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PRODUCTION POLITICS AND MIGRANT LABOUR ADVOCACY IN SINGAPORE

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ABSTRACT: *Since 2005, NGO activism, calling for greater legal protection for contract migrant workers has been the most concerted challenge to Singapore's migrant labour regime. Despite a severely restricted civil society space, migrant labour advocacy has delivered small but significant reforms to laws covering migrant labour. The existing literature on migrant labour advocacy focuses on the importance of civil society space in determining the outcomes of organised contention. In the Singapore context, the limitations of advocacy are emphasised and explained in terms of the illiberal nature of the People's Action Party-state and the strategies deployed by non-governmental organisations. Such an approach is limited in its explanatory potential as it only states what political spaces are not available without examining how spaces for contention are created. In contrast, this paper identifies the production politics between migrant workers and their employers as crucial in influencing the extent to which spaces for non-governmental organisation contention can be carved out. Accordingly, this paper argues that forms of production politics leading to worker desertion from the workplace, rather than tactical accommodation, have provided non-governmental organisations with the impetus to push forward reform agendas within an authoritarian political environment.*

Key words: Migrant labour, labour politics, non-governmental organisations, activism, Southeast Asia, Singapore

The ability of low-waged contract migrant workers in Singapore to agitate for better working conditions is constrained by the tight labour control regime of the People's Action Party (PAP)-state. The historical repression and co-option of the trade union movement and the enforcement of pro-business laws allow the party-state to discipline labour in the interest of a particular model of economic growth and the preservation of one-party rule (Rodan 1989; Vasil 1989; Deyo 1991; Hing 1997). Contract migrant workers are additionally subject to even more coercive regulations governing their employment. In particular, the work permit system severely restricts the occupational mobility of migrant workers and seeks to ensure they do not integrate within Singapore society. Above all, it ensures the deportability of

migrant workers, where the right to terminate employment and repatriate migrant workers – even forcibly – lies at the complete discretion of their employers. The vulnerability of these workers is further compounded by the fact that almost all migrant workers are in debt by the time they arrive in Singapore due to large recruitment fees commanded by labour-hire agents. A good proportion of these fees often end up in the hands of employers in the form of kickbacks for hiring (*Al Jazeera English*, August 19, 2009; TWC2 2012a; Ong, 2014, 447). As a result of these circumstances, contract migrant workers in the country are unable to muster a collective response to address the issues which they face at work such as low and unpaid wages, job insecurity, unreported workplace injuries, under-deployment, forceful repatriation and employer kickbacks for hiring and contract renewal.

However, since 2005, nascent non-governmental organisation (NGO) activism, calling for greater legal protection for these workers, has sought to challenge the state's migrant labour regime. Despite a severely restricted civil society space, migrant labour advocacy has delivered small but significant reforms to migrant labour laws and the way in which the PAP-state handles various migrant labour issues. For instance, between 2008 and 2013, the Ministry of Manpower (MOM) acted to prohibit, and eventually criminalise, employer kickbacks for hiring while changing its stance on the occupational immobility and forceful repatriation of migrant workers. Regulations requiring employers to pay daily-rated migrant workers basic wages for the days they were not deployed to work were also instituted. While there has been no fundamental change to the country's migrant labour regime, these shifts are significant in that they signal state moves to offer migrant workers greater legal protection in employment.

This paper seeks to explain the emergence of, and the gains and limitations of, advocacy on behalf of blue-collar contract migrant workers in Singapore. The broad contentious politics literature tends to emphasise the importance of civil society space or the

“political opportunity structure” as influential in determining outcomes of organised contention (Brockett 1991; Kriesi et al. 1992; Tarrow 1994; McAdam 1999). In the Singapore context, the literature which dominates analysis of migrant labour advocacy stresses the limitations of civil society activism (Lyons 2005, 2009; Piper 2005, 2006; Ford and Piper 2007). These limitations are often explained in terms of the illiberal or authoritarian nature of the PAP-state and the strategies deployed by NGO groups. Such approaches are limited in their explanatory potential as they cannot explain why NGO activism has prompted small-scale reforms within this authoritarian context.

There is, therefore, a need to go beyond the given limitations of civil society space in Singapore to identify the social forces that produce contention and the circumstances under which political spaces for contention are simultaneously carved out and closed up by civil society and state actors respectively. By way of approach, the substantive form of migrant labour advocacy is first conceptualised as and situated within Jayasuriya and Rodan’s (2007) and Rodan’s (2013) framework for modes of political participation. In explaining why certain modes of participation have opened up for NGOs, I emphasise the salience of production politics or workplace struggles between workers and employers over the effort-reward bargain (Burawoy 1985; Cohen 1987; Hart 1991; Sargeson 1999). I argue that the form of these production politics crucially influence the extent to which political spaces of contention can be carved out. Using the case of male Bangladeshi migrant construction workers in the country, I demonstrate that forms of production politics culminating in worker desertion from the workplace, rather than the otherwise prevalent form of tactical accommodation with employers, provide the impetus for NGOs to challenge the existing migrant labour regime. The translation of instances of desertion into a “critical mass” of case-work through the provision of NGO direct services forms the basis of NGO calls for reforms to migrant labour laws.

Beyond the Singapore case, this paper advances a conceptual framework for analysing the articulation between production politics and modes of political participation. By focusing on the interplay between the social conditions of contention and the political spaces available for contention, this framework provides a useful basis to interrogate emergent and variant challenges to guest worker regimes around the world.

POLITICAL OPPORTUNITIES AND CIVIL SOCIETY SPACE IN SINGAPORE

Within the broader social movement literature, the concept of “political opportunity structure” is often used to explain the success or failures of social movements (for example Kitschelt 1986; Schwenken 2005; Cammaerts 2012). The concept, which originates from theorists such as Brockett (1991), Kriesi and colleagues (1992), Tarrow (1994) and McAdam (1999), refers to exogenous factors that limit or empower collective actors. While particular components have been modified to accommodate new variables in empirical studies, the political opportunity structure generally comprises: how open or closed institutional arrangements of the state are; the political stability or coherence of elites; alliances with elites; and the state’s capacity and propensity for repression (McAdam 1999, 27).

