue and information sharing.1225 The speaker emphasized that companies must be ‘given time to come on board’, and NGOs ‘need to let that constituency take its time’. He also stressed that the FPIC – Free, Prior and Informed Consent – principle should ‘apply equally to all stakeholders’, corporations included. NGOs, he advised, need to help companies, rather than pressure them and insist on legislative measures.1226

1224 Author’s notes from ‘CSR Essentials’ Workshop, October 2, 2006, Singapore.
This preference for ‘constructive’ engagement with select civil society groups is reflected at the state-level. The Singapore government has stated its intent to boost its image as a cosmopolitan global city by encouraging international non-profit groups to set up base in Singapore. This campaign to become a non-profit hub began in 2007 and includes tax breaks and ‘generous allocation’ of office space in Singapore, where office rentals are notoriously costly. Since then, up to 130 non-profit organizations such as Mercy Relief and the World Wildlife Fund for Nature have set up headquarters in Singapore. However, more radical campaigning groups, such as Greenpeace, have been excluded – its application was rejected, with no clear reason given. When the Economic and Development Board was questioned over the absence of groups viewed as more confrontational, its assistant managing director, Quek Swee Kuan, said approval for foreign non-profits ‘is subject to the relevant regulatory framework’, whereby such a framework ‘reflects the social norms and legal structure of Singapore’. As a market strategist noted, ‘nothing too controversial, no one too risky’ would be allowed; the initiatives to woo international non-profits were assessed as ‘diplomatic moves to show its softer side’.

Other terms used as descriptors of acceptable discourse and engagement are ‘respectful’ or ‘responsible’. In a talk organized by the Singapore COMPACT, the main speaker was the Managing Director of a global manufacturing company. The moderator, a former President of Singapore COMPACT, asked about the company’s activities in a contested area, where conservationists were protesting against business activity, alleging it infringed on a nesting site for endangered marine animals. The speaker said he was glad for the opportunity to clarify his position, for their company would not ‘kow-tow to unjustified claims’, and to ‘agencies with agendas’. While admitting the turtles lived there, he said they did not nest there; he insisted the turtle population was in decline due to fishing trawlers, not their

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1227 The group’s Southeast Asian director, Von Hernandez, suspects this is due to their strong stance against nuclear energy and ‘the government’s fear that we might agitate local citizens’ if Singapore decides to develop nuclear energy in future. See Philip Lim, ‘Money-Mad Singapore Aims to Become Non-Profit Hub’, AFP, http://tinyurl.com/kuzv5gw (accessed September 28, 2012).

1228 Ibid.
company’s activities. He further emphasized that his company gets down to ‘scientific facts’. The moderator praised the company’s management of the issue, said the speaker gave ‘an excellent response that is factual’, and believed it would make ‘a great case study’. She then continued to speak about the importance of ‘responsible journalism’. 1229

In Singapore, the term ‘responsible’ is often used by the state as a polarizing device to identify organizations/stakeholders who fall within the ambit of acceptable discourse; conversely, those who fall outside of this prescribed parameter are regarded as irresponsible (and hence should be ignored or ‘held to account’). The first group, The Responsible, are presented as objective, measured and sensible commentators who have earned the privilege of engagement. Conversely, the second group, The Irresponsible, are often discredited as reckless and extremist, accused of hiding some sinister agenda; to engage them would be to encourage such poor behaviour. This dichotomous rhetorical device is frequently applied to NGOs and the media (particularly more critical alternative voices online), 1230 and is reminiscent of the aforementioned divide-and-rule strategy adopted by corporations. As the number of NGOs and social media voices proliferate, companies and government agencies are increasingly able to pick and choose partners who operate within acceptable boundaries of discussion. This fulfils their desire to be seen as open to engagement, while at the same time diminishing the chances for such engagement to radically challenge status quo conditions.

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1229 Author’s notes from talk, ‘The Real Purpose of Industrial Organizations’, September 14, 2007, Singapore.

This political strategy characterizes CSR initiatives in Singapore, where corporate partnerships with non-profits are carefully negotiated to ensure they fulfil the objective of doing good and doing well, without upsetting business-as-usual. While more outspoken non-profits may, indeed, engage in partnerships with companies on controversial issues (for example, human trafficking), these partnerships tend to focus on encouraging citizens to exercise their consumer power (such as purchasing a particular item, with proceeds going towards organizations that deal with the issue) or else sign petitions that are directed towards international organizations or governing bodies outside of Singapore (like the United Nations).\textsuperscript{1231}

Thomas Thomas, Singapore COMPACT’s Executive Director, acknowledges ‘we are not confrontational’. He notes that at dialogue sessions, there may be more vocal people ‘trying to score points’, but this is ‘not really the Singapore approach, where the government takes leadership and people try to take the cue from them’. This is, according to Thomas, a ‘good advantage’, for it means that in Singapore, ‘we are not a polarized society’. When questioned about whether stakeholder dialogue in Singapore is inclusive, Thomas admits that some may not view it as a ‘dialogue among equals’, but insists that ‘for all the criticism, we have more dialogue in Singapore than many parts of the world’. While recognizing that civil society is stronger in other parts of the region, he notes ‘they can be very aggressive and single-issue focused’, so you end up hearing ‘the vocal minority’ – it is unclear if the most vocal represents the most pressing issue; there are therefore ‘virtues’ to the Singapore way.\textsuperscript{1232}

Generally, with its emphasis on doing good and doing well, corporate social responsibility, as promoted in Singapore, is a soft moral appeal packaged as strategic business opportunity. Despite public statements that CSR is ‘more than


\textsuperscript{1232} Interview with Thomas Thomas, Executive Director of Singapore COMPACT, January 29, 2009.
philanthropy’,1233 grassroots practice, as evidenced from the activities of companies that publicize their CSR efforts, falls largely into the philanthropic category.1234 Corporate social responsibility in Singapore, like labour relations, is not a contentious issue in the public domain. The consensual tripartite system of industrial relations seems to have set a precedent for other institutional arrangements. Discursively, labour rights, as opposed to the preferred emphasis on workers’ welfare, is almost invisible in public discourse.

The Depoliticizing Process: Selective Transparency, Rationalized Accountability

There is a tendency within CSR discourse to conflate transparency with accountability. Striving for honest accounting, through the timely, public provision of financial statements, is markedly different from what Barrientos and Smith define as accountability, which refers to ‘a process between actors based on a relationship of power with two dimensions – answerability and enforceability’.1235 This requires acute political awareness about power asymmetries and how they affect the social leverage civil society advocates are often presumed to have. In their impact analysis of ethical trading initiatives, Barrientos and Smith note:

Power differentials between actors engaged in corporate accountability can lead to those holding onto a given status quo emphasising technocratic approaches that simply verify actions according to pre-set standards, rather than engaging in processes of accountability that might help to challenge embedded norms and shape change.1236

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1233 Chiang has publicly emphasised that CSR is about responsibility, not charity, stating: ‘That’s why it’s CSR, and not corporate social charity (CSC)’. See Lee, ‘Championing’, 41.


1236 Ibid.
There is also the observation that corporate accountability itself has become commoditized, and is increasingly being outsourced. In their critique of the CSR industry and the boom in social auditing, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) note how the CSR industry’s ‘reliance on subcontracting of inspection and verification replicates the structure of the very global corporations it is supposed to monitor’. In such situations, accountability becomes ‘lost in the “CSR supply chain”’.\(^\text{1237}\) In China, there have been reports of ‘cheat sheets’, documents which list the cash incentives factory workers will receive if they memorize the ‘correct answers’ inspectors are likely to ask (for example, how long is the work week? Correct answer: five days).\(^\text{1238}\) AFL-CIO’s research has also found that where local inspectors have supported workers in standing up against employer exploitation, their claims are dismissed ‘to spare big-name household brands embarrassment’.\(^\text{1239}\) The audit process thus results in a paradox, in which demands for transparency and accountability ‘instead produce secrecy and deception’.\(^\text{1240}\)

In the manufacturing industries, the emphasis on compliance with corporate codes of conduct is predicated on a faulty system – the cost and time pressures exerted by big brand retailers on producers and workers lower down the supply chain continue unabated, with low wages and poor working conditions the predictable result.\(^\text{1241}\) As Ballinger points out, high-profile companies such as NIKE may now be more forthright about instances of non-compliance along its supply chain – as part of a growing trend in ‘transparent’ CSR reporting – but confession, while ‘good for the soul . . . does little to ameliorate abusive practices at the hands of suppliers that are merely “monitored”’.\(^\text{1242}\) Meanwhile, the CSR industry, and its increasingly

\(^\text{1237}\) AFL-CIO, Responsibility Outsourced, 1.
\(^\text{1238}\) Tsing, ‘Supply Chains’, 163-164.
\(^\text{1239}\) AFL-CIO, Responsibility Outsourced, 1.
\(^\text{1241}\) AFL-CIO, Responsibility Outsourced, 1.
sophisticated and profitable compliance arm, continues to provide ‘public relations cover’ for companies that treat their workers poorly.  

As a ‘visibility tool’, CSR practices ‘selective transparency’. It has the ability to focus attention on a particular aspect of the production chain, while distracting from other less ideal parts – a company, for example, ‘may create show-off cases of responsible action, whilst at the same time concealing violation of other norms’. This tendency is complicated by the widespread practice of outsourcing in our globalized economy, in which responsibility is ‘decoupled’ from a company’s reach. The ‘politics of transparency’, when it comes to CSR, has reduced ethical concerns to ‘a formal accountability that lends itself easily to audit’. In other words, a ‘ritual of verification’ develops, prioritizing what can be ‘checked-off’ and ‘rubberstamped’, reducing the complexities of social reality, including challenging ethical dilemmas, into manageable formats. As noted by Blowfield and Dolan, audits privilege ‘visible issues’, that is, those verifiable through company records or physical inspections (for example wages or safety), while difficult ‘social issues’ (such as discrimination or workplace harassment) tend to be poorly captured, if at all. While this emphasis ensures a sanitized data stream for CSR reports – a growing trend and demand on companies – it often displaces more complicated questions further down a company’s supply chain.  

**The Depoliticizing Process: From Politicized Citizens to ‘Conscientious Consumers’**  
From our conversation and throughout the Labour Court proceedings, it was clear Vivien viewed the company’s legal responsibilities, in terms of employment obligations, as unreasonable and/or unrealistic; a tension existed between the pressure to comply with labour laws, meet tight delivery deadlines, yet still be profitable and deliver affordable developments to Singapore and Singaporeans.

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1243 AFL-CIO, Responsibility Outsourced, 1  
1245 Ibid., 387.  
1246 Ibid., 390.  
From her perspective, the problem of exploited workers was the result of managing this tension. Oppressive contractual terms, similarly, were geared towards managing a large and potentially disruptive workforce.

Subsequent conversations with two other persons working in the construction industry revealed similar sentiments: a matter-of-fact admission that working conditions in the industry may not be ideal but this is ‘just the way it is’. A project manager from a construction company said their key concern was to ensure their worksite did not admit ‘illegal workers’, that is, workers without the proper work permits (they could be fined by authorities for this). Whether or not subcontracted workers on their site are paid their rightful salaries, he felt, was not his company’s responsibility. This sentiment was mirrored by another construction project manager, who viewed that as long as subcontractors fulfilled their work targets, payment of their workers’ salaries was for the latter to handle. After all, this was not a matter that hurts his company’s bottomline. In terms of corporate social responsibility, the project manager felt that with construction companies, there was less of a reputation risk. For him, their situation was unlike that of big brand retail companies, whose product sales may suffer when there are accusations, for example, of using child labour in its supply chains (although he also noted there wasn’t a culture of consumer boycotts in Singapore). The manager pointed out that a main contractor in the construction industry does not deal with everyday consumers and won’t lose business in the same way. Such accusations will not affect its profits, as it was not ‘collecting money from the public’.  

This sentiment problematizes core themes integral to CSR’s legitimacy as a flexible, voluntary/obligatory, market-led movement, namely: reputation risk and a perceived threat in the rise of consumer activism. The growing reach of social media and corporate sensitivity to negative publicity has led to greater optimism – as well as concern – that the former has increased the social leverage of everyday activists

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1249 Interview with a project manager in the construction industry, July 6, 2010.
1250 Interview with a project manager in the construction industry, July 15, 2010.
keen to hold corporations accountable. This bolsters the assumption that ‘governing without government’ is adequate,\textsuperscript{1251} that the negotiations between a media-savvy populace and risk-averse businesses are sufficient to self-regulate the marketplace and correct its misdemeanours. While not discounting the achievements of consumer activists in positively influencing corporate behaviour, this assumption, when propagated by those opposed to greater regulatory controls, is self-serving and misleading. It is also predicated on the expectation of a sociopolitical and ethical climate that supports such actions: Are consumers sufficiently concerned, informed and empowered to take action? How much impact do such actions (for example, threats of consumer boycotts) have on corporate practices, beyond surface interventions that provide what has been termed ‘corporate cologne’?\textsuperscript{1252} As Garsten and Jacobsson note about the UN Global Compact, any ‘transformative potential’ is reliant on concerns over corporate reputation, ‘recognition of market-based reasoning and the financial priorities that drive corporate action’.\textsuperscript{1253}

At the Business and Human Rights forum mentioned earlier, a presenter, the Head of Social and Environmental Affairs for a big brand retailer, noted there was much less of a push from consumers in Asia over human rights abuses in their company’s supply chain, compared to the way Western consumers have exerted pressure on the company to improve working conditions in poorer countries where their manufacturing is based. Basically, noted the speaker, ‘if it becomes a public issue, then we will have to account for it’. Companies that were targeted in the 1990s for sweatshop practices demonstrate a greater ‘maturity’ in terms of having developed ‘good practices’. This was contrasted with the luxury goods market, which has largely escaped public scrutiny in the same manner. In his view, ‘civil society attention drives efforts’, such that there is a two-, perhaps even three- or four-speed

\textsuperscript{1251} Blowfield and Dolan, ‘Stewards of Virtue’, 19.
\textsuperscript{1252} Ballinger, ‘Ask Workers in Cambodia’.
movement; companies in the spotlight are compelled to move faster, whereas for those who are not reliant on compliance to operate, it is largely business-as-usual.1254

However, even in the more targeted realms of global retail, there are indications such pressure from ‘conscientious consumers’ may be overstated.1255 The CEO of Timberland, a major clothing brand, said in an interview in 2010 that consumer expectations have grown muted, such that it currently hovers around the sentiments of ‘don’t do anything horrible or despicable’.1256 The CEO added, ‘If the issue doesn’t matter much to the consumer population, there’s not a big incentive for the consumer-minded CEOs to act, proactively’. In the Singapore context, where exploitative labour practices in the low-paid labour market are largely normalized, there is a notable ‘lack of consumer activism aimed at companies to adopt CSR’.1257 There is also a need to question the conflation of consumer activism with political power, and actual social and political change beyond celebrated shifts in urban lifestyles (for example, the greater use of Fairtrade coffee in cafes, but little change in the precarity of poverty-stricken producers of everyday commodities in the South).1258 Drawing on debates about consumer activism and the growth in what has been termed ‘ethical consumerism’ – also referred to as ‘consuming with a conscience’1259 – it is clear that depoliticizing mechanisms are equally pervasive in the movement to produce and consume ‘more responsible’ versions of goods.

When corporate social responsibility efforts are dictated by consumer attention, this potentially creates new inequalities. As noted by Johnston: ‘Developing alternative consumer practices requires space, time and energy that are not always possessed

1256 Ballinger, ‘Ask Workers in Cambodia’.
1257 Ong, ‘Contextualizing CSR’, 5.
1258 Johnston, ‘Consuming Global Justice’, 47
by consumers in the overworked, economically insecure social classes’, leading to criticisms of elitism in consumer activism and ethical consumption patterns.\footnote{Johnston, ‘Consuming Global Justice’, 46.} Fair trade initiatives not only exclude those unable to consume its certified foods – whether for economic or cultural reasons, or lack of information or access – it also excludes producers without the organizational capacities to participate in fair trade, typically the extremely poor and landless.\footnote{Matthias Schmelzer, ‘Marketing Morals, Moralizing Markets: Assessing the Effectiveness of Fair Trade as a Form of Boycott’, Management and Organizational History 5, no.2 (2010): 232.} Just as invisible are the ‘structurally irrelevant economic regions that do not produce consumer goods for core regions’.\footnote{Johnston, ‘Consuming Global Justice’, 55.} Informal, seasonal or contract workers, also tend to be excluded.\footnote{Blowfield and Dolan, ‘Stewards of Virture’, 6.} Johnston considers this an ‘ideological abuse of the notion of “choice” . . . [for] it obscures the persistence of social inequality’. Naturalizing this ideal of consumer sovereignty severely narrows the notion of choice, such that ‘[p]olitical action is reduced to a choice between doing nothing and buying a product’.\footnote{Johnston, ‘Consuming Global Justice’, 46.} This prevalence is endemic in consumer cultures, and is an integral aspect of neoliberalism, in which consumers, rather than citizens, are the dominant agents of public discourses.\footnote{Johnston, ‘Consuming Global Justice’, 235.} When lifestyle or consumer politics reigns, the ‘potential of the public sphere as an area of critical reflection is minimized, as public communication is predominantly organized around market transactions’.\footnote{Johnston, ‘Consuming Global Justice’, 47.} It also frames pressing ethical concerns as ‘personal preferences’,\footnote{Smith and Duffy, Ethics of Tourism Development, 71.} when such choices are based on moral calculations that are inherently more complex. Moreover, if what is given public attention gets corporate attention, what happens to rights violations that are not deemed media worthy? (As was the case with the Hai Xing Construction workers, whose salary disputes and work stoppages were viewed by state-controlled local media as ‘not worth running’.) Under ethical trade’s dominant rationalist framework:

What is recognizable as being of moral significance is confined to that which is an alienable commodity (such as certain types of labour, land tenure and products), and certain entities will always be excluded because their interaction with the supply chain is not a dependency recognizable within the capitalist logic.\footnote{1269}

In the conversation earlier cited, with the project manager who shrugged off the salary woes of subcontracted construction workers not under his company’s direct employ, there was little perceived reputation – and thereby financially punitive – risk, due to a notable lack of consumer pressure, the nature of his industry and core stakeholder relationships, and the subcontracting arrangements that ‘down-source’ the responsibility of ensuring workers on the site are treated fairly. Moreover, in contexts where there is a sociocultural and institutional preference for non-confrontational methods – private warning letters or closed-door sessions rather than public ‘name and shame’ campaigns – the social and political leverage activists have in holding corporate actors to account is severely diminished. In Singapore, the authorities sometimes demonstrate a reticence to publicly name companies, even if enforcement action is taken.\footnote{1270}

This critical assessment of fair trade/ethical consumerism is not meant to discredit the movement’s efforts in shaping alternative business models. It is also not my intent to create a false distinction between persons as consumers versus political agents, for our multifaceted lives demand a moral consciousness that includes everyday consumer purchases along with other political responsibilities. Moreover, ethical consumerism plays an important role in political education, through illuminating our social connections to exploitative production processes. What is viewed as problematic is how dominant CSR discourse depoliticizes resistance to

\footnote{1269} Blowfield and Dolan, ‘Stewards of Virture’, 19.

\footnote{1270} In October 2013, the Ministry of Manpower took action against 61 construction and manufacturing companies for crane safety lapses. In total, safety officers uncovered 189 contraventions of the workplace health and safety act after inspecting 90 workplaces and issued 107 fines. The MOM’s press release, while listing the contraventions, noticeably omitted the names of the companies that were fined. See Ministry of Manpower, ‘MOM Takes Action Against 61 Companies for Crane Safety Lapses’, Press release, October 29, 2013, http://tinyurl.com/mtsb5q6 (accessed November 2, 2013).
corporate power by confining its sphere to the marketplace. This is done through the discursive strategies that frame moral agents predominantly as consumers, and in how the discourse legitimizes ‘softer’ strands of consumer activism while simultaneously excluding and discrediting attempts to politicize related issues and highlight the interconnectedness of global structural inequities to persistent corporate violations. From a labour justice perspective, the pervasiveness and diversity of sweated labour, across industries, state boundaries, and convoluted supply chains, as well as its interrelationship with other cross-cutting injustices, pose severe structural limitations to ethical consumerism as a primary activist strategy in transforming socially and ecologically destructive patterns of production and consumption. In Singapore, sweated labour paves the roads, cleans our housing estates, maintains essential healthcare services and builds our homes as well as major infrastructural projects. Influential purchasing decisions are, in such instances, negotiations between state and financial elites, with such decisions further shaping the supply chain tentacles that extend from such main contractual agreements. The locus of power and responsibility, therefore, stretches beyond the dollar-reach of everyday consumers, who need to be reframed, energized and empowered as political agents who lobby, demonstrate, vote and pressure decision-makers into making more ethical choices. CSR professionals frequently emphasize the ‘exposure’ side of reputation risk, particularly in terms of social media and its efficacy, citing examples of how a single tweet or photograph or video can easily go ‘viral’ and cause significant damage to a company’s brand and reputation. What garners less critical analyses are the longer-term impacts, particularly in respect to large, multinational companies, who have the social, political and financial capital to overcome intermittent ruptures and resume normal operations relatively unscathed; these are indicators of the vast power imbalances that characterize the consumer activist-corporate decision-makers relationship.

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Someone Else’s Problem: Supply Chain Capitalism and the Outsourcing of Risk and Responsibility

From an activist perspective, there are multiple problems in monitoring complex labour supply chains, especially if they transcend borders. Investigating employment conditions and codes of conduct in a globalized economy is a challenging process; information sources can be diverse, with a high reliance on anecdotal evidence. Many companies now have multiple identities and subsidiaries, each with different legally defined obligations. Even a small company like Hai Xing Construction was also known to workers as KEK and KSK (see Chapter 7). Company information can be classed as commercially and/or politically sensitive, and companies may go to great lengths to obscure information (obtaining gag orders, for example). This can severely impact the ability of labour rights organizations to obtain the critical information necessary to expose, much less prosecute, errant companies. In this litigious sociopolitical context, making hard to substantiate claims against a large corporate player could result in disastrous consequences. Overall, the complexity of corporate structures and their transnational networks, including a tangled web of subcontractor relationships, results in a system where beneficiaries are able to outsource not just production and services but also core responsibilities.

Subcontracting, outsourcing a company’s operations and functions, has become a defining feature of our global economy. It is pervasive not just in the private but also public sectors, with such employment arrangements significantly transforming the moral relationships of previously more direct hiring practices. Outsourcing offers companies ‘a host of possibilities of action and non-action (i.e.,

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1275 Tsing, ‘Supply Chains’, 149.
freedoms)’ which would otherwise not be available.\textsuperscript{1277} For Lair, this includes the ability to free oneself of various responsibilities, a certain ‘contraction of responsibility’ that manifests in the following ways: ‘it allows entities to claim non-responsibility regarding their contractors’; ‘it allows entities to move their activities to less responsible environments’; and, ‘in the absence of monitoring outsourcing relationships, it frees entities to act in non-responsible ways’.\textsuperscript{1278} This makes outsourcing an attractive yet ultimately risky strategy, what Lair terms ‘precarious freedoms’.\textsuperscript{1279}

While subcontracting has created ‘new regimes of profitability’ for many organizations,\textsuperscript{1280} it results in a situation of ‘structural disempowerment’ for subcontracted workers, enabled by what Wills terms ‘subcontracted capitalism’\textsuperscript{,1281} In effect, subcontracting breaks the ‘mutual dependency between workers and employers’. This central tenet to labour movements in the past meant a greater potential for negotiation over workplace issues; their direct interdependence meant a tendency to co-operate, ‘at least to some extent’.\textsuperscript{1282} Conversely, in relationships of subcontracted capitalism, those with the real power over the contracting process – the ultimate employers of all those involved in any particular supply chain or business operation – are generally not accessible to the workers doing the work.\textsuperscript{1283}

With specific reference to the pyramid subcontracting schemes low-paid migrant workers in Singapore are engaged in, Wise similarly argues that these complicated and precarious forms of employment ‘distance and disrupt the moral relation (however tenuous) that is present in “traditional” face to face employment

\textsuperscript{1277} Craig D. Lair, ‘Outsourcing and the Contracting of Responsibility’, \textit{Sociological Inquiry} 82, no.4 (November 2012): 558.
\textsuperscript{1278} Ibid.
\textsuperscript{1279} Ibid., 564.
\textsuperscript{1280} Ibid., 564.
\textsuperscript{1281} Tsing, ‘Supply Chains’, 149.
\textsuperscript{1282} Wills, ‘Subcontracted Employment’, 445.
\textsuperscript{1283} Ibid., 444-445.
arrangements’. Wise adopts the term ‘supply chain capitalism’ to describe how transnational labour supply chains operate: workers in this transnational chain, who are treated as ‘individual saleable units’, are ‘bracketed to different sovereign regimes most favourable to keeping labour costs to a minimum’. In such situations, there is no equitable sharing of risk, which tends to be ‘down-sourced’ along the supply chain, such that those at the bottom bear disproportionate risks compared to those at the top. This is evident not just in the global apparel industry, in which the development of a ‘rapid-response production system’ puts enormous pressure on suppliers along the lower ends of the production chain, but also in the construction industry, in which layers of subcontracting often occur. In addition, these subcontractors and their sub-subcontractors have further contractual agreements, such as with material suppliers and manufacturers. While subcontracting offers economic efficiencies to the general or main contractor, subcontractors in the construction industry have to contend with a range of issues, from timely payments by the general contractor to safety issues on the worksite. Payment clauses that dictate subcontractors are paid by general contractors only after they receive payment from the project owner (the ‘pay-if-paid’ system), as well as the practice of ‘retainage’ (when project owners retain a percentage of progress payments while faulty or missing work is corrected), potentially create cashflow problems for contractors and subcontractors. This has material consequences for the workers employed by such firms, as Hai Xing Construction’s Vivien was keen to explain.

Transnational Responses to Rights Violations

The entrenched problems inherent in current low-paid labour migration regimes highlight the inadequacies of state-centric approaches to transnational processes as

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1285 As developed by Tsing, see Tsing, ‘Supply Chains’, 148-176.
1286 Wise, ‘Pyramid Subcontracting’, 441-442.
1289 Ibid.
1290 Ibid., 869.
well as inconsistent responses to what constitutes a problem of ‘jurisdiction’. The employment arrangements of Hai Xing Construction demonstrate clear links between the company and a network of recruitment agents back in China, who play crucial mediating roles. Any ‘errant’ behaviour on the part of a construction worker in Singapore, and a family member in China is liable to receive a threatening phone call. The contractual arrangements showed that the recruitment agency, China Overseas Human Resource Corporation, was responsible not just for recruiting but also disciplining the migrant workforce (see Chapters 7 and 8). Yet these collaborative efforts in ensuring workers are controlled and acquiescent to oppressive contractual terms are by and large not considered a problem that can be dealt with by the Singapore authorities. Viewed as an originating country problem, Ministry of Manpower officials tend to treat these as mutually consented to contractual terms, thereby allowing exploitative mechanisms if they do not explicitly contravene Singapore’s employment laws. Migrant Workers’ Centre’s Yeo Guat Kwang said in an interview with non-governmental organization, China Labour Bulletin, that if Chinese migrant workers sign agreements that forfeit their rights before they arrive in Singapore, ‘there was little the Singaporean trade unions or other authorities could do for them’. Instead, blame was laid on the Chinese authorities for inadequate supervision of recruitment agencies in-country. Said Yeo, ‘Do something for your countrymen . . . Don’t point the finger at us.’

A transnational perspective, argues Piper, is required to draw in the issue of rights, and establish a rights-based relationship between migration and development; this is critically lacking, in theory as well as practice. A transnational perspective is ‘an approach that involves origin and destination countries, or societies, and migrant support organizations, simultaneously’. This simultaneous effort should be directed towards achieving ‘legal and social justice for foreign workers’; after all, both destination and origin countries benefit from low-paid labour migration and

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1291 Chan, *Hired on Sufferance*, 40.
1292 Piper, “‘Migration-Development Nexus’”, 283.
the fruits of migrant workers’ labour. Parrenas, meanwhile, views globalization as resulting in a ‘singular market economy’ and situates migration processes within this context. This perspective allows Parrenas to consider how global capitalism, class and gender inequalities have created a ‘three-tier hierarchy in the international transfer of caretaking’, involving class-privileged women in receiving countries, migrant Filipina domestic workers, and poorer women in the Philippines who cannot afford to migrate. Parrenas’ analysis emphasizes the interdependencies as well as economic disparities engendered in transnational capitalism, issuing a stark reminder that hierarchies marked by economic and social inequalities are no longer restricted by state boundaries.

Such process-oriented, spatially elastic perspectives run counter to state-centric views like that earlier expressed by MWC’s Yeo, which lay the blame squarely on the Chinese authorities’ lack of regulation of recruitment agencies. This is a prevalent view, reiterated in Parliament in 2012 when changes to the Employment of Foreign Manpower Act were introduced. Acting Manpower Minister Tan Chuan-Jin warned about limits to enforcement, stating: ‘We cannot police the recruitment practices of foreign employment agencies outside our jurisdiction, who are responding to the demand by their countrymen to come to work in Singapore.’ Such state-centrist approaches also appear to be inconsistently applied (or not, as the case may be). When it comes to economic expansion plans (such as through the signing of bilateral trade agreements), dealing with transnational crime (like drug trafficking and human smuggling) or strengthening military prowess (via defence cooperation initiatives), bureaucratic discourse keenly emphasizes the critical need for closer international as well as regional ‘cooperation and collaboration’, as a

1294 Ibid., 17.
1295 Parrenas, ‘Migrant Filipina Domestic Workers’, 570.
response to ‘transnational challenges and threats’. The high-level institutional support such initiatives receive illustrates the duplicity involved in how states manipulate the rhetoric of globalization and transnationalization. When it comes to state concerns like trade, security and defence, porous borders and economic interdependence necessitate closer collaboration and the consolidation of resources. In this regard, globalization is an expansive concept, offering limitless potential and threats that demand equally comprehensive responses. When it comes to the liberalizing of human rights or transnational efforts to discipline corporate actors, however, the dominant response from Singaporean authorities is one of defensive protectionism, with an emphasis on distinct state boundaries in relation to rights violations and, subsequently, enforcement efforts. As noted by Agunias:

Paradoxically, migration is the most restricted but least regulated factor-of-production (relative to traded goods and financial capital). Unilateral migration management tightly limits labour mobility channels but, within those channels, government policy is often laissez-faire in relation to the [migration] intermediaries.

Migrant worker activists, meanwhile, continue to advocate the transnationalization of rights, which includes the notion of ‘migrants taking certain rights back and forth across borders’. This emphasizes the mutual and simultaneous responsibilities of both origin and destination country governments and society in ensuring fundamental rights such as labour rights are protected. Ideally, this would include not just NGOs fronted by local citizens advocating on behalf of migrant workers, but also a network of migrant worker associations in which migrant workers are able to self-organize, represent themselves and grow in capacity.

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1300 Agunias, Guiding the Invisible Hand, 23.


1302 Ibid., 20-21.

1303 Ibid., 24.
These dimensions are important, for the notion of portable justice\textsuperscript{1304} should be encompassing enough to ensure that uneven levels of development and rights recognition between countries are not exploited to undermine labour justice. For example, labour displacement may result when regulations to improve workplace relations and conditions are introduced; in other words, when one group of workers becomes empowered, another new group, relatively lacking in labour power, begins to replace the former. This form of undercutting of rights can be seen in the situation governing foreign domestic workers in Singapore, where agencies and employers may look towards hiring different nationalities of domestic workers when there are proposed wage increases and/or enhanced regulations (for example, in curtailing recruitment processes and fees).\textsuperscript{1305} This has been termed ‘country-surfing’, a situation where ‘employers switch supply countries if they are dissatisfied with the performance of workers, a particular government agent, or sending country policies’.\textsuperscript{1306} There are signs of this occurring in the construction industry too (see Chapter 6).\textsuperscript{1307}


\textsuperscript{1305} In 2010, when the Philippines government attempted to improve the welfare of its Filipino overseas workers, by barring those who do not go through accredited agencies and procedures from leaving the country, domestic worker agencies in Singapore started to consider other source countries, such as Bangladesh. In 2012, the Indonesian government made regulatory changes to reduce the recruitment fees Indonesian agents can earn from prospective domestic workers, thus leading to the agents pressuring Singaporean agencies to compensate them by paying ‘under the table money’. Singaporean agencies responded by expressing an interest in bringing in more Sri Lankan domestic workers. In early 2013, when the costs of hiring Indonesian and Filipino domestic workers increased, there was a rise in demand for Myanmar domestic workers, who are paid less. In September 2013, the first group of Cambodian domestic workers arrived in Singapore under a bilateral pilot scheme forged between the Singapore and Cambodian governments; their starting wages are lower than that of Indonesian and Filipino workers. See Amelia Tan, ‘Cost of Indonesian, Filipino Maids Goes Up’, \textit{Straits Times}, June 29, 2013; Amelia Tan, ‘Cambodian Maids to Earn at Least $420 a Month’, \textit{Straits Times}, May 30, 2013; Amelia Tan, ‘Maids From Cambodia Due in July’, \textit{Straits Times}, April 29, 2013; Amelia Tan, ‘New Sourcing Ideas for Maids, Workers’, \textit{Straits Times}, January 2, 2013; Amelia Tan, ‘Maid Agents Looking to Sri Lanka’, \textit{Straits Times}, June 25, 2012; Melissa Kok and Kimberly Spykerman, ‘Maid Agencies Eye Bangladesh’, \textit{Straits Times}, September 2, 2010.

\textsuperscript{1306} Preibisch, ‘Pick-Your-Own Labour’, 418.

Attempts by origin countries to establish minimum wages or higher working standards for its overseas workers are undermined when there is a ready availability of migrant workers from other countries in the region willing to accept lower wages and labour standards. This is exacerbated by a destination country’s stance of non-interference, which manifests in a general reluctance to support, much less enforce, the origin country’s regulatory measures. Origin countries, usually poorer and structurally dependent on its overseas workers’ remittances, tend to have weaker bargaining powers when it comes to negotiating with states and individual employers over the treatment of its citizens. Preibisch notes this is worsened by policies that subject migrant workers to ‘racialized and gendered segmentation’. Practices such as country-surfing, when there is stiff competition between sending countries for labour placements, gravely diminishes the political resolve to bargain for stricter recruitment and labour standards in destination countries, particularly if migrant workers’ lack of labour power forms the crux of their competitive advantage.

The mantra of non-interference selectively espoused by governments and corporations is self-serving, for it is evident current economic configurations are manifestations of consolidated power – of states and businesses collaborating and supporting each other to achieve economic and political objectives. Within CSR discourse, a discursive delineation of roles and responsibilities is evident. Big multinationals operating in conflict-ridden countries are often keen to emphasize their compliance with local laws and respect for state sovereignty, as well as local sociocultural norms. In instances where companies from the West operate in the East, there tend to be strong cultural relativist leanings, a reassurance that Western corporate leaders are not out to ‘colonize’ communities in the East by interfering in their politics. Governments, meanwhile, in a bid to remain ‘business friendly’, may refrain from creating overly rigid regulatory environments for investors and

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1308 Ng Kai Ling, ‘Enter the New Maid… from Myanmar’, *Straits Times*, August 14, 2011.
endorse initiatives supportive of corporate self-regulation and autonomy. These interpretations suggest a certain passivity, of states and corporations conforming to existing conditions in the spirit of mutual respect. This obscures the reality of highly interventionist strategies by governments and intense lobbying by business interest groups to create enabling environments for capitalist expansion.

As a case study, Singapore belies the caricature of ‘weak state versus domineering foreign corporation’. A wealthy nation ruled by a heavy-handed government, the People’s Action Party has intervened significantly in shaping Singapore’s conducive business environment, characterized by its ‘highly flexible labour laws’, ‘absence of labour unrest’ 1311 and ‘business-centric immigration laws for foreign talent’. 1312 Companies that operate in such sociopolitical contexts are beneficiaries of the ways in which the state has shaped the regulatory environment, depoliticized the labour movement, and managed dissent by intimidating and delegitimizing the more radical opponents to corporate malpractice. When businesses operate in countries where labour laws fall short of international benchmarks, legal compliance is an underwhelming feat, and little to be boastful of.

Moreover, the rise in public-private partnerships and the proliferation of government-linked companies (GLCs) further blur the lines between state and corporate interests. In Singapore, the PAP’s strategy of ‘state capitalism’ 1313 spans a wide range of sectors, from finance and telecommunications to transport, logistics, property, infrastructure, engineering and utilities. 1314 GLCs, a long list of statutory boards, and the Government of Singapore Investment Corporation constitute a ‘complex network of power relations . . . essential to the ruling People’s Action

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1314 Ibid., 512
Party’s social control and political dominance’. It has been noted, for example, that current and former PAP MPs, senior government officials and retired military personnel hold key appointments in GLCs. Such developments signal a need to recognize the interdependencies as well as tensions embedded in state-capital relations, and how such relations create even greater inequalities between those who oppose the neoliberal agenda of corporate globalization and the prioritization of market principles in everyday life, and those whose financial and political interests are served by its dominance. As Johnston notes, there exists a ‘potent form of transnational solidarity’ when it involves pushing ‘the agenda of neoliberal policies, commercialization and corporate globalization’. The challenge lies in trying to form an ‘equally effective counter-hegemonic solidarity’, one directed at ‘global justice, equality and sustainability’.

While there have been calls for social clauses that tie ILO core labour standards to international trade negotiations, as administered by multilateral institutions such as the World Trade Organization (WTO), this movement is riddled with controversy. The threat of trade sanctions on countries that violate core labour standards is viewed by some as motivated by a protectionist agenda on the part of wealthier countries; such actions are perceived as aligned with foreign policy interests, rather than concern over workers’ rights. Asymmetrical power relations

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1317 Johnston, ‘Consuming Global Justice’, 43.

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between countries and the lack of democracy in global institutions like the World Trade Organization result in skepticism over the implementation and monitoring of such social clauses,\textsuperscript{1321} with outcomes deemed more likely to favour countries in the North than those in the South. Political enthusiasm in pursuing social clauses by high-income countries like the United States are juxtaposed with their reluctance to combat the ‘quasi-slavery conditions’ low-paid migrant workers are subject to in their country.\textsuperscript{1322} Those who oppose these clauses point out that trade sanctions and tariffs will invariably harm workers, including child labourers\textsuperscript{1323} and women workers,\textsuperscript{1324} who often lack comparable livelihood alternatives. The exclusive emphasis on workers in export-oriented industries is also problematic,\textsuperscript{1325} and inconsistent labour standards between different sectors of the economy could lead to marginalized workers being pushed into even more hazardous and less protected forms of work.\textsuperscript{1326} The adoption of the ILO’s core labour standards – a particular subset of international labour standards\textsuperscript{1327} – has also been criticized for its narrow selection of rights, which sideline the socioeconomic concerns of marginalized workers (see Chapter 10).\textsuperscript{1328} Even if labour standards could be agreed upon,

\begin{itemize}
  \item 1321 Basu, ‘Compacts’, 496-500.
  \item 1322 Dasgupta, ‘Labour Standards’, 125.
  \item 1325 This means labour rights violations in industries that serve the domestic market escape scrutiny. Greenfield, for example, notes that goods made with prison labour in the United States are consumed domestically, and thus will not be affected by a social clause in the WTO, which deals with goods traded internationally. Goods made with prison labour in China are exported, and so could be viewed as unfair trade under such a social clause. Greenfield, however, emphasizes that this should not descend into a China or US issue, for the problem of prison labour needs to be viewed as an international human rights issue. See Greenfield, ‘Core Labor Standards’, 16-17.
  \item 1326 Dasgupta notes that blanket bans on child labour in poor countries like Bangladesh have resulted in pushing child labourers into more dangerous and less regulated sectors, including crime and prostitution. Moreover, according to Dasgupta, child labourers are mostly deployed in the informal sector rather than in export industries. See Dasgupta, ‘Labour Standards’, 120-123.
  \item 1327 This push by the ILO for the recognition of a subset of international labour standards, also known as the ‘core labour standards’, began in the mid-1990s. These include the freedom of association, the right to collective bargaining, the abolition of child labour, the elimination of all forms of forced and compulsory labour, the prohibition of any form of discrimination in labour. See Juanita Elias, ‘International Labour Standards, Codes of Conduct and Gender Issues: A Review of Recent Debates and Controversies’, Non-State Actors and International Law 3, no.2-3 (2003): 286.
\end{itemize}
formidable challenges exist to undermine attempts at enforcement. 1329 The architecture of the WTO, in terms of its grievance mechanisms, as well as its decision-making ethos – based on the ideology of ‘free trade’ – concentrates power in the hands of political elites, commoditizes labour standards and workers’ rights,1330 and excludes transnational corporations from liability.1331 For Greenfield, there is a fundamental disjuncture between workers’ rights and the free trade regime of the World Trade Organization.1332 Unsurprisingly, attempts to link social clauses to international trade have failed, with labour standards-setting increasingly dominated by self-regulatory approaches that promote the ‘privatization of responsibility’ among corporate actors.1333

While transnational activism is promoted as integral to advancing migrant worker advocacy, its impacts cannot be divorced from localized worker struggles. In examining transnational advocacy networks and their impact on global labour standards in the manufacturing sector, Wells points to structural limits embedded in our global political economy when it comes to relying on corporate codes of conduct to improve working conditions. Focusing specifically on North-South partnerships, Wells acknowledges that organizations in the North play important roles in exerting pressure on buyers (consumers and retailers) to, in turn, pressure manufacturers to improve labour standards.1334 Yet, as already discussed, political consumerism has its limits; furthermore, in Singapore, unlike in the West, there is a ‘virtual absence of

1329 Brown has pointed out how governments in countries such as Singapore may have ratified ILO conventions regarding the right to organize and collective bargaining, but continue to exert strict control over union activity, with the right to strike severely circumscribed. Dasgupta raises a similar point in relation to the United States, in which unionization efforts are thwarted by legislation that impairs the ability to strike. See Brown, ‘Labor Standards’, 107; Dasgupta, ‘Labour Standards’, 125.
1331 A key part of the problem, as Greenfield proposes, is that the social clause targets only countries and their governments. While transnational corporations profit handsomely from labour rights violations, it is a country that would have to deal with any trade sanctions in the event of a dispute, while the company could relocate. See Greenfield, ‘Core Labor Standards’, 12-13.
1334 Wells, ‘Local Worker Struggles’, 571.
bottom up pressure on businesses to adopt CSR’. Ultimately, as McKay argues ‘the most effective strategy for protecting labour rights combines social movement unionism with strategic international solidarity that supports core local efforts to organize’. Admittedly, the definition of ‘local’ becomes especially complex and contentious when considering the situation of temporary migrant workers, but more inclusionary models of labour organizing will certainly recognize that local efforts need to include not just citizen workers, but also the locally-situated, such as migrant workers.