In the context of Singapore, the political opportunity structure is particularly striking because it reveals a near-absolute lack of opportunity for NGOs to pursue their agendas. Elites, under the one-party state capitalist regime, are relatively stable and coherent. In the absence of a strong domestic bourgeoisie, the “technocratic political elites” constitute the solitary political elite group (Rodan and Jayasuriya 2012, 186).¹ NGOs are, thus, unable to forge alliances with other elites because none exist outside the relatively coherent one-party state. The relatively closed institutional arrangements of the PAP-state and its capacity and propensity for repression are also significant impediments to NGO activism. Laws, such as

the Societies Act, the Public Order Act, the Political Donations Act and the Trade Union Ordinance, among others, are used to inhibit political dissent and collective organising (Rodan 1989, 1996; Singaporeans For Democracy 2012). Political dissent has been suppressed through the use of draconian laws such as the Internal Security Act (ISA) or lawsuits against political opponents (Rodan 1989, 1993, 1996; Mauzy and Milne 2002; Singaporeans for Democracy 2012). In 1987, for instance, 22 Catholic and lay social workers from the Geylang Catholic Centre for Foreign Workers, who had been advocating for better employment conditions for migrant workers, were detained without trial for varying periods under the ISA for “threatening the state and national interests” (Rodan 1993, 92; Mauzy and Milne 2002, 130; Lyons 2005, 216). Furthermore, grassroots politics has been co-opted or incorporated under PAP party control to the extent that grassroots organisations now serve as the party’s policy mouthpieces and are exclusively used by the party for mass mobilisation and social surveillance (Tan 2003). Finally, the labour movement in Singapore has been repressed and then incorporated by the PAP under the party-controlled National Trades Union Congress (NTUC) umbrella (Rodan 1989; Deyo 1991; Hing 1997; Piper 2006, 365).

These features of political authoritarianism have a profound impact on the civil society space for independent political expression in Singapore. This is to the extent that some have argued that what is found in Singapore is not labour activism but “labour inactivism” (Piper 2006, 360). In considering the factors that deny workers the freedom of association, together with the political powerlessness of migrant workers as constructed by state policies, it becomes almost impossible for migrant workers in Singapore to formally self-organise. As a result, what we witness are small groups of concerned citizens who attempt to organise themselves to take up the concerns of migrant workers and advocate on their behalf (Piper 2006, 370-1; Ford and Piper 2007, 74-75).

The recent literature on migrant labour advocacy in Singapore presents arguments that are somewhat similar to the broader social movement literature in that they explain the success or failure of advocacy by evaluating the means of contention (Lyons 2005, 2009; Piper 2005, 2006; Ford and Piper 2007; Yee and Lyons 2009; Elias 2010). They tend to argue that the impact of labour NGOs' activities in Singapore has been "comparatively muted" in contrast to similar movements in Hong Kong where female migrant domestic workers have been active at the grassroots level in self-organising and staging demonstrations (Ford and Piper 2007, 75; Constable 2009; Hsia 2009). Similarly, the gains that Singaporean NGOs have made in terms of securing migrant rights are considered to be modest or limited. The literature tends to broadly explain these limitations in Singapore in terms of the limited civil society space available for these NGOs to do their work (Lyons 2005, 2009; Ford and Piper 2007; Elias 2010). For instance, Lyons (2005, 251) points out that the Societies Act, under which NGOs are required to register, prohibits them from engaging in any "political activity" which effectively suppresses many of the more contentious activities of these NGOs. The argument that political space significantly restricts NGO advocacy is most vividly made by Lyons (2009, 94) when she states that, "opportunities for NGOs to advance their causes depend in large part on the extent to which their goals are congruent with the state's own ideology and interest."

At the same time, the literature offers additional factors to explain the limitations of migrant labour advocacy, mostly focusing on the limitations of transnational networks with NGOs outside of Singapore and the approach or strategies of these groups. Scholars such as Lyons (2009) and Piper (2006) tend to emphasise that given the lack of civil society space in Singapore, transnational networks and alliances have the potential to shape the "landscape of migrant labour advocacy" by "circumventing the tight grips of governments" (Piper 2006, 376). In other words, they argue that the formation of strong transnational links with global or

regional NGOs has the potential to reinvigorate the relatively stagnant state of civil society in Singapore. Lyons (2009, 109) claims that one of the reasons why migrant labour advocacy in Singapore remains limited is that “a transnational phenomenon” is treated by Singaporean NGOs as a “local issue to be solved at the national level.” She explains the lack of transnational “scaling up” in terms of the relative youth of the Humanitarian Organisation for Migration Economics (HOME) and Transient Workers Count Too (TWC2) and “an inherent conservatism that reflects the nature of civil-society/state interactions in Singapore” (Lyons 2009, 109). Closely related to the latter point is the argument that the limitations of advocacy are also related to the specific strategies used by these NGOs. For instance, Lyons (2005, 239-40) argues that through their advocacy, NGOs failed to challenge dominant state discourses on the civil society, class, gender and citizenship. She further argues that advocacy strategies (which largely relate to migrant domestic workers) tend to use discourses that reformulate labour rights into “productivity” and “health” issues as opposed to a discourse of universal human rights which can be regarded as “progressive” (Lyons 2009, 106-107).² In short, factors such as the lack of transnational networks as well as the limited advocacy strategies of NGOs are also related to the limited nature of civil society space in Singapore.

The literature demonstrates that the closed political opportunity structure and consequently, the limited nature of political space for contestation mean that independent migrant labour advocacy in Singapore is severely inhibited. However, this approach only offers an understanding of what political space is *not* available. There is also a need to explain what spaces *do* exist, how these spaces are created and the political nature of these spaces, especially in relation to the Singapore state. While focusing on the means of contention, the literature also pays little attention to the root causes of civil society activism. While a range of factors are presented to explain how activism is enhanced or impeded, they do not address the social conditions or political impetus that drives activism forward. In other

words, what are the dynamics underlying the extent and nature of civil society space? Finally, by focusing solely on the repressive nature of the political regime in Singapore, these works do not consider the various strategies for the containment of conflict that the PAP-state has used in recent times to enhance the durability of its rule (Rodan 2008). State responses to NGO contestation, not all of them repressive, need to be further examined for the way in which they limit or co-opt migrant labour advocacy. In essence, there is a need to draw connections between the social conditions behind NGO contention and the political constraints and opportunities surrounding this contention.