**Young’s Social Connection Model – Labour Justice as Shared Political Responsibility**

There is a need to move beyond compartmentalized notions of responsibility, in which the debate is framed in terms of choosing one ‘perpetrator’ over another – for example, whether it is the responsibility of companies or governments to regulate behaviour. Rather than simplistic either-or choices, dealing with issues of structural injustice involving complex, transnational supply chains requires differentially situated moral agents to acknowledge their social connections, and the processes that produce and reproduce such injustices in their daily lives. Here, Iris Marion Young’s social connection model (SCM) serves as a way to conceptualize a broader framework for achieving global justice. While Young uses the global apparel industry and the anti-sweatshop movement as a case study to examine the issue of responsibility and its relationship to (in)justice, the emphasis on transnational social structures makes the SCM a relevant framework to discussing low-paid labour migration. Currently, the liability model remains our dominant model for establishing responsibility for harm done. This model, derived from legal reasoning, is reliant on identifying a direct causal relationship between the wrongdoer and the wronged. This can be problematic in situations of structural social injustice:

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1335 Ong, ‘Contextualizing Corporate Social Responsibility’, 5.
1337 Young, ‘Social Connection Model’, 118.
1338 Ibid.
Where structural social processes constrain and enable many actors in complex relations, however, those with the greatest power in the system, or those who derive benefits from its operations, may well be removed from any interaction with those who are most harmed in it. While it is usually inappropriate to blame those agents who are connected to but removed from the harm, it is also inappropriate, I suggest, to allow them (us) to say that they (we) have nothing to do with it.\footnote{1339}

Young’s social connection model of responsibility views that all agents who contribute to the structural processes that produce and reproduce injustice have responsibilities to remedy these injustices. This responsibility is viewed less in terms of direct liability, but refers to an agent ‘carrying out activities in a morally appropriate way and aiming for certain outcomes’.\footnote{1340} Each agent is responsible in a partial way, and this responsibility is also essentially shared; entrenched structural processes are only alterable if diverse political agents in different social positions cooperate and intervene.\footnote{1341} It is therefore a shared political responsibility, one that involves participation with others in collective action to ‘reform unjust structures’.\footnote{1342} Under Young’s model, subcontracting does not provide the ‘freedoms’ or contraction of responsibilities earlier described by Lair.

This model, according to Young, offers both philosophical and rhetorical advantages. It can motivate people to take responsibility by tackling situations of social injustice. It reduces the tendency for reactive, blame-shifting behaviour and nudges us toward useful collective action. Young does not insinuate, however, that all persons – from a factory floor supervisor to the Chief Executive Officer of a global retailer – share equal responsibility. Justice obligations are assessed according to a person’s ‘power to influence the processes that produce unjust outcomes’. Parameters are set out that correlate to ‘an agent’s position within the structural process’; they are aligned along the ‘parameters of power, privilege, interest and collective ability’. Ultimately, differentially situated agents – including those viewed

\footnote{1339} Ibid.
\footnote{1340} Ibid., 119.
\footnote{1341} Ibid., 122-123.
\footnote{1342} Ibid., 123.
as victims of injustice – need to cooperate with each other to effect change. This is not portrayed as an uncontroversial and apolitical activity, but recognized as a struggle involving conflicts of interest, where different parties and agents challenge each other and hold themselves mutually accountable for their actions and lapses. Individuals as well as institutions are engaged in an ‘ongoing structural connection with one another across national jurisdictions’, these necessary tensions are essential to ‘developing a theory of global justice’.

Previous chapters have detailed how low-paid migrant workers’ oppression in Singapore is the result of complex collaborations between various stakeholders with differing levels of complicity and acknowledgement. There are many mediating parties involved, for example: recruitment agents who make false promises, collect their fees and disappear; civil servants who follow standard operating procedures regardless of whether they are effective or fair; media professionals disinterested in labour disputes if ‘work is not affected’; doctors who under-issue medical leave so workplace injuries are unreported; repatriation agents who receive a job sheet to remove workers and deport them as ‘part of the job’; lawyers who draft and defend obfuscating and unreasonable employment contracts; main contractors who turn a blind eye to subcontracted workers on their site being owed salary arrears as long as work is not affected.

This involvement of a range of everyday actors in maintaining an oppressive labour regime is sustained by a certain rationality, in effect, ‘the ways in which the decision making actors along the supply chain morally relate to and rationalize [such processes of abuse], and what kind of ideology, institutional and commercial

\[\text{Ibid., 124-130.}\]

\[\text{Piper, ‘Economic Migration and Transnationalisation’, 24.}\]

apparatus frames their moral reasoning’.\textsuperscript{1346} Wise cautions against denouncing the web of everyday actors engaged in such daily processes as ‘evil’. Instead, Wise highlights how these actors employ ‘techniques of moral distancing’ which have a dehumanizing effect, in that they ‘deliberately diminish recognition of human subjects’.\textsuperscript{1347} These include:

- Subcontracting, in which ‘top-of-the-chain contractors’ operate in ‘legal grey zones’ and distance themselves from the responsibilities of worker wellbeing further down the supply chain;
- The use (and abuse) of bureaucratic discourse in the form of authoritative legal-technical language and euphemism to legitimize certain findings and actions;
- The deliberate exploitation of regulatory grey zones through complex transnational arrangements, such that what would normally be considered illegal acts are carried out with impunity;
- The deployment of racialized hierarchies, which interact with immigration controls such that certain ethnic social groups of particular national origins become dehumanized over time, synonymous with various forms of lower-status work. This process is reinforced through spatial segregation, in which low-paid migrant workers become viewed as a ‘racialized “mass” rather than people with individual lives, families and aspirations’.\textsuperscript{1348}

These conscious strategies, says Wise, should be assessed as ‘a product of wider forces of neoliberalism expressed in particular sovereign and industrial contexts’.\textsuperscript{1349} The transnational patterns of exploitation and inequality sustained by a multiplicity of participants are embedded in a global economy yet also rooted in local specificities; a framework is required for viewing justice and its obligations in an equally context-rich yet encompassing way. Distinguished from traditional liability models, which it is not meant to replace but complement, Young’s social connection model is especially useful in situations where injustices have no ‘isolatable perpetrator’, but are the result of the simultaneous participation of many in institutions and practices that result in harm.\textsuperscript{1350} With Young’s social connection

\textsuperscript{1346} Wise, ‘Pyramid Subcontracting’, 442.
\textsuperscript{1347} Ibid.
\textsuperscript{1348} Ibid., 442-448.
\textsuperscript{1349} Ibid., 448.
\textsuperscript{1350} Young, ‘Global Labor Justice’, 377.
model, ‘finding some people guilty of perpetrating specific wrongful actions does not absolve others whose actions contribute to the outcomes from bearing responsibility’.

In other words, while a subcontractor like Hai Xing Construction is viewed as responsible for the mistreatment of its workers, the authority figures who enable such mistreatment (through indifference or inconsistent enforcement), the inequitable spread of financial risk among property developers, main contractors and subcontractors, the competitive tendering processes that induce vicious cost-cutting measures further down supply chains, the medical and legal professionals that abuse their expertise and positions of authority to aid unscrupulous employers – these persons and practices are viewed as part of the problem too, with a corresponding political responsibility to remedy the injustice that results. As it derives from an appreciation of the dense and mediated connections agents have to structural injustices, a social connection model of responsibility does not accept business-as-usual. It issues a challenge to all agents entangled in the economic chain of a product or service perceived to have resulted from unethical practices. It encourages a critical scrutiny of practices and processes that have become normalized, which we may engage in without adequate deliberation and out of habit, but are not morally congruent with accepted norms of justice and fairness.

Another difference between a social connection model and the liability model of responsibility is that the former is more forward-looking. With the liability model, the primary purpose of establishing responsibility is to sanction and exact compensation. There may, of course, be a forward-looking purpose in this, in terms of deterrence, of identifying gaps and areas for institutional strengthening. Young regards this as already moving towards a social connection model. The goal is not to ‘reckon debts’, but to bring about change, which is reliant on collective action by ‘everyone who is in a position to contribute to the results’. A social connection model aims to inspire political collective action, rather than merely assign blame,

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1351 Young, ‘Social Connection Model’, 120.
which tends to result in defensiveness and responses directed at mitigating accusations of responsibility. A social connection model recognizes the structural constraints on agents that participate in ongoing schemes of cooperation that lead to injustice, even as it places demands on agents to act on their shared responsibility. Shared responsibility, meanwhile, is viewed as

a personal responsibility for outcomes or the risks of harmful outcomes, produced by a group of persons. Each is personally responsible for the outcome in a partial way, since he or she alone does not produce the outcomes; the specific part that each plays in producing the outcome cannot be isolated and identified, however, and thus the responsibility is essentially shared.

Young’s view of responsibility and rectifying social injustice issues an immense challenge. One problem with such a broad and encompassing approach is that of ‘disassociation’, and its perceived reasonableness. It is, as Schiff points out, problematized by three dispositions that allow us to insulate ourselves from acknowledging responsibility: thoughtlessness, bad faith and misrecognition. Diverse ‘distractions and denials’ obstruct the discomfort of acknowledgment. These include distancing ourselves from perceived sites of injustice as well as emphasizing the ‘insignificance of our actions’. The ordinariness of our everyday participation in structural injustice – for example, through the purchase of everyday goods and services tainted with sweated labour – makes denial a more appealing option than the ‘agonizing’ and ‘infinite’ realities that come with acknowledging responsibility. These are significant hindrances to galvanizing support and solidarity in battling structural injustice, particularly as there may be underlying fears that changes in hierarchical relations may result in disadvantages for those in relatively more powerful positions.

1354 Jason Schiff, ‘Confronting Political Responsibility: The Problem of Acknowledgment’,  
1355 Hypatia 23, no.3 (July-September 2008): 101.
1356 Ibid., 107.
1357 Ibid., 106.
These impediments are significant and resilient.\textsuperscript{1357} They mitigate against Young’s vision of diverse actors committing to their shared political responsibility and partaking in collective action to combat social injustice. Yet Schiff himself, despite deep reservations about Young’s views of global justice and responsibility, points to some interventions that might awaken us from ‘ideological misrecognition’, in which our status-quo of widespread sweatshop-like arrangements ‘disappears into the self-evidence of a natural order’.\textsuperscript{1358} In order to confront the normalized oppression we face and contribute to in our everyday lives, there is need for an ‘exogenous shock’, a crisis to penetrate our consciousness and expose what has been accepted as part of a natural phenomenon. To this end, Schiff points to the use of narrative – what he conceives as the ‘telling of stories about the concrete, lived experience of human beings contributing to and suffering injustice’ – as one way to promote acknowledgment. Such rich narrative creates the necessary ‘fissures’ to not just expose injustice but our ‘contingent relationships to it’, and to impress upon us ‘however tentatively . . . the possibility and urgency of things being otherwise’.\textsuperscript{1359}

At a philosophical and rhetorical level, Young’s social connection model encapsulates important concerns involved in dealing with global labour injustice. It is in attempts to operationalize it that one begins to falter. In our current socioeconomic and political climate, where most products and services are tainted by the scent of exploitation, acknowledging one’s shared political responsibilities seems a strenuous and exhausting prospect. Determining the partial responsibilities of socially-differentiated political actors carved along the axis of power, privilege, interest and collective ability is an overwhelming task. Yet, as Young herself admits,

Social change arises from politics, not philosophy. Ideals are a crucial step in emancipatory politics, however, because they dislodge our assumption that what is given is necessary. They offer standpoints from which to criticize the given, and inspiration for imaging alternatives.\textsuperscript{1360}

\textsuperscript{1357} Ibid., 103.
\textsuperscript{1358} Ibid., 110-111.
\textsuperscript{1359} Ibid., 112-113.
\textsuperscript{1360} Young, \textit{Justice and the Politics of Difference}, 256.
Conclusion

The slick optimism presented by multinational corporations that they can solve the problems they have generated through business-as-usual, but with better branding, has been reasonably greeted by skepticism.\(^{1361}\) Despite the global prominence of anti-sweatshop initiatives, the impact of labour-oriented CSR policies by transnational companies has been described as ‘exaggerated and misinterpreted’.\(^{1362}\) As this chapter’s critical examination of corporate social responsibility shows, it is a depoliticized and depoliticizing discourse, in which a mythical presumption of equality in social relations among stakeholder groups persists (such as that between NGOs and corporations, or employees and their bosses). It is a sanitized and disempowering discourse, in which political action and power is narrowly defined in terms of consumer action and lifestyle politics. As Garsten and Jacobsson note, by tying the performance of ethics closely with market value, with brand reputation and corporate positioning, it is often the impression of ethical sensibility and accountability that is accentuated, rather than the actual accomplishment.\(^{1363}\)

What results is an obsession with ‘ethical window-dressing rather than deepening moral sensibilities’, and CSR practices become mere ‘theatres of virtue’.\(^{1364}\) Stressing the need for companies to follow moral codes on economic rather than ethical grounds is pragmatic but problematic, because it ‘suggests very strongly that ethical principles are subservient to business principles’.\(^{1365}\) In discussions on poverty alleviation strategies, Chambers highlights how relying on mutual interest arguments to rally support for poverty reduction measures risks loss of support from the rich and powerful when it appears they have little to gain.\(^{1366}\) Measures to address root causes of poverty, environmental degradation or human rights abuses may place restrictions on human activity and challenges the rapid expansion model

\(^{1361}\) Ballinger, ‘Ask Workers in Cambodia’.

\(^{1362}\) Wells, ‘Local Worker Struggles’, 568.


\(^{1364}\) Ibid.

\(^{1365}\) Smith and Duffy, Ethics of Tourism Development, 89.

\(^{1366}\) Chambers, ‘Poverty and Livelihoods’, 196.
many big businesses and governments favour. In other words, there may be strong moral imperatives but weak profit margins. The business interest argument is seductive, but the ‘acid test’ comes when there are trade-offs between complying with ethical codes and risks of monetary loss (real or perceived).\textsuperscript{1367}

Voluntary, market-led forms of corporate social responsibility, epitomized by high-profile efforts such as the UN Global Compact, discredit attempts to govern corporations through regulatory means. More insidiously, it promotes compromise with transnational corporations, on the part of states and societies, as a ‘common-sense’ position.\textsuperscript{1368} The corporate sector, however, is not just an important ‘part of the solution’, as popularly portrayed by the CSR movement; it is, crucially, a core part of the problem. Boucher, in his critique of global policy discourses surrounding international migration,\textsuperscript{1369} locates a distinct yet similar problem: in many global policy discussions and reports, ‘the structure of the global capitalist system in its neoliberal form is taken for granted’.\textsuperscript{1370} Yet, as Boucher notes, capitalists and neoliberal policymakers have caused and are also causal actors in the unceasing migratory flows from poorer to wealthier countries, with capitalist employers largely benefiting.\textsuperscript{1371} This brings us back to Datta et. al’s observation that our institutional obsession with the economic impact of migrant workers’ remittances neglects the oppressive labour market conditions migrant workers inhabit, as well as the economic and emotional trade-offs their employment choices conceal.\textsuperscript{1372} The contention that current patterns in low-paid labour migration are ‘inappropriate, unsustainable and unethical’\textsuperscript{1373} needs to be foregrounded such that it shapes policy direction regarding labour and migration issues – not just as reactive afterthoughts, not only through welfarist approaches, and not via narrowly legalistic and spatially-

\begin{enumerate}
\item[1367] Smith and Duffy, \textit{Ethics of Tourism Development}, 89.
\item[1368] Soderberg, ‘Taming Corporations’, 503.
\item[1370] Ibid., 1462.
\item[1371] Ibid., 1464.
\item[1372] Datta et al., ‘New Development Finance’, 43.
\item[1373] After evaluating the multiple hardships faced by low-paid migrants in London, Datta et al. argue that a development policy reliant on the generation of low-paid migrants’ remittances is ‘inappropriate, unsustainable and unethical’. Ibid., 44.
\end{enumerate}
bound mechanisms which defy the complexities of current labour supply chains and the transnational, cyclical processes involved.
Chapter 10

Labour Justice and Temporary Low-Paid Labour Migration:
Re politicizing the Migration-Development Nexus

An immensely prosperous nation at an advanced stage of economic development, Singapore contradicts the assumption that labour standards improve with a country’s economic performance, when one’s eye is trained on the empirical realities of low-paid workers. Upheld as offering a model of peaceful industrial relations, the widespread yet normalized forms of labour exploitation that persist in the country are largely ignored. While gross violations such as the blatant physical abuse of migrant workers attracts punishment and public condemnation, other ‘lesser’ yet consistent violations – excessive working hours, denial of rest days, discriminatory and low wages, withholding of key personal documents, abject living conditions, forced repatriation – are generally tolerated and, in many instances, exacerbated by institutional acceptance and/or inertia.

As debates continue to rage over the viability, fairness and necessity of temporary labour migration programs, foregrounding the ways in which labour exploitation is camouflaged and defined away is vital. As Binford highlights:

Only by ignoring the very different positions that workers and employers occupy in this social field of power, which is transnational in scope, can one sustain the notion that the exchange of labour power for wages is a fair and balanced exchange.\(^{1374}\)

While rights-based approaches are beginning to influence the rhetoric of migration and development discourse,\(^{1375}\) there is little by way of empirical evidence,
particularly in Singapore and other receiving countries in East Asia, of significant
shifts in policy and practice. The focus on Singapore as a case study serves as an
important cautionary tale, particularly as the country is sometimes upheld as a
positive example of how to successfully ‘manage migration’. Such assessments do
not adequately consider the sociopolitical and institutional context in Singapore, in
which the ‘lack of labour unrest’ cannot be perceived as representative of
widespread worker satisfaction and robust labour standards. Rather, it is the result
of concerted efforts by the ruling People’s Action Party to repress, socially condition
and coerce the labour force into a state of compliance, as discussed in Chapter 5.
While blunt measures such as the mass arrests of activists seem to have been
abandoned in recent years, the ruling party has continued to amend and invoke
various legal and administrative measures to restrain freedoms. In 2003, pilots at
Singapore Airlines, in a display of ‘rare defiance’, sacked their union leaders for
agreeing to pay and job cuts in negotiations with the airline management. The
Singapore government swiftly made amendments to the Trade Unions Act to
further curtail workers’ power; two pilots serving on the union’s executive
commitee were also removed. Ng Eng Hen, then Acting Labour Minister, said:

How one union behaves will affect other unions and, ultimately, all of us.
No one should doubt this government’s resolve in wanting to maintain
and preserve our industrial peace.