MODES OF POLITICAL PARTICIPATION

In order to draw this connection, Jayasuriya and Rodan's (2007) and Rodan's (2013) framework on different modes of political participation is used. A mode of participation refers to a set of institutional structures and ideologies that "shape the inclusion and exclusion of individuals and groups in the political process" (Jayasuriya and Rodan 2007, 773-74). In other words, these different modes influence the form of political engagement between states and civil society actors by determining who can participate, and how, and whether participants can challenge policies or advance alternative views and ideologies.

Jayasuriya and Rodan identify four sites of political participation differentiated according to their level of inclusion and sites of participation (Table 1). Sites of participation can be state-sponsored or autonomous from the state and the levels of inclusion may be restricted to individual actors or may include collective actors as well. Here, I focus on three of these modes. Civil society expression (collective and autonomous from the state) tends to be relatively limited in authoritarian regimes such as Singapore but nonetheless does exist, particularly in the form of women's, environmental and migrant-labour advocacy groups

(Lyons and Gomez 2005). The significant point about these organisations is that they “have not pursued agendas to fundamentally transform the established political order” but are generally geared towards reform and the promotion and protection of various rights and collective goods. Under societal incorporation (collective and state-sponsored), civil society groups are deliberately selected by government for consultation over public policy issues. However, this engagement is not based on democratic principles such as representation or accountability, but is “guided by a technocratic conception of politics as problem solving” (Rodan 2013, 26). Finally, administrative incorporation (individual and state sponsored) involves state attempts to resolve or mitigate political conflicts by framing and managing these conflicts in technical and administrative terms, effectively depoliticising them (Rodan 2013, 24-26).

Table 1: The forms of migrant labour advocacy situated within the modes of political participation framework

<i>Level of Inclusion</i>	<i>Sites of Participation</i>	
	<i>State and trans-state sponsored</i>	<i>Autonomous from state</i>
<i>Individual</i>	<p>Administrative Incorporation</p> <ul style="list-style-type: none"> Workers lodging claims within the formal complaints mechanisms at MOM with NGO assistance 	<p>Individualized Political Expression</p> <ul style="list-style-type: none"> Blogs which advocate for migrant worker rights, among others Use of social media by individuals and NGO

		activists to highlight abuses and violations
<i>Collective</i>	<p>Societal Incorporation</p> <ul style="list-style-type: none"> • Para-bureaucratic interventions into complaints mechanisms • Closed-door meetings and discussions with MOM • Lobbying case officers and department heads to apply existing laws or to make exceptions in favour of workers • Lobbying divisional directors and the Minister of State to improve enforcement and reform existing labour laws • “Problem solving” 	<p>Civil Society Expression</p> <ul style="list-style-type: none"> • Public education and awareness-raising of employment and welfare issues facing migrant workers • Publicly lobbying Ministers and the Ministry to reform existing labour laws through letters to the press/open letters and action-research reports • Reporting labour and human rights violations to global stakeholders such as UN Human Rights Commission and US Department of State

Source: Adapted from Rodan (2013, 25)

These modes are ideal-types – in practice, their boundaries can be blurred and social actors may often operate in different sites or engage in various modes. Furthermore, state-sponsored sites, and their associated modes, do not always turn out according to state agendas. As these modes can sometimes operate at the intersection of state-sponsored and autonomous sites, they can often turn into sites of contestation even though the parameters of contestation may be limited (Hutchison 2007, 854). The objective here is to situate the substantive form of NGO contestation within this schema and explain why it takes this specific form. By mapping out the substantive nature of advocacy within this framework, certain social forces or dynamics associated with the opportunities and constraints of migrant labour advocacy can be identified and analysed.

THE SUBSTANTIVE FORM OF MIGRANT LABOUR ADVOCACY IN SINGAPORE

While a host of faith-based, women's rights, human rights and migrant labour rights organisations have been mentioned in the literature with regard to migrant labour advocacy in Singapore, this section will focus on the work of HOME and TWC2.³ Since 2005, these have been the only two organisations constantly and consistently advocating on behalf of migrant workers.

HOME and TWC2 were both founded in 2004 and were initially largely focused on migrant domestic worker issues. TWC2 was formed out of an informal network of concerned individuals and representatives of local welfare organisations called "The Working Committee 2" which sought to address local attitudes and treatment of migrant domestic workers (Lyons 2005, 97). HOME, on the other hand, was founded by Bridget Tan, the former coordinator of the Archdiocesan Commission for the Pastoral Care of Migrants and

Itinerant People (the Catholic Church's ministry for migrant workers in Singapore that still exists) (Lyons 2005, 100). Despite some differences in the past advocacy strategies and public rhetoric, both these NGOs are focused on two broad and related issues – the welfare of migrant workers and migrant labour rights.⁴ Broadly, both organisations seek to address these aims through the direct provision of welfare services and advocacy within both state-sponsored and autonomous sites.

Direct services have always been intimately connected to advocacy work. HOME runs two helpdesks – one for migrant domestic workers and another for blue-collar migrant workers (such as construction workers) – as well as two shelters, one for men and the other for women. TWC2 runs one helpdesk that is open to all migrant workers as well as a soup kitchen for migrant workers on special passes (that is, workers with outstanding claims or complaints against their employers). Both NGOs also operate emergency helplines. Besides providing migrant workers with food and shelter, these NGOs provide legal advice and assistance to workers in need through their helpdesk and helpline services. The most significant legal assistance provided to migrant workers comes in the form of assisting workers in lodging formal complaints or claims against their employers at the Ministry of Manpower. NGO staff assist workers by briefing them about their labour rights guaranteed by employment and migrant-labour laws; assisting them with documentation with regard to their claims (for example, filling up forms, advice on what types of evidence the Ministry requires such as medical certificates, salary slips, time cards, bank transaction records and so on); teaching and assisting workers on how to make claims/complaints; and engaging with Ministry officers over the expedition of these claims.