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1376 Pritchett, in arguing for greater labour mobility with certain restrictions, repeatedly cites the
labour migration regimes of the Gulf States and Singapore. Kaur, in his comparative study of labour
migration in Malaysia, Thailand and Singapore, deems that ‘Singapore appears to have made the most
strides in promoting labour protections’. See Amarjit Kaur, ‘Labour Migration Trends and Policy
Challenges in Southeast Asia’, Policy and Society 29 (2010): 396; Lant Pritchett, Let Their People Come:


1378 The amendment would allow executive committees of trade unions to negotiate and commit to
collective agreements without first having to seek its members’ approval. See ‘Singapore to Amend

1379 John Burton, ‘Singapore Cracks Down on Airline Pilots Union’, Financial Times, December 2,
2003.

1380 The government also stated: ‘We cannot allow confrontational industrial relations to add to the
problems of SIA, Changi airport and our travel industry’. Ibid.
Even as more radical, grassroots models of migrant worker organizing are emerging in America, Canada, Europe and, closer to home, Hong Kong, the political climate in Singapore stymies such developments, which emphasize principles of participatory democracy and the key involvement of migrant workers in representing their own interests. Elias has written about how rights activists in Malaysia operate in a context where ‘waves of human rights and labour activism have been met by (often draconian) state repression’, critically influencing and limiting the role of activist groups. This description is equally applicable to Singapore (which, for a short period of time, was part of Malaysia). In such states, ‘any notion of worker “rights” remains a low priority’.\(^{1381}\) When aspects of migrant workers’ harsh working and living conditions are exposed, a common view expressed is that such workers are fortunate to have overseas employment and are used to such toil and discomfort due to their ‘Third World’ backgrounds. Moreover, no one ‘forced’ them to come here, if things are so intolerable, they can always leave.

As Teo and Piper point out, in Singapore, purveyors of rights discourse for migrant workers must contend with the reality that citizens themselves do not enjoy the full scope of human rights articulated in internationally recognized conventions.\(^{1382}\) It is therefore an incredibly difficult challenge to garner support from both the state and society to extend rights to migrant workers that even citizens themselves are denied.\(^{1383}\) Yet, while workers’ rights-autonomy may be a low priority, they remain highly politically sensitive areas, and non-state actors outside of those legitimized by the ruling party are marginalized from any meaningful negotiation process. This is a crucial impediment to strengthening workers’ power, ‘both potential and actual, in the workplace and in solidarity ties beyond the workplace.’\(^{1384}\) It also ensures that power relations will remain heavily asymmetrical, weighted against marginalized workers for the foreseeable future.

\(^{1381}\) Elias, ‘Limitations of “Rights Talk”’, 297.
\(^{1383}\) Ibid.
\(^{1384}\) Wells, ‘Local Worker Struggles’, 572.
This view does not intend to negate the agency of migrant workers, who often
device a wide range of coping tactics under considerable economic and emotional
duress,1385 and are increasingly proving they are not as ‘unorganizable’ as initially
portrayed.1386 This thesis does, however, object to apolitical assessments of labour
migration processes that either overemphasize or make self-interested claims about
the agency of individual migrant workers, without a concurrent recognition of the
considerable structural constraints on migrant workers’ abilities to build and
strengthen class solidarity across racial and gendered lines,1387 and take collective
action to challenge powerful state and market actors at a variety of levels (national,
regional, global).1388

The Problem of Ideology: Reforming/Transforming Temporary Migrant
Worker Schemes/Regimes

Deep ideological divisions mark the debate on migration and development. Despite
the considerable literature documenting the adverse consequences of temporary
migrant worker schemes, as well as objections to the inequalities embedded in the
architecture of such regimes,1389 the prevailing consensus is that the advantages of

1385 Datta et al., ‘Coping Strategies’, 404-432.
1386 Milkman refers to it as the ‘myth of immigrant unorganizability’. See Milkman, ‘Immigrant
Workers’, 64.
1387 In Butovsky and Smith’s view, where the migrant workforce is racialized, successful organizing
is reliant on efforts to combat racism toward migrant workers. The authors also argue for a ‘bold
recovery’ of the class-struggle strategy essential to earlier victories of the labour movement, in order to
counter the ‘economistic’ outlook that currently limits workers’ struggles to marginal improvements
within a neoliberal capitalist framework. Meanwhile, a focus on female migrant domestic workers
exposes the gendered nature of structural inequalities and calls into question the limitations on rights
activism in protecting their interests. See Butovsky and Smith, ‘Beyond Social Unionism’, 70, 73, 84;
Gamburd, ‘Sri Lankan Migrant Workers’, 61-88; Elias, ‘Gendered Political Economy’, 70-85; Elias,
1388 What McKay calls ‘labor’s scalar fix’, a comprehensive scalar strategy that recognizes local
political contexts, emphasizes community-based organizing and an attentiveness to gender issues,
demonstrates organizational adaptiveness, and strategically extends such actions to multiple
geographic scales – local, provincial, national and international – to build a broad range of alliances
that can exert pressure on a range of power brokers and provide support for local organizing efforts.
See McKay, ‘Squeaky Wheel’s Dilemma’, 42-43.
1389 Binford, ‘Fields of Power’, 503-517; Preibisch, ‘Pick-Your-Own-Labour’, 404-441; Reilly,
‘Seasonal Labour Migration’, 127-152; Marsden, ‘Temporary Foreign Workers’, 39-70; Southern Poverty
Law Center, ‘Close to Slavery’; Daniel Attas, ‘The Case of Guest Workers: Exploitation, Citizenship and
New Labor Forum 16, no.3-4 (Fall 2007): 70-78, 198; see also Human Rights Watch publications under the
temporary migrant worker schemes outweigh the harms. Policy recommendations thus tend to be reformist, suggesting a ‘pragmatic’ compromise that allows *some* rights restrictions, contingent on certain conditions being met to ensure a reasonable level of protection for migrant workers. For example, Martin Ruhs, a prominent migration academic,\(^{1390}\) proposes new and expanded temporary foreign worker programs (TFWPs) that embody a ‘balanced approach’. This approach is both ‘realistic’ (cognizant of present-day realities in labour migration policy making) and ‘idealistic’ (aiming to improve outcomes for all stakeholders, particularly migrant workers and their home countries).\(^{1391}\) It is also consistent with the dominant view of TFWPs as the most ‘realistic policy option’ for many countries and migrant workers.\(^{1392}\) Ruhs’ policy proposals include, amongst others:

- Increased – though not completely unrestricted – job mobility for migrant workers in receiving countries within specific sectors and time periods;
- Imposition of a monthly levy on employers for each migrant worker they hire, so as to ‘get the price of migrant workers right’. This is viewed as offering some protection to local workers by ensuring migrant workers are no longer the ‘cheaper option’, as well as encouraging employer alternatives to hiring migrant workers;
- Consideration of alternatives before hiring migrant workers, such as the mechanization of production processes, or outsourcing;
- Distribution of revenue from work permit fees to local workers in sectors where the hiring of migrant workers has negatively affected wages and working conditions, as a form of ‘compensation’ to assuage local opposition to temporary labour migration programs; or redirecting such revenue into retraining and skill development for local workers;
- A ‘regulated and conditional’ transfer for some migrant workers into ‘better’, points-based programs that allow for permanent residency and family reunification, according to criteria set by the state.

\(^{1390}\) Ruhs has provided policy analysis for the International Labour Organization and the United Nations, as well as policy advice to national governments. He is currently a member of the Migration Advisory Committee, an independent team of five academic economists that advise the UK government on labour immigration policy. See ‘Martin Ruhs’, COMPAS, University of Oxford, http://www.compas.ox.ac.uk/?id=219 (accessed September 17, 2013).


\(^{1392}\) Ibid., 211.
• Financial return incentives, such as special savings accounts for migrant workers, with the condition the money will only be released upon their return to their home countries.¹³⁹³

Ruhs emphasizes that these proposals are contingent on effective enforcement measures against errant employers, recruiters as well as migrant workers who try to circumvent the system.¹³⁹⁴ The emphasis on shaping an ethically feasible program is encouraging, and certain recommendations, such as that for greater job mobility, echo those made by migrant rights advocates.¹³⁹⁵ However, other policy recommendations do not adequately acknowledge international migration’s relationship to broader social transformations wrought by neoliberal re-regulation, and the inequalities that both shape and drive migration flows.¹³⁹⁶ The assumption, for example, that outsourcing is a progressive move superior to hiring migrant workers ignores debates about how such complex configurations in our labour supply chains enable exploitation through the down-sourcing of employer responsibilities, as discussed in Chapter 9. Furthermore, migrant workers are a core source of labour in industries that practice outsourcing, including construction and contract cleaning. The recommendation to financially compensate unhappy and struggling citizen workers suggests an agenda of placating rather than empowering displaced workers. It deemphasizes the deepening labour market inequalities and tensions in low-paid sectors where growing numbers of migrant workers labour alongside the local working poor (see Chapter 4 and Appendix A).

The recommendation to impose a foreign worker levy, similar to that in Singapore, lacks sufficient recognition of the politics of migratory processes and the contradictions between policy and labour market realities. As demonstrated in Chapter 4, these contradictions arise due to strong labour market demand for

¹³⁹³ Ibid., 213-216.
¹³⁹⁴ Ibid., 216.
¹³⁹⁶ Castles, ‘Forces Driving Global Migration’, 122-140.
‘compliant’ low-paid labour and the political need for states to be seen as strictly regulating migrant worker inflows. In Singapore, the foreign worker levy works in combination with a range of other control measures, including the S$5,000 security bond, sector-specific quotas and source country restrictions. Collectively, such measures make it increasingly onerous for employers to hire low-paid migrant workers from certain countries for particular jobs. Yet the effectiveness of such measures is questionable. As demonstrated in Chapters 4 and 6, there is greater irregularity in the low-paid labour market than is officially acknowledged in Singapore with regards to illegal cost recovery, such that further increases in the foreign worker levy are liable to result in greater financial hardship for workers. The absence of minimum wage and anti-discriminatory laws in Singapore mean employer taxes and levies are often borne by workers through wage suppression (when wages in migrant-dependent sectors are already very low), and can function as a means to generate and justify pay inequalities within the labour market, as in the case of the SMRT bus drivers mentioned in Chapters 5 and 6. This highlights the dangers of isolating instances of migration policy ‘best practice’, without adequate consideration of the particular context in which a labour migration regime functions. It is also critical to examine how such policies interact with the empirical realities of migrant workers and other marginalized groups in the low-paid labour market, as opposed to determining the success of a policy strictly from official accounts.

Top-down approaches that legitimize particular rights restrictions on the basis they potentially generate greater economic benefit ‘for all parties’ remain contentious. Firstly, migrant worker activists are increasingly challenging politicians’ promises that a ‘rising tide raises all boats’. Consider, for example, how Filipino domestic workers protesting in Hong Kong awarded (then) president Gloria Macapagal Arroyo with a ‘Milkmaid Award’ for ‘milking’ overseas Filipino workers. The greed of sending country governments is juxtaposed with the economic exploitation of migrant workers, who are tasked with supporting their home countries.

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1397 Ibid., 126.
financially. From a ‘rights-numbers trade-off’ argument, strict rights-based approaches are viewed as restricting the (economic) opportunity structures for low-paid migrants and treated as ‘anti-development’. They are also argued to curb migrant workers’ mobility and agency by limiting their ‘choice space’. A labour justice approach however, is concerned with the quality and conditions of such a choice space. Piper has noted the growing demands by migrant worker organizations for sending countries to focus on creating livelihood opportunities, as a ‘sustainable alternative to migration of workers’. Migrant worker demands, therefore, do not just entail fair labour rights at destination countries, but have ‘evolved to include the right to not have to migrate in the first place or to have more choice’. Such claims point to a desire for an expansion of ‘choice space’ – a qualitative shift – and, by implication, a rejection of the narrowly prescribed choices currently presented to (potential and present) migrant workers, in which staying means facing chronic un/underemployment, and going overseas means ‘consenting’ to joining a growing subclass of socially and economically stigmatized labour. They indicate a need to consider what ‘exit options’ exist to empower migrant workers to stand up against abusive employment practices and working conditions.

These demands require a concerted shift away from narrowly quantitative and reductive responses, to qualitative, context-sensitive analyses; an emphasis not just on remittances, but on the conditions under which such remittances are generated, and the enduring social and ethical costs of entrenching such conditions. Importantly, there needs to be a collective political will to create sustainable

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1398 Constable, ‘Many States of Protest’, 146.
1400 Piper notes, however, that such declarations remain ‘fairly novel in the context of migration governance (especially at the regional level)’; they currently exist at the rhetorical level, with ‘little concrete action on the ground’. Ibid.
1401 Kabeer argues that the linking of labour standards with international trade negotiations, such as through social clauses, hurts women garment factory workers in Bangladesh, who lack comparable livelihood alternatives and may be pushed to find work in less regulated sectors offering lower wages and poorer working conditions. This lack of viable ‘exit options’ is a key reason many women stay in jobs viewed by anti-sweatshop activists as grossly exploitative; it also serves as a serious impediment to women workers resisting such working conditions and taking collective action. Kabeer, ‘Globalization’, 18.
1402 Datta et al. ‘New Development Finance’, 43.
livelihood opportunities, the latter an approach that adopts a multidimensional perspective on poverty, and recognizes that deprivation is more than just cash/income poverty. This means transcending the political zeal to promote ‘job creation’ without an attendant scrutiny of the quality of employment and employment relationships. The migration-development nexus urgently needs to adopt a more critical perspective, one engaged with related debates on sustainable development. We need to nurture a decision-making rationality that embraces the following sustainability principles: inter- and intra-generational equity; the protection and enhancement of other forms of capital (social, cultural, political); participatory democracy; a precautionary policy approach; steady state economics (moving from an ‘exploitist’ model of growth to a kinder, more equitable ‘integrist’ model); the recognition of complex, adaptive systems (implying the need for long-term thinking and holistic approaches); and ecological protection and improvement (in which poverty-environment interactions are considered). This is an ambitious, longer-term vision for the evolution of migration-development discourse, in which there are meaningful engagements with the core principles of sustainable development, itself a highly contested, some say ‘tortured concept’ popularly manipulated by perpetrators of unsustainability. Nonetheless,

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1403 Chambers, ‘Poverty and Livelihoods’, 173-204.
1407 Dale, At the Edge, 21.
sustainable development is directive, it provides a principled means of negotiating change, and is, ultimately, ‘a vision and a process, not an end product’.\textsuperscript{1411}

Carens, in his paper, ‘Realistic and Idealistic Approaches to the Ethics of Migration’, which Ruhs’ concept of a balanced approach to labour migration draws on,\textsuperscript{1412} explores these two distinct approaches to morality, which he does not view as ‘logically incompatible’. Realistic approaches are alert to the constraints that need to be accepted for morality ‘to serve as an effective guide to action’ under current world circumstances. From a realistic perspective, ‘moral norms should not stray too far from what most actors are willing to do much of the time’. Meanwhile, idealistic approaches are particularly concerned with ‘issues of fundamental justification’, they challenge morally troubling developments ‘ in the name of what is right’.\textsuperscript{1413} As Carens notes, ‘deep tensions’ between such approaches exist in ‘contexts where existing arrangements are fundamentally unjust yet deeply entrenched’, which is the case with labour migration, and its troubled history of entanglement with slavery. An attentiveness to such tensions, however, allows us to differentiate between ‘a regrettable but useful tactical concession to powerful political forces pursuing a morally objectionable path and a legitimate defense of an important and honourable value’. Calls for greater realism in shaping migration policy must consider if ‘we should embrace that reality as an ideal or regard it as a limitation to be transcended as soon as possible’.\textsuperscript{1414}

Vivien’s assertion (Chapter 9) that labour rights activists ‘do not understand’ industry concerns is not uncommon. Exasperation is evident from industry and state representatives, who often express the view that migrant worker advocates are idealistic in their pursuit of labour justice, without adequate knowledge or concern of how business operations are unduly affected by a strict adherence to labour laws,

\textsuperscript{1411} Peter Newman and Jeffrey Kenworthy,\textit{ Sustainability and Cities: Overcoming Automobile Dependence} (California: Island Press, 1999).
\textsuperscript{1412} This link is more explicit in an earlier paper of Ruhs’, see Martin Ruhs and Ha-Joon Chang, ‘The Ethics of Labor Immigration Policy’,\textit{ International Organization} 58 (Winter 2004): 91.
\textsuperscript{1413} Carens, ‘Realistic and Idealistic Approaches’, 156, 158.
\textsuperscript{1414} Ibid., 169, 166.
and how this may have broader, negative impacts on a country’s economy. This
distinction between what is realistic – from a profit-driven business perspective –
and what is ideal – from a labour justice perspective – imposes a formidable burden
on policymakers, targeted by different pressure groups who may sit anywhere
along this ideological continuum, to protect their (often competing) interests. It is an
appealing idea, then, not just for bureaucrats, but equally for activists, to strive for a
‘middle ground’ in the ‘imperfect world of politics’,1415 in which there is a
‘pragmatic’ balance of a broad range of concerns. Examining the politics of policy
making, however, reveals a bias towards a certain ideology of pragmatism –
consequently, what constitutes a ‘balanced approach’ may, in reality, reflect a
disproportionate emphasis on the priorities of those in established positions of
power.

In Singapore, the ‘hegemonic ideology of pragmatism’ is dictated by the imperatives
of the People’s Action Party. In other words, what constitutes a pragmatic approach
or solution is ‘defined from the position of the PAP, as opposed to for instance, the
position of the rest of the populace’.1416 This ideology of pragmatism has greatly
facilitated the pervasive adoption of what Liow terms a ‘neoliberal political
rationality’, which functions as both ‘a set of economic tenets and as a form of
governmentality’; there is a mutually dependent and ‘simultaneous retreat and
expansion of the state’.1417 This neoliberal political rationality operates via a ‘highly
selective and strategic’ manipulation of the rhetoric of ‘free market forces’, in which
the ruling PAP is able to position itself as market-friendly to achieve its economic
development goals, yet cement its political power by forging close connections to –
and control over – key market actors. When applied to labour migration, it results in
a policy framework that is ‘highly utilitarian and calculative in its purpose’,1418
designed to achieve the economic as well as political priorities of the ruling power
elite (the actual success of such strategies notwithstanding).

1415 Sutherland, ‘Migration is Development’.
1417 Ibid., 241, 243.
1418 Ibid., 225.
The quote by Acting Prime Minister, Teo Chee Hean, that transient workers are advantageous for Singapore because they contribute to the economy without imposing any ‘social load’ is an example of PAP pragmatism; so is Prime Minister Lee’s view that migrant workers are good socio-economic buffers for Singaporeans because they bear the brunt of economic recessions (Chapter 4). This is distinct from pragmatic deliberations on temporary labour migration from a ‘liberal-democratic perspective’, which Stilz adopts.\textsuperscript{1419} While Stilz argues that rights restrictions for guest worker programs are morally acceptable if they satisfy certain conditions, the author considers guest worker programs in Singapore and the Gulf States indefensible.\textsuperscript{1420} Stilz concurs that certain membership rights, that is, rights extended to citizens (such as the right to vote, collect social welfare benefits and remain in the country indefinitely) may be restricted. However, basic rights of personhood must be protected; these are rights perceived as inalienable and would, under a liberal-democratic government, extend to all within its territory. For Stiltz, such rights include the right to a fair trial, free speech, and integrity of the body.\textsuperscript{1421} The restrictions on membership rights, however, should not be imposed on ‘unduly vulnerable’ migrant workers suffering from political repression and severe needs deprivation.\textsuperscript{1422} Importantly, rights restrictions should not force migrant workers into ‘dominating social relationships’. Thus, restrictions such as employer-specific work visas, exemptions from minimum wage laws, and conditions requiring workers to live-in with employers are not morally acceptable.\textsuperscript{1423}

The guest worker program that Stilz describes is, at present, inconceivable in the Singapore context; it is at odds with the moral norms embedded in temporary labour migration programs in East Asia and the Gulf States more generally. Therefore, on the broader question of whether some (purportedly less objectionable)

\begin{itemize}
\item Stilz considers it ‘morally troubling’ that in Singapore, foreign domestic workers have no minimum wage, have no right to freedom of association, are prohibited from marrying a Singaporean, are subject to periodic pregnancy tests and deported if found to be pregnant. Ibid., 296.
\item Ibid., 297.
\item Ibid., 301-302.
\item Ibid., 303–304.
\end{itemize}
rights restrictions should be permitted under certain conditions, a labour justice perspective would prefer an emphasis on ensuring that these certain conditions, which necessitate considerable social, political and ethical transformations, particularly in a country like Singapore, are first met. Only then, perhaps, can more genuinely bottom-up governance models emerge, such that the ‘rights agenda’ – in terms of what rights matter, and under what conditions – better reflects the concerns of grassroots labour movements (inclusive of both local and migrant workers) and less the economic and securitization priorities of state and industry elites. Feminist critiques that focus on the situation of female migrant domestic workers also highlight the need for rights agendas to explicitly acknowledge how gender inequality has excluded their voices and concerns, for rights claims, manifested in codes of conduct or international labour standards, tend to be framed in ‘gender-neutral language’ and obscure ‘gendered structures of socio-economic inequality’; under such conditions, household and reproductive labour is ‘rendered invisible’. Meanwhile, the increasingly racialized tensions between citizens and ‘foreigners’ (inclusive of migrant workers, but also immigrants and any other ‘visibly different’ group), even in countries traditionally viewed as welcoming and egalitarian, indicate that any such transformations will entail considerable political struggle.