Both NGOs have consistently lobbied the Ministry to reform migrant labour laws for greater legal protection for migrant workers and to be more attendant to the welfare of these workers. HOME has traditionally conducted its advocacy within state-sponsored channels,

such as through formal complaints mechanisms and closed-door meetings, while the bulk of TWC2's advocacy work has been more publicly vocal and outside these channels (Lyons 2005, 101). However, over the past few years, the forms of advocacy of these two NGOs have largely converged – HOME has increased its level of public advocacy outside state-sponsored channels and TWC2 has increased its engagement with ministry officials. The NGOs have also started collaborating on advocacy issues. In May 2009, a coalition called Solidarity for Migrant Workers was formed comprising HOME, TWC2 and a small arts-based NGO called Migrant Voices in order to consolidate resources for advocacy (*Channel NewsAsia*, May 24, 2009; *The Straits Times*, May 25, 2009).

The substantive form of migrant labour advocacy within different sites of political participation is summarised in Table 1. While individualised political expressions are one of various modes of participation used by individuals and activists, they are often used to complement advocacy within the sites of societal incorporation and civil society expression. In this section I will only elaborate on the latter two forms. Societal incorporation will also be discussed in relation to administrative incorporation, where only workers participate but with the assistance of NGOs.

Advocacy within State-sponsored Sites: Societal Incorporation

NGO advocacy within state-sponsored sites tends to take two related forms – para-bureaucratic interventions into complaints mechanisms and closed-door meetings with Ministry officials. In order to better appreciate the dynamics of these interventions and meetings, we need to understand how the formal complaints mechanisms within the Ministry work. When workers file formal complaints over wage issues or work injuries, the Ministry initiates a compulsory “conciliation” process where, instead of passing judgement on the

dispute, an officer attempts to facilitate a compromise between worker and employer. It is usually at the discretion of the case officer to refer the dispute for arbitration if and when conciliation fails to produce an amicable agreement.

The conciliation and arbitration process is largely framed by the PAP's ideological "tripartite" framework, which involves government, workers and employers working together to promote harmonious industrial relations. In effect, Singaporean "tripartism" is an extension of the PAP's co-option and political control of collective labour as it determines which collective actors are able to participate in the resolution of industrial disputes. At a collective bargaining level, the "parties" are effectively the Ministry of Manpower, the PAP-controlled union umbrella NTUC and the Singapore National Employers Federation. In the conciliation of individual employment disputes, only individual workers (who have lodged complaints), Ministry officers and individual employers are allowed to participate. NGOs, as "voluntary welfare organisations" registered under the Societies Act, are explicitly not allowed to participate in the conciliation process (Heng 2008, 3). Being prohibited from engaging in trade-union-like activities under the said act, they are disallowed from legally representing workers in their claims or to participate in collective bargaining.

In spite of this, NGOs are still able to intervene into the complaints mechanism as welfare organisations. This can only happen when migrant worker complaints are formally referred to the Ministry by NGOs. These referrals can be done in person, where NGO staff or volunteers personally accompany the worker to make a complaint at the Ministry buildings. More often, however, these referrals come in the form of emails or letters, or through official complaints forms which are usually faxed to Ministry departments from NGO premises. The Ministry formally recognises that these NGOs are providing welfare assistance to complaining workers – legal assistance, shelter or food – and formally correspond with the

NGOs over these cases. Formal correspondence such as notices to attend conciliation meetings from the Ministry to workers is also often sent to NGO addresses.

This formal recognition allows NGOs to make para-bureaucratic interventions into the conciliation process by corresponding with individual case officers and their department heads to call for more stringent adherence to labour laws during conciliation meetings. NGOs also “coach” and brief workers before these meetings so that workers are more aware of their employment rights and are able to assert themselves during these meetings (Interview, Jolovan Wham, April 3, 2013). When workers return from conciliation meetings, activists ring up or write to case officers to press for more favourable terms of settlement or ask officials to ensure that the conciliation process does not overtly undermine the interests of individual workers. As most of these issues involve the payment of medical-leave wages and incapacity compensation for work injury cases and salary disputes over unpaid wages and overtime, rest day and notice pay, NGOs argue that employers should not get away with settling disputes at terms that are less favourable to the worker than those provided for by existing labour laws.

At other times, para-bureaucratic lobbying within the formal complaints channels involve NGOs asking case-officers and their department or division heads to make exceptions where relevant labour legislation does not exist to protect workers’ interests. A good example of this was during the Global Financial Crisis (GFC) in 2008-09 when large groups of Bangladeshi construction and shipyard workers faced gross under-deployment and sought the assistance of HOME and TWC2. Under-deployment, while a major problem for daily-rated workers, does not usually contravene labour or migrant labour laws. While some affected workers had valid complaints of illegal deployment which could be taken up by Foreign Manpower Management Division officers, many other complaints lodged by NGOs were deemed by the Ministry to have “no case.” NGOs responded, among other ways, through

lobbying within the formal complaints channels for the Ministry to make an exception by allowing these workers to seek new employers without having to be repatriated so that they may be given an opportunity to cover their debts. This amounts to contesting occupational immobility. While an official Change-of-Employer (COE) is not allowed for shipyard workers and only allowed for construction workers under extremely stringent and complicated conditions, NGOs argued that an exception had to be made given the plight of these workers (*The Online Citizen*, January 15, 2009).⁵ While only formally recognised as welfare organisations, NGOs are able to make para-bureaucratic interventions into the complaints process and turn an administrative site of participation into a site of contestation.

Closed-door meetings with department and division heads of the Ministry can be seen as a form of participation that extends from these para-bureaucratic interventions. At these meetings, which can be initiated by either party, NGO representatives follow up on earlier interventions by highlighting issues relating to existing labour laws and the way they are enforced in practice in relation to particular worker complaints. NGOs use this opportunity to lobby department and division heads to either recommend changes in regulations/legislation to their superiors or to directly modify the way existing laws are being applied in conciliation and arbitration. Ministry officials, on the other hand, use these meetings to reassert the bureaucratic status-quo by justifying why particular laws and administrative procedures – for example, the process of conciliation before arbitration – are necessary. Ministry officials also use these meetings for fact-finding as NGOs are often able to highlight a range of employment and legal issues facing migrant workers which the Ministry may not be sensitised to. This would allow officials to consider the extent to which these issues can be resolved and incorporated within their existing administrative framework. While these meetings were previously ad hoc and tended to centre on particular and immediate issues, they have now become more regular and high profile.

Advocacy in Autonomous Sites

Migrant labour advocacy outside state-sponsored sites tends to take three public forms: education and awareness campaigns; lobbying Ministry officials; and reporting human and labour rights violations to global stakeholders. I will elaborate on the latter two forms.

NGOs publicly lobby the Ministry for labour reform through letters and comments to the state-controlled and independent internet press/media as well as through the occasional open letters to government ministries, statutory boards and even state-owned/state-linked companies such as the SMRT Corporation Ltd. HOME's open letter to SMRT in the wake of a bus driver strike in 2012 and HOME and TWC2's joint open letter to the National Wages Council calling for the statutory board to ensure "decent wages" for all migrant workers are the most recent examples (HOME and TWC2 2011; publichouse.sg, December 10, 2012).

Public lobbying is also done through action research reports which are always launched with an open press conference. "Justice Delayed, Justice Denied," prepared by HOME and TWC2 (2010) and released in 2010 and "The Exploitation of Migrant Chinese Construction Workers in Singapore," prepared by HOME (2011), and released in 2011, are two recent examples of this. The employment conditions of migrant workers are highlighted and recommendations made to reform various aspects of migrant labour laws and the nature of enforcement. Public lobbying at the local level effectively attempts to create public awareness among citizens and residents of the suffering and problems faced by migrant workers, and places external local pressure on the Ministry to act on individual cases or reform migrant labour laws.

NGOs also engage in the reporting of human and labour rights violations to global stakeholders such as the UN Council of Human Rights and the US Department of State. NGO

input has been a significant constituent of the US Department of State's Trafficking in Persons country report on Singapore from 2009 to present. Between 2010 and 2012, NGOs have used this channel of reporting to highlight how issues of indebtedness among workers, illegal withholding of their wages and passports and the use of forceful repatriation indicate signs of trafficking and forced labour (US Department of State 2010, 2011, 2012). The Solidarity for Migrant Workers coalition (HOME, TWC2 and Migrant Voices) also makes joint submissions to the UN Council of Human Rights for Singapore's Universal Periodic Review (UPR) (*The Straits Times*, September 30, 2010; *TODAY*, November 1, 2010). Singapore's first UPR took place in May 2011. In their submissions, the migrant labour coalition highlighted a broad range of human rights issues concerning migrant workers including barriers to labour justice, forceful confinement and repatriation, barriers to the freedom of association of workers, and the occupational immobility and deportability of migrant workers. Recommendations covering the administration of labour justice, freedom of movement, conditions of work and right to social security were also made in the submission (Solidarity for Migrant Workers 2011). NGO reporting of rights violations is an attempt to put external pressure from global agencies on the Ministry to implement various reforms of migrant labour laws.

NGO Demands and Recommendations

NGOs tend to strategically use different discourses and rhetoric when advocating within separate sites of participation. Within state-sponsored sites the emphasis tends to be on the enforcement of existing laws and on the welfare of migrant workers. The emphasis tends to be on welfare in public outreach and on human and labour rights when reporting to external agencies. Despite this, their substantive demands and recommendations – all of which are

directed at the Singapore government – are largely consistent within all these sites. NGOs call for the reform of broad labour and migrant labour laws and the manner in which they are enforced in order to be more attendant to the welfare of migrant workers and offer them greater legal protection against a known range of employer practices such as unpaid wages, salary deductions and forceful repatriation. Some of their more significant demands include (*The Online Citizen*, January 15, 2009; HOME and TWC2 2010, 2011; HOME 2011; Solidarity for Migrant Workers 2011):

1. Outlawing and prosecuting repatriation companies for wrongful confinement and forced repatriation of workers;
2. Repealing all work permit regulations that give employers the unilateral right to cancel the work permit of workers;
3. Liberalisation of the COE regulations to allow workers to change employers without having to be repatriated;
4. Negotiating multilateral agreements with sending states to regulate recruitment practices;
5. Abolishing the practice of blacklisting workers unless they are convicted of criminal offences;
6. The enactment of minimum-wage laws to ensure that all workers, especially migrants, are remunerated fairly;
7. Abolishing time-bars on Employment Act claims which prevent workers from making salary claims for periods beyond a year from the time of lodging the claim; and
8. Stricter enforcement of existing labour laws – in particular the Employment Act and the Work Injury Compensation Act – to give workers more effective legal

protection against employer practices, including increasing penalties for not paying wages on time.

The Limited Impact of Advocacy

Through state-sponsored and autonomous sites of participation, NGO calls for regime reform in protecting the rights and welfare of migrant workers effectively challenge key aspects of the migrant labour regime such as migrant worker occupational immobility and deportability. Despite overt calls for regime reform, the Ministry has only made small tweaks to migrant labour laws while more general labour laws such as the Employment Act and the Work Injury Compensation Act have remained unchanged. Activists have described years of lobbying the Ministry as frustrating as they “keep saying the same things but to different civil servants each time” (Interview, Jolovan Wham, April 3, 2013). Yet, these modifications are significant because they reflect how the Ministry has changed its stance on particular issues facing migrant workers, and hence warrant some attention.

While no punitive action has been taken against repatriation companies, the Ministry has made a significant shift in its position on these activities. In late 2011, several Ministry officials led by the Minister of State for Manpower, Tan Chuan Jin, visited three repatriation companies and issued them with warnings with regard to the treatment of workers during repatriation (Ministry of Manpower 2011b; *The Straits Times*, December 15, 2011). Employers were also publicly warned, in a press release by the Ministry, that action would be taken against anyone repatriating their migrant workers without a proper settlement of their wages (*The Straits Times*, December 15, 2011). While the impact of these warnings are debatable – NGOs were unhappy with the Ministry’s limited response – one of the

repatriation companies announced that it would be ceasing operations following the minister's visit (*The Straits Times*, December 15, 2011).