**Labour Justice Revisited: Deterrence, Democratization, Repoliticization**

This thesis argues for ethics-centered, justice-oriented approaches to the politically divisive issue of temporary labour migration. Achieving labour justice for all workers requires a radical ethical paradigm shift and is a shared political responsibility demanding solidarity among interdependent social movements. Despite the primacy of a liability model in establishing responsibility, labour justice assesses

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workplaces as exploitative through their empirical realities rather than existing legal definitions. Subscribing to a view of labour rights confined to legal compliance is problematic, particularly in low-protection settings like Singapore. This problematizes legal strategies in labour rights advocacy, but does not mean they should be shunned. Current legislative frameworks need to be strengthened, and corrected to better capture the coercive realities that underpin low-paid labour markets, as well as the class and gender hierarchies that shape and sustain inequalities. Deterrence matters in situations of normalized exploitation, and the liability model, as Young has argued, is not to be replaced, but complemented by a social connection framework.

For a start, legislative amendments should ameliorate asymmetries in bargaining powers so that aggrieved workers who seek access to justice are not additionally penalized – addressing the uneven burden of proof in favour of workers in the event employers and/or recruiters are willfully ambiguous and deceptive and withhold critical evidence is one step. The absence of minimum wage laws and the institutionalization of unequal pay for equal work needs to be addressed. The lack of a minimum wage legitimizes exceptionally low wages in a country of exceptional wealth. Wages of S$1.13 an hour, S$16 a day, or S$400 a month may elicit expressions of shock or discomfort, yet remain ‘perfectly legal’. Discriminatory pay structures, meanwhile, create and entrench inequalities within the low-paid labour market. A strict and consistent enforcement of laws that already exist to protect workers (such as those that ban the withholding of wages and confiscation of passports) is also required. This would, however, necessitate greater state recognition of how Singapore’s labour migration regime mitigates against such measures and rationalizes employer violations. Work Permit regulations confer legal and economic responsibilities for managing and maintaining a migrant workforce on employers (Chapter 4), who then justify oppressive control and surveillance measures as a practical necessity. Employers also outsource aspects of this responsibility to other businesses, that further profit from migrant workers’ precarity (Chapter 6). Increasing cost pressures on employers of migrant workers –
through state taxes such as the foreign worker levy – further incentivize employer strategies to transfer such cost pressures onto migrant workers, through kickbacks and other forms of wage theft.¹⁴²⁸ When one considers those perched along the upper parameters in terms of power, privilege, interest and collective ability,¹⁴²⁹ the state-industry alliances that shape labour policy and exert downward pressure on a range of mediating agents to sustain exploitative practices must be held to account for their enlarged justice obligations.

While this thesis’ empirical emphasis has so far been on the local, there is a need to look regionally and globally in dealing with labour injustice. Admittedly, the problems of agreeing upon, much less implementing and maintaining an international labour standards regime are vast and complicated (Chapter 9). The suggestion to link trade negotiations with compliance of particular labour standards is a move deeply disagreeable to the governments of the Association of Southeast Asian Nations (ASEAN),¹⁴³⁰ who determine that promoting labour rights should be the sole domain of the International Labour Organization.¹⁴³¹ (This does not mean, of course, that ASEAN governments accept ILO proposals).¹⁴³² The ILO, a global body

¹⁴²⁹ Young, ‘Social Connection Model’, 127.
¹⁴³⁰ ASEAN member states include the following countries: Brunei, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. See ‘ASEAN Member States’, http://www.asean.org/asean/asean-member-states (accessed October 25, 2013).
¹⁴³¹ The labour ministers of the ASEAN issued a joint statement in 1999 that ‘stressed that it would . . . be unnecessary and inappropriate for other international bodies [besides the ILO] to discuss and include the promotion and compliance of core labor standards with the view to linking them with trade and non-labor related matters’. See ‘ASEAN Reiterates ILO’s Domain Over Labor Standards’, Xinhua News Agency, May 15, 1999.
¹⁴³² In 1997, the Singapore government rejected the ILO’s proposal that members should comply with seven labour standards, even if not adopted by the countries. These include standards on ‘forced labour, minimum working age, workers’ remuneration, as well as their right to organise themselves and engage in collective bargaining without facing discrimination in their jobs’. According to Singapore’s then Minister of State for Labour, Mr. Othman Haron Eusofe, this contradicts the principle of states adopting standards voluntarily. Mr. Othman also objected to the ILO’s awarding of ‘global social labels’ to countries who demonstrate a comprehensive respect for labour rights, arguing that such labels could be used for protectionist purposes. Instead, the Labour Minister believed it would be more useful for countries in the Asia and Pacific region to ‘discuss and reach a consensus on how these controversial issues could be resolved amicably’. See ‘S’pore Objects to ILO’s Labour Proposal’, Straits Times, December 11, 1997.
that operates via a ‘voluntarist framework’, and through ‘technical rather than political’ approaches, is deemed the most legitimate institution to promote labour standards and workers’ rights. The ILO’s tripartite arrangement, however, marginalizes NGOs and other non-state actors engaged in labour rights advocacy. This is especially problematic for workers perched on the margins, such as migrant workers (in particular female migrant workers), informal sector workers and women workers. In the Singapore context, ILO engagement with official tripartite stakeholders – which recognizes the National Trades Union Congress as representative of workers – means participation at the highest levels are dominated by state and financial elites.

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1435 This was the conclusion at the World Trade Organization’s Singapore Ministerial Conference in 1996, in which the ILO was recognized as ‘the most competent body for devising and promoting international labour standards’. See Vosko, “‘Decent Work’”, 27.


1437 Ibid.

1438 While the ILO recognizes trade unions as the primary representative of workers’ voices, NGOs often play a much greater role in organizing and promoting the rights of female migrant workers. See Elias, ‘Gendered Political Economy’, 75.

1439 Kabeer similarly points out how trade unions in South Asia tend to be exclusive and exhibit a male bias, with NGOs more responsive to the needs of marginalized workers such as migrant workers and women workers. See Kabeer, ‘Globalization’, 22-24.

1440 The ILO, at the request of the Singapore government, undertook a five-day study visit on tripartism in Singapore from 18 to 22 January 2010. In its report, it identified the Ministry of Manpower as representing the government’s view, the Singapore National Employers’ Federation as representing the employers’ view, and the National Trades Union Congress as representing the workers’ view. Ms. Halimah Yacob, the then Deputy Secretary-General of the NTUC, spoke ‘on behalf of the workers’ in support of Singapore’s tripartite system. Ms. Yacob attributed the success of Singapore’s tripartite framework, from ‘the workers’ perspective’, to the notion that ‘workers are able to believe that tripartism delivers outcomes’, and significantly improve their ‘lives, jobs, wages, and welfare’. See International Labour Organization, ILO Study Mission on Singapore’s Tripartism Framework: Prospects for Ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144) (Geneva: International Labour Office, 2010), 26.

1441 The ILO’s report following its five-day study trip on Singapore’s tripartism framework listed its program while in Singapore it met. These included representatives from the MOM and the NTUC, as well as those from statutory boards (such as the Maritime and Port Authority of Singapore), the Singapore National Employer’s Federation and three academics. Significantly, no NGOs were consulted. The appointed workers’ voice, NTUC’s Ms. Yacob, promoted the symbiotic relationship between the PAP elite and NTUC’s top leadership. Rather than a conflict of interest, this
The current emphasis on core labour standards (CLS) as defined by the ILO also needs to be reassessed. Chan’s historical analysis shows how political shifts have led to an increased emphasis on civil or political rights in the realm of international labour standards-setting, and away from those associated with social and economic rights. Currently, the ILO’s core labour standards include: the right of freedom of association; the prohibition of the use of child labour; the prohibition on forced labour, slavery or indentured servitude; the prohibition of any form of discrimination in labour. As low wages are often part of a state’s ‘comparative advantage’, this leads to a preference for labour standards-setting from a ‘human rights perspective’ rather than, say, confronting the issue of fair wages. When these prescribed core labour standards, adopted by high-profile initiatives such as the UN Global Compact, form the template for legitimate complaints or violations, it displaces other problems low-paid migrant workers face and often prioritize when seeking remedial justice – these include issues related to low wages, excessive debt burdens due to hefty recruitment fees, long working hours, the lack of rest days, and exposure to hazardous work environments. For Alston, these omissions reflect a decision-making process in which influential states made a ‘pragmatic political selection’ of which labour standards they found acceptable. Standing critiques this aspect of the ILO, in which countries are able to pick and choose which conventions they wish to adopt or reject. In the Singapore case, the state’s aversion to establishing minimum wage laws and desire to maintain a hyperflexible workforce in which labour standards can be shifted upwards or downwards according to the economic climate mean it is not in their interest to commit to specific social and economic rights. Agreeing to the ILO’s core labour standards, on

relationship was positioned as ensuring ‘workers’ representatives are active in critical areas of economic and social policies’. As a result of the study trip, the ILO team observed that tripartism in Singapore ‘actually works as a positive and irreplaceable method of doing business, while it supports sound industrial relations, in particular in difficult times’. ILO, ILO Study Mission, 24, 26, 31-36.

1443 Ibid., 21.
1446 Standing notes how governments are able to ratify conventions they like, not ratify those they don’t, and even ‘deratify’ those they come to dislike. Standing, ‘Agency for Globalization’, 356.
the other hand, offers a means for the country to be seen as ILO-friendly, with its tripartite framework carefully structured to ensure claims on such civil and political rights do not manifest beyond what the state ordains. This is facilitated by the governance structure of the ILO, in which complaints about freedom of association and collective bargaining are especially complex and difficult to resolve when restrictions on worker organizing are a result of state oppression. The ILO, as it admits, is not ‘in the business of regime change’ and accepts the governments it deals with as ‘given’, a ‘fact of life’; the preference is to engage rather than antagonize governments and encourage incremental change. This results in a paradoxical situation whereby the core labour standards emphasize rights of a civil-political nature, yet the processes involved in monitoring and implementing such standards are increasingly being depoliticized and framed as apolitical.

Despite such formidable realities, the transnational nature of rights violations dictates that multi-country coordination is necessary. An ethics-focused, justice-oriented perspective on development needs to take place at various scalar levels, with regulatory regimes better able to deal with the complexities of transnational economic, social and ecological injustice. Vosko charts a growing resistance within and along the margins of the ILO, and views the ILO’s Decent Work platform as an indication NGOs and other previously peripheral groups and issues are being given greater consideration. (This optimism, nonetheless, remains muted, and Standing, a former ILO Director, provides a more sobering and bleak view of the ILO and its failures). In order to advance global social justice and challenge the

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1448 Other ways of categorizing rights are mentioned by Brown and Basu, who note how labour rights have been codified into four categories: basic rights (rights against forced labour, child labour and discrimination), civic rights (freedom of association and collective bargaining rights), survival rights (a living wage, accident compensation, limitations on work hours) and security rights (protection against arbitrary dismissal and benefits such as retirement benefits). Brown also mentions the distinction between outcome-related standards (such as a minimum wage) and process-related ones (such as freedom of association), which characterize the ILO’s core labour standards. See Basu, ‘Compacts’, 490; Brown, ‘Labor Standards’, 94-95.

1449 Vosko, ““Decent Work””, 36, 38.


‘corporate-state-centric version of corporatism’ advanced by the ILO, Vosko recommends that an alliance of labour rights-concerned groups focus on interrogating the lack of democracy and transparency in international organizations.\footnote{Vosko, ““Decent Work””, 39.} Vosko also recommends a simultaneous strategy of lobbying for ‘stronger and more meaningful labour standards’ and monitoring instruments to regulate global capital.\footnote{Ibid.} This view is supported by a labour justice perspective, which recognizes that attempts to achieve industrial democracy cannot be divorced from the concurrent need for participatory and inclusive democracy and significant political change in decision-making processes. It is not merely policy reform, but the democratization of institutions that is required, and a reorganization of decision-making rules;\footnote{As Young argues, issues of decision-making refer not just to who, ‘by virtue of their positions have the effective freedom or authority to make what sorts of decisions’, it also refers to ‘the rules and procedures according to which decisions are made’. See Young, Justice and the Politics of Difference, 22.} this includes all institutions, corporate, government and non-governmental organizations. This also requires a repoliticization of development discourse, in which persistent inequalities and power asymmetries are illuminated, rather than obscured.

**Limitations and Opportunities for Further Research**

I have avoided a ‘lessons learnt’ component in this thesis, in which comprehensive policy recommendations are prescribed. While I intend to contribute to policy advocacy and change, this is an exercise of a slightly different nature, in which more participatory approaches are required. Academic theorizing, no matter how critical and attentive, may fail to capture certain empirical complexities, which grassroots practitioners and migrant workers are best positioned to address. Furthermore, there is often a considerable time lapse between academic research and analyses, and the more dynamic shifts that take place in society. Policy advocacy, in terms of specific legislative changes, is most fruitfully served by collaborative efforts (which often include academic contributions). A labour justice approach does, however, make clear its stand on policy direction, and assesses policy mechanisms on whether they advance or obstruct labour justice imperatives within a particular context.
Rights and Livelihoods – Recognizing Constraints, Expanding Opportunities

This study’s emphasis on the ethical and political dimensions of temporary low-paid migration should not be perceived as a disregard for distributive injustice or the economic interests of migrant workers, many of whom seek to obtain and sustain overseas employment opportunities. Admittedly, this remains a challenging and intricate negotiation, and I acknowledge Broines’ concern that current rights-based academic and policy approaches focus on the ‘political struggle of migrant activism while sidelining the more immediate, materialist concerns of migrant workers’.1455 The call for more holistic development models and, in particular, attention to sustainable livelihoods, coheres with Briones’ push for a greater rights-livelihood alignment relevant to the protection and empowerment of migrant workers.1456 To guard against the ‘conflation of [migrant worker] agency with rights and correspondingly, activism with power’,1457 Briones advocates a paradigm based on a Capabilities Approach. This approach, theorized by Amartya Sen,1458 and adapted by Martha Nussbaum,1459 eschews economic growth-oriented development models to emphasize capabilities, simply ‘what people are actually able to do and to be’.1460 For Brione, the focus on securing capabilities allows for the incorporation of both ‘structural and materialist constraints to rights’.1461 For Nussbaum, a capabilities understanding of rights necessitates ‘effective measures to make people truly capable of political exercise’.1462 Securing rights would thus entail ‘affirmative material and institutional support, not simply a failure to impede’.1463

Applied to the circumstances of migrant domestic workers in Hong Kong, Briones argues that a focus on livelihood security, across borders, can overcome the

1456 Ibid., 127
1457 Ibid., 136.
1460 Nussbaum, ‘Capabilities’, 33.
1461 Briones, ‘Rights with Capabilities’, 137.
1462 Nussbaum, ‘Capabilities’, 38.
1463 Ibid., 38.
problematic issue of how greater rights recognition potentially reduces access to overseas employment. This ‘enables migrant activism to articulate what constitutes rights for the migrant worker’.¹⁴⁶ This approach recognizes migrant workers’ transnational livelihood strategies, and the implications of uneven development processes on migration choices. For Briones, a capability approach both transcends and incorporates state borders, as well as ‘conceptual borders between issues of recognition and distributive justice’.¹⁴⁶ It acknowledges the challenges posed by structural constraints, and how these are intertwined with individual migrant workers’ desires for greater life opportunities, which may involve ‘sacrifices, hardship, endurance and major risks’.¹⁴⁶ Briones’ arguments for a capabilities paradigm highlight the need to study not just the constraints faced by migrant workers, but to examine their varied capabilities to respond to such challenges.¹⁴⁶⁷ Admittedly, this thesis is heavily weighted towards the former. It would be useful to further explore the convergences and tensions between a labour justice approach and a capabilities paradigm (itself a contested area).¹⁴⁶⁸ Such an exploration could potentially contribute to greater policy coherence between political and livelihood security, as well as a more nuanced understanding of the relationship between agency and rights.

**Social Exclusion and Reproduction**

The discrimination and social exclusion experienced by migrant workers, though alluded to, is a neglected dimension in this thesis. An expanded precarity package would include, in addition to dependency and deportability, a third ‘D’: discrimination. A complex, layered experience, it is difficult to talk about ‘race’ in Singapore, and Singaporeans generally bristle at the suggestion of xenophobia,

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¹⁴⁶ Briones, ‘Rights with Capabilities’, 135.
¹⁴⁶⁵ Ibid., 138.
¹⁴⁶⁷ Briones, ‘Rights with Capabilities’, 136.
citing their history as an immigrant nation and openness to foreigners. Singapore’s migration framework, however, is elitist, gendered and highly racialized. So are migratory processes and subsequent relations of domination, as captured in studies about ‘exploitative ethnic enclaves’. As Wise notes, many low-paid migrant workers are frequently exploited by ethnic elites, who take advantage of ‘transnational opportunities and networks for a flexible supply of co-ethnic labour conditioned in their home countries to low paid precarious work’. The migrant construction workers from China I encountered were overwhelmingly recruited and hired by construction firms owned and managed by Chinese nationals, many of whom had attained permanent residency in Singapore; supervisors, complicit in exerting repressive managerial control, were also mainly from China.

Examining class, race and gender relations in Singapore through an emphasis on low-paid migrant workers reveals both subtle and blunt variants of discrimination, from media stereotypes that either celebrate or demonize, to everyday practices exposing entrenched social hierarchies, such as the ‘no maids allowed in condominium pools policy’. In a newspaper article, one condominium manager insisted such a policy is fair, as ‘all non-residents are not allowed to use the common facilities’, thus affirming the normalized categorization of ‘maids’ as outsiders, in contradiction to the frequent sociocultural positioning of domestic workers, when convenient, as ‘part of the family’. The article also reported that domestic workers at an upscale condominium were banned from using the same private lifts as residents – they had to use the service lifts utilized by deliverymen, security guards and contractors.

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1470 Ibid., 448.
1471 HOME’s report on Chinese construction workers noted the increasing presence of Chinese state-owned as well as private enterprises in Singapore. See HOME, Migrant Chinese Construction Workers, 3.
1472 In another condo, management said the ban was a result of feedback from owners that ‘they do not like maids to use the pool’. The spokesperson added, ‘If we allow all the maids to swim in the pools at the various condos, it will be swamped and over-utilised.’ See Geraldine Yeo, ‘No Maids Allowed in Pool’, New Paper, January 19, 2011.
1474 This service lift could only be accessed with a security card. The rule was apparently introduced after complaints were lodged by residents about ‘overcrowded lifts’. The newspaper could not verify,
The SMRT bus strike in November 2012 revolved around pay inequalities, but the Chinese drivers were also stung by discriminatory practices. A salary increment notice pasted in the drivers’ dormitories listed pay increases for Malaysians and Singaporeans, with a clause: ‘except PRC service leaders’. A commentary in *China Daily* by a law professor labeled this ‘blatant discrimination’, noting that ‘Chinese workers in Singapore work as hard as others’. He Jun Ling, the SMRT bus driver jailed for seven weeks, is keenly aware that ‘Singaporeans don’t view people from mainland [China] in a very positive light’. Noting that Bangladeshi and Indian migrant workers were similarly marginalized, he said, ‘It’s like we were lesser people than them . . . as if we were second-class citizens’. Liu, another SMRT bus driver who served a jail term, shared this view, saying Singaporeans ‘didn’t treat me with a friendly attitude, and I was often looked down upon’. He also added that though it may be difficult for locals to understand, participating in the strike was ‘a matter of fighting for our rights and dignity’.