The Ministry also changed its formal positions on kickbacks. Before 2009, the Ministry often ignored or deflected allegations of kickbacks by migrant workers and NGOs, claiming that these were personal issues and, because recruitment fees were paid in sending states, this was outside of their jurisdiction (Interview, Jolovan Wham, April 3, 2013). In the wake of the GFC spill-out and faced with over 1,500 agitated under-deployed workers in debt and the ensuing NGO pressure, the Ministry soon prohibited kickbacks under work permit regulations (Ministry of Manpower 2008, 2011a). With the amendment of the Employment of Foreign Manpower Act (EFMA) in parliament, in 2012, kickbacks were soon criminalised. Employers who receive kickbacks are now liable for prosecution rather than just an administrative fine (Ministry of Manpower 2012a, 2012b). The Ministry also made it compulsory, under work permit regulations, for employers to pay basic wages to their migrant workers when not deployed (Ministry of Manpower 2011a).

While the Ministry did not formally amend its COE framework, the under-deployed workers who had made complaints through the NGOs were given conditional permission to source new employers without having to face repatriation (Ong 2014, 457).⁶ More recently, in July 2013, the Ministry initiated moves towards reforming the COE framework by calling for public feedback to review “the circumstances under which foreign workers could be allowed to change employers” (*Channel NewsAsia*, July 22, 2013). The Ministry also started showing an interest in recruitment practices in sending countries even though no multilateral agreements were ever signed. In the wake of the GFC, internal research on recruitment practices in Bangladesh, China and India were initiated while Ministry delegations subsequently visited NGOs in Bangladesh (among other sending countries) to learn more about recruitment practices there (*The Straits Times*, December 18, 2012).

The final piece of evidence that proves the impact of NGO advocacy was that, in early 2009, the PAP-controlled union umbrella, NTUC, set up a Government Organised Nongovernmental Organisation called the Migrant Workers Centre (MWC) headed by PAP Member of Parliament, Yeo Guat Kwang. Providing the same direct services as HOME and TWC2, the MWC assisted the Ministry through the provision of welfare and assistance for migrant workers without the pressure of independent advocacy (*The Straits Times*, January 31, 2009, September 3, 2009).

Despite all its limitations, migrant labour advocacy has made some impact, and this is evident in small amendments to migrant labour laws and the Ministry's newfound attendance to issues of recruitment and forced repatriation. At the same time, there has been no fundamental change to the migrant labour regime – migrant workers still lack legal-political rights and do not have the ability to organise collectively while their occupational immobility and deportability are only somewhat mitigated by these small shifts. However, crucial questions remain. Why have state-sponsored sites, within an authoritarian regime, opened up in this particular manner which allows NGOs to combine autonomous campaigning with para-bureaucratic lobbying? And how do we explain the particular impact, or the lack thereof, that advocacy has had on the migrant labour regime? To answer these questions, I utilise the explanatory potential of production politics by linking their variable and contingent outcomes to the form of NGO contention and its impacts within an illiberal political regime.

THE FORM AND OUTCOMES OF PRODUCTION POLITICS

In order to examine the particular nature of production politics among Bangladeshi construction workers in Singapore, I conducted four months of participant observation in a medium-sized construction firm (with a labour force of 200 migrant workers, around a third

of whom were Bangladeshi nationals) in 2010. Between 2010 and 2012, I also conducted in-depth interviews with 45 male Bangladeshi construction workers in the country and examined 50 NGO case-reports detailing the work-related complaints of around 200 such workers. The findings from these sources revealed high incidences of work-related grievances among these workers over low earnings and the excessive physical demands of work. In particular, they expressed unhappiness over low and stagnant wage rates, being paid below-statutory rates for overtime work, having to pay kickbacks for hiring (through recruitment fees) and contract renewal, various salary deductions (both legal and illegal) made by their employers as well as the harsh nature of their jobs. These workers felt that their existing employment arrangements required too much physical effort while leaving them with too little monetary reward to realise any form of social mobility back home.

Rather than agitate for better working conditions or submit to employer coercion, these workers dealt with their grievances through the tactical accommodation of employer control. Sargeson (2001, 54) understands such “tactics” as “the manner in which the less powerful, at critical points in time, put systems of knowledge and management into use in ways not intended by their makers, with a view to subversion or carving out a space which they can manoeuvre in.” In this context, tactical accommodation involves workers providing obedient and competent work to their work superiors in order to avoid conflict with the latter while informally renegotiating the effort reward bargain. Workers appeared to be starkly aware of their occupational immobility and deportability and were keen to avoid any form of confrontation with their employers or supervisors – a confrontation they believe they will surely lose to the detriment of their economic well-being. Rather, they responded to workplace authority by openly proving their competence and obedience to work superiors while soliciting wage increments or preferential deployments which would either improve rewards or lessen their work efforts respectively. Worker performances of obedience are also

supplemented by everyday forms of resistance such as simulation, slow-downs and informal output restrictions outside periods of direct supervision which serve to moderate the intensity of the daily work regime (Scott 1985).

The prevalence of tactical accommodation among Bangladeshi migrant workers in the Singaporean construction site can be explained in terms of how the structural vulnerability of these workers is situated within the micro-level dynamics of production. The data revealed two significant aspects of the structure of control within the construction industry in Singapore which shapes the form of production politics: the dispersed geography of production; and the prevalence of autonomous supervisory arrangements. Construction workers are often deployed to work, sometimes at dispersed work sites, in small groups of two to seven. This tends to prevent a large concentration of workers at a given point of production for prolonged periods of time which undermines the collective agency of workers (Therborn 1983, 42; Hutchison 2004, 17). At the same time, workplace supervision tends to be autonomous and punctuated. Due to the relatively weak bureaucratic capacity of small-to-medium-sized contractor firms which make up the bulk of the industry, workers are often deployed to complete work tasks without being constantly and directly supervised or under constant surveillance. While employers and supervisors do *periodically* supervise workers and ensure that tasks have been completed satisfactorily, many workers who were observed and interviewed found themselves with considerable leeway in regulating their physical efforts whilst following orders from above.

These factors, coupled with structural forms of coercion, have two simultaneous effects. While workers are inhibited from consolidating their grievances and developing a collective response, the particular workplace arrangements allow them to informally renegotiate the terms of work while covertly regulating their work efforts. The data additionally revealed that employers tend to combine strategies of veiled intimidation such as

repatriation threats with individualised concessions at work (including small-scale wage increments, preferential deployments). In a context where labour as a collective force has been repressed and debt-laden migrant workers are deprived of many legal-political rights, these dynamics of production tend to close off spaces for agitation while opening up opportunities for informal negotiations. It is particularly telling that while employers have the ability to direct work through coercive intimidation, they do not ordinarily do so. This is because tactical accommodation, on the part of these workers, circumvents employer coercion while providing employers with what they need – actual work being done.

At the same time, the data also revealed particular forms of workplace disputes – over increasing wage deductions and intensifying work regimes, under-deployment and the management of work injuries – which tend to undermine workers’ ability to tactically accommodate employer control. Disputes are different from grievances in the sense that while the latter involves perceived unfairness over working conditions, the former involves open disagreement over certain aspects of these conditions. When wages are unpaid over prolonged periods of time, workers find little point in demonstrating or feigning obedience to their employers. When wage deductions or work regimes are progressively intensified, the space workers have to tactically accommodate employer control is significantly narrowed. When an employer has insufficient or no jobs for his workers, the latter find it hard to obey orders to wait for work as they would have no other means of servicing the debts incurred to secure employment in Singapore. When work injuries are not reported to the Ministry or given due medical attention, the injured worker cannot bring himself to obey orders to return to work and often expects to be given access to work injury compensation.

In such circumstances, which are neither routine nor exceptional, workers are unable to utilise tactical obedience to renegotiate working conditions or even to avoid open conflict with work superiors. Tactical accommodation does little or nothing at all to remedy

unbearable work and pay regimes, the absence of medical attention after work accidents, the firm's shortage of jobs (and hence, wages), or unpaid wages. On the other hand, the political powerlessness of these workers and their exclusion from collective-bargaining platforms mean that they do not have access to, or have trouble accessing, formal means to resolve these issues. As such, affected workers feel compelled to contest these disputes. They do so in various individualised and collective forms – quiet pleas, verbal demands, written petitions and wildcat strikes.

The slightest hint of disobedience inevitably unleashes the coercive capacity of their employers. They respond to worker demands with threats, violence and forceful repatriation. These responses often pose an immediate threat to workers' economic and physical well-being. Due to the weak intrinsic collective (class) strength of migrant workers in Singapore, agitation and overt acts of insubordination in the workplace are almost always destined to fail. In fear, despair and desperation, these workers desert the workplace or evade forceful repatriation in order to seek outside help for their predicament. Many of these workers end up connecting with HOME and TWC2 through these NGOs' outreach programs or through workers' own individual networks. At the NGOs, case-workers and volunteers translate worker grievances over work injuries, under-deployment and wages into formal complaints at the Ministry. By querying workers on their grievances, case-workers attempt to find out which particular labour laws or regulations have been breached by the employer. They then proceed to assist the worker to lodge relevant claims to the Ministry such as work injury claims, salary claims and complaints regarding the infringement of EFMA regulations. Case-workers also assist workers by following up on their individual cases with the Ministry while providing affected workers with food and shelter.

Instances of worker desertion are, thus, translated into legal-welfare assistance cases through the provision of NGO direct services. NGO challenges to the existing migrant labour

regime through para-bureaucratic lobbying, closed-door Ministry meetings and human/labour rights reporting are essentially driven by this critical mass of case-work. This critical mass also provides NGOs with opportunities to leverage the Ministry's public image and loopholes in labour laws and enforcement to ensure advocacy has greater impact. NGO direct services, therefore, constitute a nexus where particular outcomes of production politics, such as worker desertion rather than tactical accommodation, are transformed into the basis of advocacy.

THE CRITICAL MASS OF CASE-WORK

While advocacy, particularly within state-sponsored sites, is primarily issue-based, it allows NGOs to relate these issues to the lack of legal protection for migrant workers which can often be detrimental to their mental and physiological well-being. These issues do not come out of nowhere, nor do they even emerge from the widespread grievances that workers have in the workplace (see Koo 2001). Rather, these issues are derived specifically from instances of desertion which, in turn, are created when the prevalent form of production politics – worker tactical accommodation – escalates into disputes, confrontation and violence.

The ability of NGOs to lobby for the outlawing of repatriation companies, which are hired by employers for the forceful repatriation of their migrant workers, comes out of successful worker resistance against forced repatriation. Forced repatriation, or the threat of repatriation, is not usually used by employers to set workers to work, but rather as a strategy to resolve work-related disputes. NGO calls for the tightening of labour law enforcement is derived from overt conflict – rather than simply worker grievances – over issues like salary deductions in the workplace, many of which are illegal but regularly practiced. The huge waves of under-deployed and indebted workers during the GFC in 2008 allowed NGOs to make effective calls for the liberalisation of the COE framework, the repealing of employers'

unilateral right to terminate work permits and multilateral agreements with sending states. Worker grievances alone, while widespread, do not provide the impetus for advocacy. The breakdown of tactical accommodation in the workplace, and subsequent worker desertion to NGOs, does.

A crucial link between outcomes of desertion and advocacy is that many of the issues that lead to desertion, or surrounding the circumstances of desertion, involve violations of existing labour laws on the part of employers. The fact that work injuries have not been reported, wages not paid according to statutory standards, or that workers may have been deployed to work in industrial sectors outside those stipulated in their work permits allow NGOs to use welfare provisions to carve out spaces of advocacy within state-sponsored sites. For instance, NGOs are able to make strong – public and closed-door – demands for the Ministry to act against repatriation companies not simply because they violate human rights. The Ministry tends to ignore such clamour. Rather, the Ministry has been prompted to act when NGOs highlight that many cases of forced repatriation actually involve legally recognised labour disputes – such as over unpaid wages and work injury compensation – which gives workers the legal right to remain in the country to lodge cases through the formal complaints mechanisms.