Datta et al.‘s work on the coping tactics of low-paid migrants in London examines the interconnections between workplace, home and community and, through this, issues such as labour market segmentation, social reproduction and social exclusion. Through this exploration, the authors detail how divisions of gender, ethnicity, nationality and class influence migrant workers‘ ‘fragmented and fragile’ mechanisms for coping. This interconnection, between workplace, household and community, provides insights on ‘market and non-market forms of dealing with hardship’, giving rise to a more holistic perspective on workplace relations and practice. Reilly similarly advocates a relational view of the nature of work, in which work is recognized as an integral and complex component of our identities, and

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1477 Ibid.
1478 Datta et al., ‘Coping Strategies’, 405.
1479 Ibid., 425.
cannot be ‘isolated from the environment in which it is performed’. Ultimately, migrant workers negotiate not just labour relations, but also (transnational) household dynamics, and are members of a community, in spite of the myriad practices that exist to exclude them from it. Research on labour justice and labour relations would benefit from a more deliberate exploration of such public-private connections and interactions, and should be supplemented with qualitative approaches that contribute to a richer understanding of the textured lives of low-paid migrant workers.

**Conclusion**

Holistic approaches are needed to address the diabolical dilemma we currently face: the persistent and painful trading-off of one set of rights for another, sustaining wretched cycles of poverty and deprivation. That efforts to eradicate the more abhorrent forms of labour exploitation potentially cause more financial hardship due to a lack of viable and sustainable alternatives is indicative of how little we have actually progressed. It also signals the dangers of short-sighted strategies that fail to consult meaningfully with assumed beneficiaries or acknowledge the sociopolitical and institutional contexts within which such proposals are meant to operate. Ultimately, there is a need to consider, with greater critical reflection and political courage, our global development trajectory – from the different types of labour that we valorize, devalue or fail to regard, to our consumption and production patterns, to our forms and means of social reproduction, and our social connections to the processes which sustain a system that is grossly inequitable but not immutable, thus constantly offering opportunities, however constrained, for the shaping of alternatives.

Proposals for social transformation are frequently dismissed by politicians as being ‘utopian’, with utopia connoting ‘a fantasy world of perfect harmony and social justice’. Wright thus proposes the idea of ‘real utopias’, which ‘embraces this

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1480 Reilly, ‘Seasonal Labour Migration’, 145.
tension between dreams and practice’. 1482 In discussing the treatment of asylum seekers in Australia, Porter promotes the idea of ‘compassionate politics’, in which a recognition of our shared humanity allows for a ‘merging of a compassionate drive with a search for justice, equality and rights’. Porter argues that ‘as the emotion of compassion is central to the practice of an ethical life’, this means ‘compassionate political responses are integral to decent politics’. 1483 Porter’s stirring proposal inspires hope in human potential for reasoned and compassionate responses, and in imagining a vastly different social and political sphere than currently exists. Hope, as identified by Courville and Piper, can be a powerful ‘motivating force for change by being transformed from individual or private to collective hope’. 1484 ‘Real utopian’ visions, meanwhile, offer a critical means with which to challenge socially and ethically damaging practices, and resist the overworked fiction that business-as-usual is the only way forward.

1482 Ibid.
1483 Porter, ‘Can Politics Practice Compassion?’, 99, 108.
Appendix A: Wage Levels and Income Inequality in Singapore

There is no national poverty line in Singapore,\(^{1485}\) although the Acting Minister for Community Development, Youth and Sports, said in Parliament in 2011 that welfare assistance ‘typically cover[s] the bottom 20 percentile of households, with the flexibility to go beyond if the family’s circumstances merit consideration’.\(^{1486}\) In the same vein, the People’s Action Party’s Labour MP, Zainal Sapari, says there is ‘no official definition of a low-wage worker’ in Singapore.\(^{1487}\) Examining wage levels, however, demonstrates that many Singaporeans earn significantly less than the median monthly wage. The median monthly income of Singaporeans was S$2,887 in 2011 and S$3, 070 in 2012.\(^{1488}\) The Ministry of Manpower’s 2011 wage report showed that almost all of those classified as ‘clerical support workers’\(^{1489}\) and ‘services and sales workers’ (including childcare workers, cooks and waiters)\(^{1490}\) earned less than the median monthly wage; all blue-collar workers, categorized as ‘craftsmen and

\(^{1485}\) In September 2013, Hong Kong set an official poverty line, thus igniting debate in Singapore about the merits of a similar move. A team of academics working on poverty issues at a local university supported a poverty line, noting the lack of publicly available data on poverty and how this hinders informed discussion on the complexities of poverty eradication. However, Singapore’s Minister for Social and Family Development, Chan Chun Sing, said Singapore will not be considering having an official poverty line, as the government’s preferred approach is to ‘use broad definitions for the group it seeks to help, set clear criteria to identify and assess those in need, and come up with tailored schemes’. Chan further said that using a single poverty line risks a ‘cliff effect’, whereby ‘those below the poverty line receive all forms of assistance, while other genuinely needy citizens outside the poverty line are excluded’. This response was met with audible criticism, including from a social activist who assessed Chan’s response as a strategic misrepresentation designed to avoid providing social assistance; an official poverty line, the activist pointed out, will demonstrate clearly the ineffectiveness of existing social support, year after year. See Radha Basu, ‘Singapore Must Define Poverty, Say Experts’, \(\textit{Straits Times}\), October 20, 2013; Robin Chan, ‘Why Setting a Poverty Line May Not Be Helpful: Minister’, \(\textit{Straits Times}\), October 23, 2013; Alex Au, ‘One Quarter of Singapore Households Below Poverty Line’, \(\textit{yawningthread.wordpress.com}\), October 27, 2013, http://tinyurl.com/lx9by8 (accessed October 29, 2013).


\(^{1489}\) Here are the basic wages of some clerical support workers: data entry clerk ($S1,350), receptionist ($S$1,680), bank teller ($S$1,950), accounting and bookkeeping clerk ($S$2,000), legal clerk ($S$2,120). See Ministry of Manpower, \(\textit{Report on Wages in Singapore 2011}\) (Singapore: Manpower Research and Statistics Department, 2011), http://tinyurl.com/kl5m884 (accessed April 12, 2013), T7.

\(^{1490}\) The basic monthly wages of some service and sales workers: petrol station attendant ($S$909), hair stylist/hairdresser ($S$950), cashier ($S$1,200), childcare worker ($S$1,400), healthcare assistant ($S$1,483), bartender ($S$1,500), cook ($S$1,500). Ibid., T7-8.
related trades workers’ (such as painters, electricians, carpenters),1491 ‘plant and machine operators and assemblers’ (including bus drivers),1492 ‘cleaners, labourers and related workers’ (including kitchen assistants and laboratory attendants)1493 earned much less than the median monthly wage. Up to 20 percent of Singapore’s resident workforce – which in government statistics includes citizens as well as permanent residents1494 – reportedly earned a monthly wage of less than S$1,200 in 2010.1495 Another article in 2012 stated there were 270, 000 Singaporeans who earned less than S$1000 a month.1496 In reality, wages can fall much lower.1497 Here is a sampling of the median basic monthly wages1498 of several low-paid jobs in Singapore, according to the Ministry of Manpower’s Report on Wages in Singapore 2011 (the latest available at the time of writing):

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1491 The basic monthly wages of some craftsmen and related trades workers: glass maker (S$912), building painter (S$969), quality checker and tester (S$1,082), baker (S$1,310), electrician (S$1,588), welder (S$1,900). Ibid., T8-9.

1492 The basic monthly wages of some workers categorized under plant and machine operators and assemblers: electrical equipment assembler (S$963), laundry worker (S$1,000), bus driver (S$1,300), fork lift operator (S$1,313), lorry driver (S$1,594). Ibid., T10.

1493 The basic wages of cleaners, labourers and related workers: car park attendant (S$723), park maintenance worker (S$1,020), hotel porter (S$1,188), kitchen assistant (S$1,200), hospital attendant (S$1,285). Ibid., T11.

1494 This manner of presenting employment statistics, in which there is no distinction between Singaporean citizens and PRs can be a source of contention for those trying to decipher the impact of labour migration policies on Singaporeans. Permanent residents, who tend to be employed in white-collar jobs (what is referred to as the PMET, or Professionals, Managers, Executives or Technicians, sector), are perceived by some Singaporeans as direct competitors in the job market, hence this aggregation is viewed suspiciously. See, for example, Leong Sze Hian, ‘How Many Non-Citizen Workers? Will We Ever Know?’, leongszehian.com, June 17, 2013, http://leongszehian.com/?p=5172 (accessed August 10, 2013).


1498 In the report, the monthly basic wage refers to ‘the basic pay before deduction of employee CPF contributions and personal income tax. It excludes employer CPF contributions, bonuses, overtime payments, commissions, allowances (on shift, food, housing, transport, etc.), other monetary payments and payments-in-kind’. CPF refers to the Central Provident Fund (http://mpcf.cpf.gov.sg), a compulsory savings plan for working Singaporeans and PRs managed by the state. See MOM, Report on Wages 2011, 73.

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Table A.1. Basic monthly wages in select low-paid occupations (2011)

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security Guard</td>
<td>$730</td>
</tr>
<tr>
<td>Vehicle Cleaner/Polisher</td>
<td>$750</td>
</tr>
<tr>
<td>Office Cleaner</td>
<td>$760</td>
</tr>
<tr>
<td>Aircraft Cleaner</td>
<td>$800</td>
</tr>
<tr>
<td>Stevedore</td>
<td>$850</td>
</tr>
<tr>
<td>Construction Cleaner</td>
<td>$800</td>
</tr>
<tr>
<td>Dish Washer</td>
<td>$900</td>
</tr>
<tr>
<td>Food/Drink Stall Assistant</td>
<td>$900</td>
</tr>
<tr>
<td>Manufacturing Labourer</td>
<td>$1080</td>
</tr>
<tr>
<td>Waiter</td>
<td>$1,173</td>
</tr>
</tbody>
</table>


The figures cited in Table A.1 reflect the earnings of the resident workforce, that is, Singapore citizens and permanent residents. This is deduced from the report’s survey coverage and methodology section. The wages of migrant workers in these occupations, as noted in Chapter 6, can be significantly lower. The occupations listed in Table A.1 are also in industries heavily reliant on low-paid migrant labour, and the suppression of wages for working class Singaporeans is frequently attributed to the exponential growth in the foreign workforce in the past two decades. In the decade spanning 1996-2006, the median monthly wages of cleaners and labourers fell by 30 per cent, from S$850 to S$600 a month. Another article noted that the median gross wage for cleaners and labourers fell from S$1,277 in 2000, to S$960 by 2010; further inequalities mark the sector, with industrial cleaners earning less, at S$600 a month. At a forum in 2013 discussing the ‘impacts of foreigners’ in Singapore, an eminent economist cited figures demonstrating that the wages of Singapore’s bottom 20 per cent fell 10 per cent in real terms from 1997 to 2010, while incomes for the top 20 per cent grew by 30 per cent.

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1499 Under ‘Coverage’, it was stated that the surveys included employees ‘who were in continuous employment of at least 1 year and were in the Central Provident Fund (CPF) scheme’ – this excludes foreigners, who are not part of the CPF scheme. Ibid, 65.
cent – this was attributed to the ‘excessive import of unskilled foreign labour’.\(^{1503}\) In June 2013, it was reported that the median monthly wages of Singaporean and PR cleaners was S$815.\(^{1504}\) This is still lower than reported wage levels for cleaners in 2000 (S$1,277),\(^{1505}\) an indicator of how declining wages for certain sectors can be resistant to corrective efforts that come too little, too late. Overall, despite being one of the world’s most expensive cities in the world,\(^{1506}\) Singapore ranks low on wage levels in comparison with other major cities (43\(^{rd}\) out of the 73 surveyed).\(^{1507}\)

While the state and the National Trades Union Congress have steadfastly argued against a minimum wage,\(^{1508}\) there have been renewed efforts in the past year (2012-2013) to raise the wages of Singaporeans in low-paid sectors such as cleaning, security, landscaping and hospitality. In June 2012, the NTUC unveiled its ‘progressive wage model’, premised on boosting the wages of low-paid workers through ‘skills upgrading’ to improve productivity and hence pay.\(^{1509}\) The National Wages Council (NWC), another tripartite body\(^{1510}\) formed in 1972 to regulate wages and keep them internationally competitive,\(^{1511}\) recommended a minimum S$50 wage increase for those who earned less than S$1,000 a month. This is a notable departure from its general reluctance to recommend quantum pay rises; in fact, the NWC had

\(^{1503}\) Lim and Goh, ‘Panellists Lock Horns’.


\(^{1505}\) Though the fact that newspaper reports don’t always specify if the wage figures are basic or gross wages can be problematic for comparisons.


\(^{1511}\) Athukorala and Manning, ‘Hong Kong and Singapore’, 130.
not specified a minimum pay increase for 27 years\textsuperscript{1512} (though one cleaner did comment that with this increase, he could perhaps have ‘one more chicken wing every day’).\textsuperscript{1513} The tripartite labour movement is also trying to tie the NWC’s wage guidelines to licensing requirements for cleaning companies contracted by government agencies. These efforts, however, are restricted to local workers,\textsuperscript{1514} thus raising the question of efficacy if low-paid migrant workers can be hired at lower wages to toil under harsher working conditions. The government’s Clean Mark Accreditation Scheme attempts to impose performance and minimum employment standards on contract cleaning companies as a condition for obtaining government contracts.\textsuperscript{1515} The scheme specifies that companies should, for example, adhere to basic employment laws and pay salaries on time, compensate workers for rest days, provide sick leave, annual leave, and provide one rest day a week,\textsuperscript{1516} many migrant worker cleaners do not enjoy these statutory benefits (see Chapter 6). The imposition of such a discriminatory accreditation framework will likely result in greater labour market inequalities which will hinder efforts to improve wages and working conditions in the sector, with such stigmatized jobs unlikely to project the higher ‘status’ implied by a ‘Clean Mark Gold Award’.

The lack of minimum wage laws and a national poverty line, as well as publicly available and targeted data, make it difficult to determine, with precision or authority, how expansive the problem of the ‘working poor’ is in Singapore.\textsuperscript{1517} Yet,
income inequality and the shamefully low wages earned by a significant portion of Singapore’s workforce have been garnering increasing attention from a broad range of stakeholders, including the mainstream media, authority figures, academics, opposition political parties and civil society activists.\textsuperscript{1518} At the same time, the practice of discriminatory pay structures and the challenges faced in getting companies to agree to these already low wage increases,\textsuperscript{1519} indicate a likelihood that socioeconomic tensions will continue to rise, along with the number of millionaire households.\textsuperscript{1520}

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the average monthly income of a Singaporean, which now stands at S$3,000. See Imelda Saad, “Working Poor” in Singapore Can’t Make Ends Meet: NUS’, TODAY, September 24, 2013.
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\textsuperscript{1518} In October 2013, a Catholic social service arm, Caritas Singapore, started an initiative, Singaporeans Against Poverty, to raise awareness of poverty in Singapore. Their website, Singaporeans Against Poverty (http://sgagainstpoverty.org/) includes facts and articles related to income inequality, as well as stories about the local poor. Also launched in 2013 was a website, Growing Up with Less (http://www.growingupwithless.sg), in which final year media students at a local university explore the plight of low-income families in Singapore. The site features the stories of a range of Singaporeans struggling under considerable economic strain. See Melissa Lin, ‘Catholic Body Aims to Raise Awareness of Poverty in Singapore’, October 13, 2013.


Appendix B: Court-accredited English Translation of Hai Xing
Construction’s Employment Contract

TRANSLATION
(This contract is signed by the labour affairs agency and the newly recruited workers
going overseas)
(Executed from 25 April 2008)

WORKER DETACHMENT CONTRACT

Party A

Party B

Identity Card No.

Address

This company having been entrusted by the Singapore employer (the company marked on
the work permit), is publicly recruiting construction workers. Party B responded on his
own free will and was recruited having passed the Singapore Government Examination or
having already possessed the Work Type Examination Qualification Certificate. In order
to define the responsibilities, to ensure the smooth execution of the Foreign Labour
Affairs Contract and to safeguard the rights and benefits of both parties, both parties
discussed and signed this contract.

This employment contract was signed by Party B personally in complete willingness after
getting the support of his family members. It was done after multiple reading and
repeated considerations and under circumstances whereby he was in his right state of
mind and was not under any pressure or inducement.

Article One Period of Employment and Work Condition
1.1 The employment term of this contract is 2 years (that is 24 months). When the work permit did not reach 24 months, it shall be dealt with based on the following two situations. Should the differences be less than 30 days, the standard shall be based on the effective date approved by the Singapore Ministry of Manpower; should the differences exceed 30 days, it shall be dealt with based on Article Seven of this contract.

1.2 Party B is healthy, can pass through the body check up after entering in Singapore, is not afraid of height, not afraid of sun, not afraid of heat, not sea sick, is able to adapt to working in the high sky, the foundation ditch and on sea. Party B is able to undertake housing construction project and construction of piers, bridges, tunnels and other civil engineering projects. He is able to complete two years of work overseas.

Article Two Work Responsibilities of Party B

2.1 Party B understands and follows the implementation of productivity wages system and (or) teams and groups contract system by the employer in Singapore that is more effort more gain, no effort no gain. Party B understands that the salary receive every month shall fluctuates following the different stages of the project; understands that the course of the construction project can be easily influenced by the weather, the environment, the condition of the scene and other uncertain factors. Party B understands that the working time can be adjusted anytime based on the requirements of the project. The temporary stoppage of work or the holding up of work also cannot be avoided. The salary shall also change as a result. Party B shall not make things difficult for the employer, shall not hinder or vent any unhappiness and shall not even instigate or participate in a strike.
2.2 Party B follows the labour attendance discipline and all the various management regulation system formulated by employer. Should there be any violation, Party B shall be dealt with and be punished by the employer with no conditions attached. During the term of employment in Singapore, workers shall not enjoy the benefits of annual paid leave and medical paid leave. Absent from work without any reason and without the medical certificate shall be fine 50 Singapore Dollars everyday. Workers who are absent continuously from work for more than 3 days shall be deemed as Party B having the intention to violate the contract. The employer has the right to terminate the contract in advance and repatriate Party B back to the domestic country. All the repatriation expenses shall be borne by Party B personally.

2.3 To carry out work strictly according to the operation requirement given by the employer to the on site workers carrying out the work. Workers shall not anyhow do any work on their own accord. Any repairs and losses as a result of improper operation, including the material and workers fee shall be borne by Party B.

2.4 To work according to the blue print and draft to ensure that the quality of the work is in conformity with the requirement. Have to be responsible for the on site cleaning up after the completion of each work and to ensure the next work procedure. Not to exceed the usage of the materials, not to waste the materials and not to damage the materials. Party B shall be responsible for the losses as a result of misplacement of the material without reasons, improper operation of the material and intentionally wasting and damaging the materials.
2.5 Party B must abide by the work requirements and the arrangement of the management officer. This includes taking on work that is different from their own specialization (for example a carpenter can do the concrete work, reinforcing steel bar work and the work of other work type etc.). Party B shall not raise the request of having the additional salary benefit for taking on work out of their specialization or shall not accept refuse to accept these work or carry out the work passively, otherwise the employer shall have the right to deem this matter as that of absent from work and have the matter dealt with or melt out the relevant punishment.

2.6 In view of Singapore’s actual situation, the employer shall make the stipulation for the salary standard and the payment method in the contract and Party B had already agreed. After arrival in Singapore, Party B shall not create trouble as a result of comparing the earnings with workers from other country or with other China workers. The employer shall have the right to reward workers with good performance and to punish those with bad performance.

2.7 Party B shall obey the leadership and management of the employer and the designated representative. Party B has no right to choose the work location and

Signature of Party A (Signature Affixed)  Signature of Party B (Signature Affixed)

the small group. For pier projects or other special projects, the working time shall be decided base on the tide etc and other natural circumstance. Party B shall follow the instruction and be on duty punctually. Party B shall not use the changes or adjustment in the working time as an excuse to be absent from work and shall also not request for an increase in salary or treatment as a result of this.
The employer has the right to transfer Party B to work at different work site according to the work circumstances. Party B must obey. Those who refuse to obey shall be deemed as being absent from work and be punished.

2.8 The employer shall distribute to Party B the materials and equipment for carrying out the work. During the process of carrying out the work, Party B shall pay attention to be frugal in using the material and to treasure the equipment. Otherwise the employer shall have the right to stop Party B from working or request for the relevant compensation for the material and equipment losses.

2.9 Party B shall consciously participate in all the activities and all the meetings by the employer and shall not be late, shall not depart early, shall not be absent and shall not create a commotion. For any wrong actions by Party B that include carrying out work recklessly, unsafe operation, absent from meeting, unreasonable argument etc. that resulted in the employer being fined by the Singapore government, project owner and the main contractor. The employer shall have the right to ask from Party B the corresponding compensation equivalent to 100% of the fine amount.

2.10 During the term in Singapore, Party B shall be nice and friendly to his other fellow colleagues. They shall help each other, not to quarrel for no reasons and all the more not to threaten others or create a fight. Otherwise the employer shall deal with this matter officially. Those who assaulted others shall be fined S$200. If the fact of the case is serious, the employer shall have the right to dismiss Party B or handle the matter over to the police. Party B shall not raise their voice to scold the management staff of the company, nor shall they be unreasonable, crack
indecent jokes, intimidate or threaten others. Otherwise the employer shall have the right to impose a fine of S$100 each time. If the fact of the case is serious, the employer shall have the right to dismiss Party B or handle the matter over to the police.

2.11 During the term of stay in Singapore, Party B shall not make any speech that is detrimental to the employer. Party B shall also not contemp the employer, shall not make allegations or complaints to the relevant department of the Singapore Government for no reasons and cause unnecessary reputation and economies losses to the employer. Otherwise the employer shall have the right to make a compensation demand to Party B for the direct expenses incurred as a result of engaging professional to handle the matter specifically. Party B shall also compensate the employer the relevant administrative resources and transport fee of between S$100 (with letter) to S$300 (meeting) per day.

2.12 The employer shall provide Party B with the necessary personal production tools only once. Party B shall safe keep the tools with proper care. For tools lost and damaged, Party B shall forge out money for the employer to buy and replace the tools and shall pay for the repair of the tools.

2.13 After the workers arrive in Singapore, their passports and work permits shall be managed by the employer. For those who require the passport to see a doctor or for other reasonable reasons, they can borrow the passport through the loan application and return to Party A after use. Those who misplace or fail to return the passport shall be handed over to the police and be fined S$500. The employer
shall safe keep the safety qualification certificate and the skills assessment examination qualification certificate.

2.14 During Party B's term of employment, the employer shall provide every worker once with a pair of safety boots, a safety helmet, a safety harness and other labour safety items. Any replacement as a result of damages shall be settled by Party B. For pier projects, the employer shall provide the one life vest. Any replacement as a result of damages shall be settled by Party B. The life vest shall be returned to the employer after the completion of the project or during work adjustments.

Article Three Salary Payment Method and Treatment of Party B

3.1 Party A mainly enforces the by the job salary system based on teams and groups as the unit or the by the time salary system based on the quantity of projects taken up and completed. The by the job salary quota or the quota of quantity of the project taken up and completed shall be executed in accordance to the regulations by the employer. The salary shall be determined based on a combination of the quota Party B completed, the working attitude and the quality of the project completed. On the premise of a perfect work attendance record, the monthly salary shall be around S$1250 to S$1500 (including perfect work attendance award). Due to the execution of the by the job salary system and the quantity of projects taken up and completed, Party B shall not enjoy the benefit of annual paid leave and medical paid leave.

The average salary standard for the worker of the entire company is S$1375 every month.
3.2 Employer shall under normal circumstances not execute time based system. The employer shall have the right to arrange or not to pre-arrange Party B to undertake work base on the time based system. The standard work time shall be 20 Singapore Dollars for every working day of 8 hours that is, 2.5 Singapore Dollars every hour. For the convenience of calculation, time based salary standard shall be calculated according to the length of time that Party B is at work and use the salary standard of 28 Singapore Dollars for every working day of 8 hours or a salary standard of 3.5 Singapore Dollars every hour. This is a salary standard of average hours and this standard has already included and taken into a round up consideration on the situation of the workers working overtime and working during public holidays. The workers shall not make additional request for any overtime salary or allowance. At the same time, this salary standard had already included and taken into overall consideration of the living expenses of the workers during their stay in Singapore and the management fee in the domestic country.

3.3 For work done by Party B under the work based salary system, should the quality of the work not meet the mark and are rejected; the work shall not be calculated in the salary. For those work based projects not yet verified and accepted by the project owner, it shall not be calculated into the work based salary for that month or that 10% of the salary calculated shall be retained. For projects not done according to the job content and were handled on behalf by others, Party B shall pay that portion of expenses. Upon verification, these expenses shall be deducted from the salary of Party B.
3.4 The monthly salary for workers of Party B shall be paid to the labourers themselves after 3 months later, after the employer have deducted all the payment that should be deducted. The payment currency shall be in Singapore Dollars. The salary for the three months before the expiry of the work permit shall in principle be paid in one shot before the worker returns home. However, the employer also can and also have the right to pay the workers themselves through Party B within two weeks after they have returned home, based on the actual situation of the workers' performance.

Signature of Party A (Signature Affixed)   Signature of Party B (Signature Affixed)

3.5 During the term of stay in Singapore, Party B shall pay for their meals, living products and any other living expenses. The employer shall uniformly provide the workers from Party B with living conditions and essential facilities that are identical to that of the local workers at the work site or at other places. The actual cost is around S$180 – S$300 every month. During the term of work, Party B shall bear the accommodation, water and electricity bills of S$105 every month (it shall be deducted from Party B’s salary every month). The remaining portion shall be subsidized by the employer. However, during period of industrial injury or absent from work by Party B, the accommodation, water and electricity bills shall all be borne by Party B (Party B agrees to bear S$180 every month or S$6 everyday). It shall be deducted from Party B’s salary or from the other amount.

For uniformity in management and in order to ensure the personal safety of Party B, the accommodation conditions shall be arranged uniformly by the employer according to the different work site. The workers from Party B shall not be
choosy and refused to accept or rent a place outside on their own. Otherwise, the employer shall have the right to deduct the entire sum of the accommodation, water and electricity expenses in accordance to the regulations under the contract.

3.6 The personal income tax of Party B shall be paid by Party B. In accordance to the income tax law of Singapore, Party B must work for 2 full years (pass the 3 year) before they are entitled to enjoy the benefits of tax exemption. Therefore should Party B terminate the fulfillment of the contract due to industrial injury or personal reasons, Party B shall in accordance to the law bear 15% of the government personal income tax. This tax shall be paid in full before Party B leave Singapore. The employer shall have the right to deduct the corresponding tax amount from the salary of Party B and pay it to the government on behalf.

3.7 The employer shall have the right to make upward or downward adjustment to the fixed unit price of the work based system on their own based on the actual situation of the project. When the fee is adjusted upward, the standard execution in the past shall not be pursued. For downward adjustment, it can be executed immediately upon notifying Party B in advance. Regardless of which work site that Party B is working at, the payment of the salary shall be according to the standard carried out at the work site.

In order to encourage Party B to work hard, the employer shall reward workers with full attendance and good performance every month with S$30. This money shall be calculated according to months and shall be paid together with the salary (specific requirement shall be in accordance to the employer reward stipulation).
The employer shall execute the length of service subsidy system (specific requirement shall be in accordance to the employer reward stipulation). The reward is S$30 every month in the 3rd year of service. The reward is S$40 every month in the 4th year of service. The reward is S$50 every month in the 5th year of service and above. The service contribution reward shall be recorded in the salary for that month and settle together.

3.9 Should the employer not be able to arrange for Party B to work due to no projects being available and resulted in continuous stoppage of work or continuous holding up in work exceeding 7 days in a month (other than an order by the government department), the employer shall subsidize S$8 everyday for the days exceeded. For stoppage of work or holding up in work exceeding 7 days due to natural and irresistible reasons, the employer shall subsidize S$6 everyday for the days exceeded. This subsidy had already taken into consideration the expenses before Party B leave the country and the management fee for the current month, the accommodation, water and electricity expenses deduction. Therefore the amount deducted for the month shall not be excused.

Article Four Payment Method of the Relevant Expenses

4.1 Party A shall be responsible for the domestic examination fee and to take part in the Singapore Building and Construction Skills Assessment Examination in Nanjing or Hangzhou. During the period of examination, Party B shall pay for the meals, accommodation and other expenses on their own.

4.2 In order to arrange for Party B to take part in the examination, the Singapore employer had already paid for the examination registration fee. This registration
fee and other related fees amounting to a total of 2000 Yuan RENMINBI shall be paid before Party B leaves the country. After Party B passed the Skills Assessment Examination, the certificate shall be safe keep by the employer temporarily and can be obtained by Party B before going back to the domestic country.

4.3 The employer shall be responsible in uniformly purchasing and providing the international air tickets from Shanghai to Singapore when the contract commence and also the air tickets from Singapore to Shanghai when returning to the domestic country. But the air ticket charges of 4000 Yuan RENMINBI shall be borne by Party B.

Party B shall be responsible for all the processing fees (passport and body check up) within China that are required for Party B to leave the country. Party B shall be responsible for all the expenses like airport construction expenses, luggage over loading fee, tax insurance fee, the return airport body check up fee etc.

4.4 During the two years employment term, Party B shall pay the overseas management fee of 9000 Yuan RENMINBI net to Party A, as a form of compensation to Party A for all the various expenditure, service and management expenses (this expenses do not include the return air ticket and the examination registration fee) required for Party B to go overseas.

Article Five  Entry Guarantee and Punishment Regulation

5.1 During the term in Singapore, Party B shall abide by the law and strictly restrict own actions. Anyone who violates any of the articles stated under the Labour Law shall face the punishment, be dismissed and repatriated back and could even
face legal proceeding from the employer or the Singapore Government. Serious offenders shall be punished by the Singapore Law to caning, imprisonment and be repatriated home and also be stripped off the right to enter into Singapore to seek employment again. At the same time, the employer shall have the right to seek the additional economic losses and repatriation fees caused to the employer by Party B. These fees shall be deducted by the employer directly from the salary of Party B. Should there not be sufficient amount for deduction; the employer shall have the right to take Party B to the local Court in Singapore or China to pursue the losses. The specific regulations are as follow:

- Party B can only work for the employer. Party B shall not use any form to change employer or escape;
- Party B shall not be partner or director to any company;
- Party B shall not engage in any indiscipline or illegal activities including the sale of duty unpaid cigarettes;
- Party B shall not have any child with a Singaporean or a permanent resident;

Signature of Party A (Signature Affixed)  Signature of Party B (Signature Affixed)

- Party B shall not gamble or seek prostitution;
- Party B shall not be absent from work continuously for more than 3 days;
- Party B shall not use any method or any reason to be passive at work, to participate in strike in a different form or to participate in a strike;
- Party B shall not stir up trouble, petition or silent protest;
Party B shall not make any speech that is detrimental to the employer.

Party B shall also not contempt the employer, shall not make allegations or complaints to the relevant department of the Singapore Government for no reasons;

Under the situation whereby Party B encounters with any industrial injury incident, Party B shall liaise with the government through the employer for the compensation matter. Party B shall not without the awareness of the employer lodge a complaint to the relevant department of the Singapore Government, causing unnecessary reputation and economic losses to the employer.

5.2 According to the stipulation under the Singapore Immigration Law, the Singapore employer shall bear the assurance responsibility for the legalized work and living accommodation of Party B after their entry into Singapore. For this, the employer undertake an immigration bond of S$5000 (25000 Yuan RENMINBI) to the Singapore government. In order to protect the rights of the employer, Party A had already paid the 25000 Yuan RENMINBI overseas bonds to the Singapore employer on behalf of Party B. During the term of employment in Singapore, should Party B violate the articles stipulated in this contract, or escape and change employer, or overstay illegally, or be punished by law as a result of violation of the law, the 25000 Yuan RENMINBI bond shall be forfeited by the Singapore government or the employer. In order to protect the legal rights of Party A, Party B agrees to sign an overseas bond of 25000 Yuan RENMINBI before leaving the country and indicate __ guarantor/s to be responsible. Should the above
mentioned incidents happen to Party B, Party A shall immediately forfeit the salary that Party B has with the employer that has yet to be paid and the other amount through the employer and to reserve the right to take legal action to pursue all the remaining losses against Party B and their guarantor/s.

Article Six  Work Safety, Medical Treatment and Handling Method of Industrial Injury

6.1 Singapore Industrial Safety Stipulations are very strict. Party B shall strictly abide and self consciously carry out all the various management stipulations in relation to work commencement safety and civilized work commencement by the Singapore government and the employer. Party B must treasure his own life and the life of others during the process of carrying out the work. Should there be any violations, Party B shall accept the economic punishment by the government and the employer with no conditions attached.

The Singapore employer shall be the guarantor and guardian for Party B during Party B’s term of work in Singapore. After Party B meet with an industrial injury, he must strictly obey the employer in matters relating to the investigation, reporting and compensation of the industrial injury and all the processing procedures. Should it be assessed to be the truth, the employer shall report and compensate according to the relevant law stipulations of Singapore. As the Ministry of Manpower has a specialized team to assess the industrial injury situation specially, the judgment outcome is objective and fair and shall also be the final judgment of the industrial injury.
Therefore Party B seriously undertakes to allow the employer to assist in handling the compensation matter according to the Singapore Labour Law and recognizes that the judgment handed down by the Ministry of Manpower is the final judgment. The employer shall not make any other compensation. Party B seriously undertakes not to proceed to the relevant department (Ministry of Manpower, insurance company etc.) and be directly involve in the handling of the compensation matter, not to engage counsel or be involved in the matter through other channels or legal means, not to mess up the normal work procedure of the employer. Otherwise the employer shall have the right to seek compensation from Party B for all the economic losses and reputation losses as a result of this.

6.2 Should Party B lodge a complaint to the government department or slander the reputation of the employer, causing the employer the need to send professional to answer and explain to the government department, the employer shall have the right to seek from Party B the administrative, officers and transport expenses amounting to S$100-S$300 per occasion. This amount shall be deducted from the amount that Party B has in Singapore.

Should Party B seek a counsel or be involved in the compensation matter through other channels or legal means, the employer shall have the right to seek compensation for all the expenses (including the employee’s salary, counsel fee, transport fee, communication fee etc and all the penalties and losses etc that the employer incurred from the project main contractor as a result of Party B seeking compensation through the legal means) caused to the employer by Party B. The employer shall have the right to deduct the entire expenses from the amount that
Party B has in Singapore. At the same time, all the staying procedures of Party B
during the term in Singapore shall be dealt with by Party B himself and his agent.

6.2 When Party B meet with an industrial injury and after investigation from the
insurance company and the relevant parties, found not to be caused by reasons of
the party involved himself, compensation will be sought from the insurance
company according to the local labour law and the insurance stipulations. The
medical expenses and the industrial injury salary (there must be a medical
certification) of Party B shall be fully compensated by the insurance company.
Therefore, after the industrial injury the emergency medical expenses shall be
paid by the employer first. The outpatient expenses during the period of recovery
and the other expenses shall be paid by Party B. After compensation by the
insurance company, it will be paid to the employer and Party B. Similarly, the
industrial injury salary of Party B shall be fully paid to Party B after
compensation by the insurance company. The employer shall not pay first.

6.3 When an industrial injury happens, Party B shall abide by the arrangement of the
employer to seek diagnosis, treatment and proceed with the injury assessment at
the designated clinic or hospital. Party B shall not without informing the
employer or without approval from the employer change the clinic or hospital on
their own. Party B shall not seek other doctors to conduct outpatient treatment or
injury assessment as and when they like. Otherwise all the medical expenses shall
be paid by Party B. The employer shall also not handle the industrial
compensation procedure on behalf.
6.4 Should Party B fail to resume work 45 days after the occurrence of the industrial injury, the employer shall have the right to terminate the work permit of Party B. After the employer had sought compensation from the relevant parties, Party B can go back to his domestic country immediately to await compensation. The entire amount obtained from the compensation shall be passed to Party B himself or his family members. Should Party B insist on waiting for compensation in Singapore, any expenses incurred by Party B shall be borne by Party B.

6.5 In order to ensure the basic living requirements of Party B in Singapore after the industrial injury, the salary with the employer not paid to the Party B after the industrial injury shall cease temporary. It shall be changed to a living expenses of $100-$150 paid monthly. After Party B resumes his work, the remaining amount will be paid and the salary will continue to be paid or upon return to the domestic country, the remaining amount will be settled all together at once.

6.6 When Party B meets with an industrial injury, Party B must abide by all the various industrial injury management stipulations of the employer after reporting the incident to the Ministry of Manpower. From the day of the industrial injury, the industrial injured worker must pay $6 per day to the employer for the accommodation, water and electricity and the relevant expenses provided by the employer. At the same time, Party B must sign in twice everyday, otherwise the penalty shall be $20 per time and a penalty of $40 per day. The expenses above shall be deducted from the salary not yet paid and the amount by the employer.
6.7 Should Party B not operate according to the safety regulations or due to his own reasons resulted in the occurrence of the industrial injury (employer to provide relevant proof), all the medical expenses shall be borne by Party B. Party B shall also compensate the economic loss of S$200 per month for not fulfilling the contract term. It shall be deducted from the amounts that Party B have in Singapore. At the same time, Party A shall have the right to file a claim in the domestic country against Party B, to ask Party B to compensate Party A the economic losses of 15000 Yuan RENMINBI.

6.8 Should Party B deliberately or has the intention to hurt himself to cheat the industrial injury compensation from the government, this shall be deemed as an act to cheat the government. The employer shall call the police and request for Party B to be dealt with by the law. At the same time, Party B shall bear the medical expenses himself. The employer shall forfeit the immigration bond paid by Party B and the amounts Party B have in Singapore. Therefore Party A shall have the right to seek compensation of 25000 Yuan RENMINBI from Party B through civil claim as compensation for the losses incurred by Party A.

6.9 Should Party B passed away due to an industrial injury, the employer shall together with Party A be responsible in designating a specialized person to have the body cremated and transport the ashes back to China. The expenses shall be borne by the employer (restricted to incident that happened within the scope stipulated in the Singapore Labour Law). Should Party B passed away due to non industrial injury nature (for example illness or traffic accident etc.), the employer shall be responsible for the body cremation and the ashes transport expenses and
refund the bond. Regardless of the type of death, the family members of Party B shall not use any reasons to request to come to Singapore to handle the funeral matters. The employer shall also not bear all the expenses incurred as a result of this.

6.10 The medical expenses incurred as a result of Party B personal reason shall be dealt with by Party B himself. Consulting a doctor at the clinic designated by the employer and with a medical certificate shall not be dealt with as absent from work. There shall not be salary during the term of recuperation. The medical leave shall not exceed 14 days in a year. Should the medical leave exceed 14 days, the employer shall have the right to execute according to Article 7.2 of this contract. For all medical expenses incurred by Party B privately in the hospital, Party A shall have the right to deduct from the salary of Party B upon receiving the hospital bill.

6.11 During the term of work in Singapore, Party A shall pay attention to personal and surrounding hygiene, to pay special attention to prevention of being stung Aedes mosquitoes. Should there be occurrence of Aedes infection at the work or accommodation area (shall be confirmed by the Singapore government department), out of goodwill the medical expenses during the term of hospitalization shall be borne by the employer and shall also provide a subsidy of S$5 per day. However, there shall not be salary paid during the term of recuperation. However, should Party B be stung by Aedes mosquitoes at places out of the work and accommodation area provided by the employer, the employer shall not bear any responsibilities.
6.12 According to the request of the Singapore government, during the term of work in Singapore, there is a need to purchase major illness hospitalization medical insurance (the medical hospitalization risk outside the scope of the labour insurance). The employer shall directly purchase the hospitalization insurance on behalf of Party B. Party B shall enjoy the exemption to bear the hospitalization fee in the event of hospitalization due to major illnesses (maximum S$5000 per year). The two years insurance fee of S$160 shall be borne by Party B and be deducted from the salary of Party B.

Article Seven Others

7.1 Party A has already clearly informed Party B that it is a must to bring along their personal identity card when going to Singapore, as the proof to collect the work permit. Should Party B fail to bring along the original identity card or should there be a mistake in the identity card, resulting in Party B not being able to obtain the work permit and be sent back to the domestic country, all the expenses shall be borne by Party B himself.

7.2 After entering into Singapore and starting work, should Party B go back to the domestic country in advance due to certain reasons, it shall be dealt with according to the different situation below:

A Should Party A not be able to fulfill the contract due to any personal reasons that resulted in Party B not being able to complete the 2 years contract term and asked to terminate the contract and return to the domestic country in advance, Party B shall compensate the losses incurred by the employer (calculated based on the remaining months left in the contract multiple S$200 per month.
The losses are mainly due to the additional extra costs as a result of the employer having to employ other workers to complete the work of Party B. The losses shall be deducted by the employer directly from the salary of Party B. The reasons include:

1) Party A needs to terminate the contract in advance and return to the domestic country due to family matters of Party B;

2) Party A needs to terminate the contract in advance due to Party B falling sick or unable to adapt physically;

3) The fulfillment of the contract was terminated after Party B meets with an industrial injury incident and claim for labour insurance;

4) Party B requests to go back in advance with no reasons;

5) Party B violates the Singapore Law;

6) Any other reasons of Party B not raised here.

Regardless of whatever reasons that Party B raised to go back in advance, the overseas management expenses (including the expenses paid in the domestic country and the overseas deducted expenses), the return air tickets expenses and the examination registration fee of Party B, shall all not be refunded. Should the overseas deducted expenses yet be deducted from the Party B’s salary when Party B requested to go back in advance, Party B agrees to allow the employer to deduct the entire remaining amount not yet deducted from the salary not yet paid.

B. Should Party B fail to complete the 2 years employment term and the contract was terminated in advance due to reasons of the employer, the employer shall in accordance to the ratio refund the overseas management fee when Party B
return to the domestic country (including the expenses paid in the domestic
country and the overseas deducted expenses). At the same time, the employer
shall refund the air ticket expenses that Party B has paid according to the ratio.

Signature of Party A (Signature Affixed)  Signature of Party B (Signature Affixed)

But the examination registration expenses shall not be refunded. Upon the expiry
of the two years contract, the overseas expenses, return air ticket expenses and
examination registration expenses shall all not be refunded.

C. Should the work attitude of Party B be bad, rude and unreasonable, violate
the management system and stipulations of the employer multiple times and be
punished to a dismissal or be repatriated back to the domestic country by the
employer. Party B’s overseas management fee (including the expenses paid in the
domestic country and the overseas deducted expenses) shall all not be refunded.
The yet to deduct overseas expenses shall be deducted all at one go and the
repatriation expenses and administrative expenses shall be deducted from the
salary of Party B correspondingly.

7.3 When Party B violates the law in Singapore, he shall bear all the legal and
economic responsibilities. Party B shall not raise the issue of asking the employer
to be his bailor and make any unreasonable request as a result of this. The
employer shall have the right to seek compensation for the economic and
reputation etc losses caused to the employer as a result of Party B violation of the
law.

7.4 The Authorization for Money Deduction that Party B signed shall be the annex of
this contract and shall have the same legal effect.
Article Eight  Responsibilities of a Guarantor

8.1 The guarantor of Party B shall be fully responsible for Party B’s thoughts, conduct, health status and work ability (skills standard) and performance overseas as well as other areas.

8.2 When Party B is unable to repay the loan and the compensation (including fines), the guarantor shall bear the repayment responsibilities for Party B.

8.3 Due to reasons concerning Party B that resulted in serious damages done to the reputation and economic status to the employer and Party A, the highest compensation amount by Party B and their guarantor/s can reached 20000 Yuan RENMINBI. When Party A feels that there is a need, Party A shall have the right to claim this amount through legal means. Both parties agreed that the proceeding shall be conducted in the Court where Party A is located.

This contract shall be effective after both parties have appended their signature. And it shall lose it effect only after both parties have fulfilled all their responsibilities and obligations.

Signature by representative of Party A : (Signature Affixed)

Date : 

(Seal Affixed)

Signature by worker of Party B : (Signature Affixed)

Date : 27 May 2008

Signature by guarantor or unit :
Date: 27 May 2008

Signature of Party A (Signature Affixed)  Signature of Party B (Signature Affixed)

This is a translation by

Sworn Interpreter

Head Interpreter
for Register
Sub: The Nus is
Singapore
Date: 27 Jul 2009
Appendix C: Migrant Workers and Hazardous Transport\textsuperscript{1521}

*Note: These interviews were conducted in 2009, before the new safety regulations were fully implemented that required lorries ferrying workers to have side railings and canopies by February 2011.

Figure C.1. Migrant workers on the way to work. Photograph by Mykel Yee, Singapore, 2009.

Gulzar, an electrical worker from India, says being transported on the cargo decks of lorries, where workers have no safety belts or anchorage, are dangerous. There is nothing for the men to hold on to unless they are seated at the sides – those in the middle have to simply grab on to their co-workers. He once witnessed a co-worker falling off the lorry when it was making a turn.\textsuperscript{1522} Murugan, a construction worker, says ‘people have been flung out’ when there are sudden stops, or else the men may fall on top of each other; the sudden flight from the back of the lorry to the front often results in bruises and other injuries.\textsuperscript{1523}

\textsuperscript{1521} Excerpts of these interviews were used in an article I wrote for citizen journalism website, The Online Citizen. See Stephanie Chok, ‘Safer Transport for Workers – What are We Waiting For?’, Online Citizen, June 28, 2010, http://tinyurl.com/ka9j8wm (accessed August 23, 2013).

\textsuperscript{1522} Author’s interview with Gulzar, an electrical worker from India, July 28, 2009

\textsuperscript{1523} Author’s interview with Murugan, a construction worker from India, July 28, 2009.
When it is raining, the men get drenched and sometimes fall ill. When this happens, they may or may not be granted sick leave; if they are, they will not be paid for those days they are unable to work. Chung says that when it rains, the workers seated at the four corners will hold up a sheet, or else the men use trash bags to shield themselves.\textsuperscript{1524} For Kadal and his colleagues, there is no cover, even when it rains – the men are left to their devices.\textsuperscript{1525} Zhuang, meanwhile, says the inside of the lorries are often dirty with silt and debris. When it rains, the men find themselves not only getting drenched by rainwater but their pants soaked by the murky water that fills up the lorry. By the time they arrive at work, they are not just wet but caked in dirt. According to Zhuang, there isn’t even a chance to change their clothes – the men have to get straight to work.\textsuperscript{1526} Moreover, when it rains, the handlebars (if any) are slippery and sometimes the lorry may overturn on wet roads.

Subash, who works in the shipyards, says sometimes drivers fall asleep at the wheel because it is so early in the morning and drivers do shift work. Often, the lorry drivers start at 4am and drive non-stop till 10am, so they are fatigued.\textsuperscript{1527} Some workers complain that the lorries are always speeding, especially when they are late.\textsuperscript{1528} If there is equipment in the lorry, speeding is particularly dangerous; passengers get seriously injured if there are any sudden brakes. Another complaint involves drivers who ‘don’t care if there is a red light’ and sometimes speed off without first checking all workers are seated properly or have boarded the lorry. According to Chung, his company’s drivers don’t follow the legal limit and squeeze as many workers as they can into the vehicle. Raj says he has seen lorries that are meant to seat 13 hold up to 19 men; those with a capacity of 23 may cram in 30.\textsuperscript{1529}

\textsuperscript{1524} Author’s interview with Chung, a construction worker from China, July 29, 2009.
\textsuperscript{1525} Author’s interview with Kadal, a construction worker from India, July 28, 2009.
\textsuperscript{1526} Author’s interview with Zhuang, a construction worker from China, June 26, 2010.
\textsuperscript{1527} Author’s interview with Subhash, a shipyard worker from India, July 28, 2009.
\textsuperscript{1528} This could also be due to the fact that the drivers may be piece-rated workers, meaning they earn more the more miles they drive, and the more pick-ups and drop-offs they manage. See Janice Heng, ‘More Trips, More Pay: “Incentive for Drivers”’, \textit{Straits Times}, September 5, 2013.
\textsuperscript{1529} Author’s interview with Raj, a migrant worker from India, June 26, 2010.
Murugan says workers also rush to board the lorries and sometimes get hurt during this stampede. Zhuang explains that you need to do that in order to get a ‘good seat’ close to the front. If you sit at the back, he says, the wind is so strong you can’t open your eyes and all sorts of debris fly in; if you sit in the centre, there is nothing to hold on to. Chung, meanwhile, explains that this rush – particularly on large worksites – is due to workers anxious not to be left behind if the lorry is full. Waiting for the next ride (or the next) may mean workers, particularly those whose dormitories are situated far away, may not arrive at their dormitories till hours later. Akhtar, a Bangladeshi shipyard worker, sometimes returns to his far flung dormitory as late as 10pm because of the limited number of lorries hired by the company despite having hundreds of workers. After cooking dinner, washing up, showering and doing his laundry, Akhtar heads to bed past midnight. Early morning rides suffer from a different problem – Akhtar must wake up at 4am to prepare for a 5am lorry ride that drops him off at the shipyard by 6am, although work only begins at 7.30am. Another construction worker, Devraj, from India, is dropped off at his worksite at 5.30am, while work only begins at 8am. These employer-determined stretches of waiting time (both before and after work), significantly reduces workers’ rest and leisure time. Moreover, workers’ timecards only reflect working hours onsite, so they are not paid for all these extra hours.

When asked if they have raised the problems of such hazardous travel with their boss, Gulzar says, ‘You cannot tell the company these things or you will have lots of problems.’ Zhuang exclaims, ‘Of course not! No one else has mentioned it so how could you dare bring it up? My boss will tell me, if others can take it, why can’t you?’ Murugan says he has complained, but was told, ‘If you are not happy, go back to India.’ Kadal, similarly, requested that the lorry be covered. His employer’s response? ‘If you cannot take this, don’t work, go back to India’. Concedes Kadal, ‘What to do? We have to work.’

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1530 Author’s interview with Akhtar, a shipyard worker from Bangladesh, April 12, 2010.
1531 Author’s interview with Devaj, a construction worker from India, June 26, 2009.
Workers also expressed surprise and humiliation at being transported in this manner. One Chinese construction worker commented:

> When I first arrived at Singapore’s Changi Airport, I was so impressed – it looked so modern. Then a 货车 [goods vehicle] came to pick us up. I was stunned and felt very ill at ease, why is this company sending a goods vehicle to pick us up? I started to feel then that perhaps this company is not so good.1532

Murugan says, ‘The first time I traveled on the lorry I felt shocked and shy. It is embarrassing.’ Ganesh, a construction worker, describes how, in India, they sometimes gather street dogs and send them away to be slaughtered. He says, ‘That is the same feeling when I am in the lorry. I cannot describe something more demeaning than that.’ The daily ride is nerve-wrecking, says Ganesh, leaving workers emotionally stressed by the time they arrive at work: ‘This is not a way to be transporting humans.’1533

The workers I spoke with rejected cost-effectiveness as a sufficient reason to compromise their safety. Kadal insists companies should pay for workers to be transported on buses, where they will be seated comfortably and sheltered from the sun and rain. If there are accidents, asks Kadal, the employer may look after immediate medical costs, but what about long-term injuries? Chung acknowledges it is cheaper to ferry workers in lorries rather than buses, but says if the company truly cared about safety they would bear this additional expense. However, in his experience, workers’ safety is the company’s lowest priority because the government doesn’t regulate – he says, ‘where companies can save, they will save’. As Gulzar emphasizes, this practice is so pervasive, ‘the government must take action, we individuals cannot do anything’. Murugan, meanwhile, says: ‘We are talking about the cost of a human life – saving money should not be the consideration.’

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1532 Author’s interview with Shen, a construction worker from China, July 29, 2009.
Appendix D: Housing Problems of Migrant Workers

This place is not fit for animals, so how can it be fit for people to live in?
~ Indian migrant worker describing his dormitory

There are widespread problems regarding poor housing conditions for migrant workers. In May 2010, a newspaper reported that ‘[t]he number of foreign workers found living in overcrowded, squalid and unsafe conditions has increased by three times over the last 16 months’. During this period, an average of 1,360 workers a month were to be relocated after government inspections found their living quarters ‘unacceptable’. Common complaints included cramped surroundings, infestations of rodents and insects such as rats and cockroaches, inadequate toilet facilities and poor ventilation. There have also been ‘horror’ reports about workers being housed in garbage bin centers, sleeping on towels next to their cleaning equipment and cooking their meals in makeshift areas. In 2007, one employer was fined S$7,500 for housing four migrant workers in a public toilet.

In September 2009, a construction worker alerted me to a site in which over 200 construction workers from China were being housed – it was the damp basement of a condominium worksite in a prestigious residential district. There were just two working toilets shared among the approximately 200 men; other toilets were clogged and swilling with faeces. Jia, who lived in the basement dormitory, said he dreaded using the toilet but there was little choice. Their beds were infested with

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1534 Excerpts of this appendix were used in an article I wrote for a citizen journalism website. See Stephanie Chok, ‘TOC Special Feature: Is Singapore Really Slum-free?’, Online Citizen, September 27, 2009, http://tinyurl.com/lpk73hr (accessed September 23, 2010).
1537 Ibid.
1539 Lee Hui Chieh and Esther Tan, ‘Disused Bin Centre was Home to Five’, Straits Times, December 10, 2008.
1540 Ibid.
bed bugs and their living and working areas were surrounded by pools of 臭水 [smelly, stagnant water]. Over 200 men ate, lived and rested in that decrepit basement, seven days a week (see Figures D.1–D.3). The men lived in these conditions for many months until the shocking living conditions were exposed and the company took action.\textsuperscript{1542}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure_d1.jpg}
\caption{Basement dormitory of a luxury condominium worksite where up to 200 men lived, worked, cooked, ate and rested. Photograph taken by a migrant construction worker, Singapore, 2009.}
\end{figure}

Figure D.2. One of the clogged toilets at the basement dormitory. Up to 200 men had to share the only two toilets that were working. Photograph taken by a migrant worker, Singapore, 2009.

Figure D.3. The damp basement dormitory was a catchment area for pools of ‘smelly water’, making it a health hazard. Photograph taken by a migrant construction worker, Singapore, 2009.
Figure D.4. An overcrowded shophouse dormitory for Chinese construction workers. Note the white buckets used for showering and washing clothes. As there were up to 100 men living in this dormitory at one point, the men sometimes showered standing in these open areas because there were only a few bathrooms. Photograph taken by migrant worker NGO volunteer, 2009.

Figure D.5. Mattresses were not provided and the men slept on thin wooden boards. Cluttered, cramped and with little room to maneuver, these dormitories are fire hazards. Photograph taken by migrant worker NGO volunteer, 2009.
A word I frequently heard when I asked migrant workers from China about their living conditions was 惡劣, meaning disgusting; often, even 非常惡劣 – in other words, exceptionally so. Jia previously stayed in a room with 100 others – ventilation was poor so it was unbearably hot. Most intolerable though, says Jiang, were the bed bugs: ‘I couldn’t sleep the whole night’. Migrant workers’ co-existence with rodents and parasitic insects is disturbingly prevalent.\(^{1543}\) Yang shared how he could hear the pitter-patter of rats scurrying around the dormitory each night; he often woke up to find his bread chewed on by rats – he soon gave up storing any food, resorting to either eating out, or finishing any perishables in a single sitting. At the time, Yang was on a Special Pass, and eating out was costly.\(^{1544}\) Once, while in the waiting room of a local migrant worker organization, talk turned to bedbugs. Immediately, a Chinese woman lifted her pants leg to show her ‘battle scars’ – a lower leg dotted with bed bug bites. The other men nodded knowingly, with one sharing strategies on how to deal with infestations. Hai stated, ‘After several weeks, you don’t feel the bites anymore’. Xu, meanwhile, joked, ‘Bed bugs, cockroaches and mosquitoes are our “close companions” here in Singapore, they whisper 悄悄话 [sweet nothings] to us all night’.

Such conditions mean migrant worker dormitories are not just fire but also health hazards, becoming easy targets for disease outbreaks such as malaria, dengue and chikungunya (a mosquito-borne disease). In 2008, one of the biggest chikungunya clusters was in an area with makeshift dormitories for migrant workers. When a malaria cluster was identified in June 2009, it was in an area with more than 20 migrant worker dormitories. Of the 15 infected patients, 14 were migrant workers.\(^{1545}\)

Migrant workers’ overcrowded dormitories are also places where sick and injured workers ‘rest’, occasionally with deadly consequences. In a shocking case in late

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\(^{1544}\) Author’s interview with Yang, a construction worker from China, January 18, 2009.

\(^{1545}\) Maria Almenno and Jalelah Abu Baker, ‘NEA Steps Up Malaria Fight’, *Straits Times*, June 10, 2009.
December 2008, Mohd Kamaluddin, a 28-year old Bangladeshi worker, contracted chicken pox and, allegedly denied medical treatment, died in his damp, unventilated dormitory shared with up to 800 other men. Upon the discovery of his death, 10 other infected men were finally sent for treatment. The company’s director, Paul Lee, was quoted in a local paper saying, ‘I have 700 to 800 workers in the dormitory . . . It is not unusual if someone dies a natural death.’\footnote{Leong Wee Keat, ‘Bangladeshi Worker Found Dead in Dorm’, TODAY, December 29, 2008.} An investigation by The Online Citizen revealed that Kamaluddin was allegedly infected for up to a month prior to his death.\footnote{Andrew Loh, ‘Mohamed Kamaluddin’, Online Citizen, January 21, 2009, http://tinyurl.com/kdvtp38k (accessed May 20, 2010).} In July 2012, a 27 year-old Bangladeshi worker housed in a filthy, makeshift structure died from leptospirosis, a rat-borne disease; it was the first time in a decade someone has been known to die from this. Inspections of the illegal premises showed it to be ‘cramped, unkempt and littered with rat droppings’; it was also a fire hazard.\footnote{Janice Heng, ‘Rat-borne Disease Suspected in Foreign Worker’s Death’, Straits Times, July 28, 2012.}

Another issue related to migrant worker housing relates to segregation, and the clustering of migrant worker dormitories on the fringes of the city,\footnote{Chan, Hired on Sufferance, 34.} in locations that are poorly serviced by public transport – one cluster of migrant worker dormitories is sandwiched between a chicken farm and a cemetery.\footnote{Andrew Loh, ‘Social Isolation – Left Among the Dead’, Online Citizen, November 1, 2009, http://tinyurl.com/md8ha3f (accessed September 19, 2012).} In August 2008, some residents in an upper-middle class neighbourhood vehemently objected to plans to convert an old school in their area into a temporary migrant worker dormitory. The residents, who organized a petition against it, cited concerns such as ‘traffic congestion, security and safety’;\footnote{Melissa Sim, ‘Serangoon Gardens Dorm Has Self-Contained Facilities’, Straits Times, December 19, 2009.} also voiced were anxieties over falls in property prices and fears of increased crime, as well as sexual dalliances between male migrant workers and live-in domestic workers from households in the area.\footnote{Lin Yanqin, ‘Dorm Gets the Go Ahead’, TODAY, October 4, 2008; Yen Feng, ‘Too “Good” for Our Own Good?’, Straits Times, September 22, 2008; ‘Editorial, ‘Foreign Workers Housing: Act Educated About It’, Straits Times, September 13, 2008.}
While the planned dormitory went ahead, some concessions to address local residents’ concerns were made: construction of a new access road for migrant workers to be picked up and dropped off (at the cost of S$2 million);\textsuperscript{1553} sealing off an existing entrance to reduce workers’ access to the residential estate; an initial cap on the number of workers living there (600 workers). Sector-specific requirements meant the ethnic/national make-up of workers living at the dormitory would be mostly Chinese, Malaysian, Filipino or Bangladeshi; 40 percent would be women.\textsuperscript{1554} The dormitory would also have its own canteen, provision shop and barber.\textsuperscript{1555} When the dormitory finally opened in 2010, some residents interviewed by a local newspaper were pleased their initial concerns were unfounded, as the dormitory was ‘all fenced up and blocked, so we don’t see them around’.\textsuperscript{1556} A number of workers, however, complained about the long walk to their dormitory entrance (due to the sealing off of an exit to the residential estate) and the sparse living conditions; they also mentioned being told by their dormitory operator ‘not to loiter around the estate’.\textsuperscript{1557} Following the uproar over the siting of this temporary dormitory, the (then) Foreign Minister, George Yeo, said the government was ‘seriously considering how to create townships for foreign workers which are sustainable and self-contained’. One company is even exploring the idea of building floating, self-contained offshore dormitories for migrant workers. This was, however, viewed less as segregation than motivated by a need to find alternatives in a land-scarce city.\textsuperscript{1558} This idea resurfaced in 2013, with the Minister of National Development, Khaw Boon Wan, admitting in Parliament that Singapore is ‘open to the idea of housing some foreign workers in nearby offshore islands’.\textsuperscript{1559}

\textsuperscript{1553} Ong Dai Lin, ‘We Overreacted’, TODAY, April 26, 2010.
\textsuperscript{1554} Nur Dianah SUhaimi, ‘Serangoon Gardens Dorm to House Women As Well’, Straits Times, October 18, 2009.
\textsuperscript{1555} Ibid.
\textsuperscript{1556} Ong, ‘We Overreacted’.
\textsuperscript{1557} Ibid.
\textsuperscript{1558} Imelda Saad, ‘Firms Studying Feasibility of Floating Dorms and Storage Structures’, Channel NewsAsia, October 19, 2008.
\textsuperscript{1559} ‘S’pore Open to Idea of Housing Foreign Workers at Offshore Islands’, TODAY, April 8, 2013.
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The first section lists the academic references consulted and cited, including books, periodicals, theses and research papers.

The second section lists the reports, speeches and press releases cited.

The third section lists the media reports cited such as newspaper and magazine articles, as well as online articles from non-mainstream news sources.
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