While the closed civil-society space in Singapore does not allow these NGOs much formal political leverage, the critical mass of case-work, created through the interface of worker desertion and NGO direct services, allows NGOs to leverage the government's public image as well as loopholes in labour laws and enforcement. NGOs play on the government's public image of being administratively competent and strictly adhering to the "rule of law." Letters to the press and global reporting allow NGOs to publicly highlight government loopholes in enforcement and labour legislation. Used in tandem with advocacy within state-sponsored sites, this creates pressure for the Ministry to accede to NGO demands or requests.

In an interview, HOME's then executive director Jolovan Wham admitted that he still could not be sure if such an approach works, "but the more a case is publicised, [we have noticed] the more attention the Ministry pays to it, the more favourable the outcome [for the workers]" (interview, April 3, 2013). When these NGOs publicly highlight loopholes in labour legislation and its enforcement, the Ministry would prefer these issues to be hammered out in closed-door meetings rather than through the local and international media. They are hence keen to actively create closed-door channels of engagement with NGOs.

Case-work also provides NGOs with opportunities to leverage international pressure against the Ministry. NGO submissions for the US Department of State Trafficking in Persons Reports (from 2009) as well as Singapore's first Universal Periodic Review by the United Nations Human Rights Council are not only drawn from principled objections to various migrant worker laws (or the absence thereof) but also from the large numbers of assistance cases accumulated over the years. For the Trafficking in Persons Reports, NGOs frame issues of worker indebtedness, withholding of salaries and forceful repatriation as indications of forced labour and trafficking. The reports assert that the Singapore government has not done enough in terms of prosecution, prevention and protection. This potentially hurts the image of the government, especially when Singapore has been ranked in Tier 2 together with countries like Sri Lanka while smaller nations like Slovakia are ranked at Tier 1 (US Department of State 2010, 2011, 2012). Many of the small changes the Ministry has made to migrant labour regulation and enforcement can be partly explained by the pressure produced by NGO reporting, which is, in turn, driven by cases compiled from the provision of direct services.

Another reason why the Ministry opens up channels of engagement is that NGO participation within state-sponsored sites – necessarily backed by case-work – proves to be expedient to the Ministry's technocratic politics of "problem solving" (see Rodan 2013, 26).

Because NGOs work on the ground and are more approachable for workers, they are more attentive to isolated or widespread workplace disputes as well as what the Ministry terms “employer malpractice.” They are thus able, and keen, to highlight the widespread flouting of particular labour laws to the Ministry. Given the credibility of the PAP-government as competent and adhering to its “rule of law,” the Ministry would rather channel these issues through the complaints mechanisms or closed-door meetings rather than having them reported in the local and international press. In the wake of migrant labour unrest during the GFC, the Ministry used NGO information to gauge the extent of migrant worker under-deployment. The Ministry also collaborated with NGOs on coordinating the movement of workers to lodge their complaints and assist investigations in small coordinated groups rather than en-masse.

IN THE WAKE OF THE GLOBAL FINANCIAL CRISIS, 2008-09

The greater the spill-out from workplace disputes, the greater the impact of NGO advocacy. While the impact of migrant labour advocacy has always been limited – NGO staff and volunteers often bemoan the fact that the Ministry usually ignores their recommendations and demands – it is particularly telling that, as far as migrant non-domestic blue-collar workers are concerned, the greatest impact advocacy has had on the migrant labour regime was during the GFC from late 2008 to 2009. This period saw about 1,500 Bangladeshi construction and shipyard workers flee their companies amid gross under-deployment, unpaid wages and employer intimidation. While earlier NGO (mostly closed-door) advocacy on issues such as kickbacks and occupational immobility had previously gone unheeded by the Ministry, the GFC saw the latter change its positions on both these issues. Publicly and behind closed doors, NGOs called on the Ministry to:

1. Allow affected workers to change employers without being repatriated;
2. Force employers to compensate workers for the remaining validity of their contracts in addition to full wages for the time they were in Singapore;
3. Increase the penalties for failure to pay wages on time;
4. Be more stringent in approving work permit applications;
5. Work with sending countries to monitor recruitment channels; and
6. Conduct “exit interviews” at immigration points to curb forceful repatriation (*The Online Citizen*, January 15, 2009).

While the Ministry did not formally amend the COE system, it made a one-off concession to allow most of the affected workers to find new employers while remaining in Singapore. From July 2013, the Ministry publicly indicated its intention to revise the existing COE framework. The Ministry also immediately made it compulsory for employers to pay their migrant workers a basic day’s wages even when they are not deployed to work. This new rule – termed as “no-work pay” – was applied to the cases being investigated and expedited during the GFC and was soon formalised as part of the work permit regulations under the EFMA. Most significantly, the Ministry changed its stance towards kickbacks – from claiming to NGOs that it was a “private issue” to explicitly prohibiting it and subsequently criminalising it under EFMA. By prohibiting kickbacks, infringements would draw an administrative fine. Subsequently, kickbacks have been criminalised and violations draw prosecution. While these “concessions” were still somewhat limited, it remains one of the more significant gains made by migrant worker NGOs. In the absence of mass citizen support for the cause of migrant workers, it is significant that the NGO advocacy campaign during the GFC was driven or fuelled by the unprecedented number of workers who had fled their companies to seek redress.

BEYOND CIVIL SOCIETY SPACE: OTHER LIMITATIONS

Given that case-work derived from instances of desertion provides the impetus for NGO contestation, the limitations of advocacy cannot be explained in terms of NGO strategies and civil society space alone. It also needs to be considered that other outcomes of production politics, which do not culminate in workers seeking NGO assistance, limit the thrust and scope of migrant labour advocacy. As far as Bangladeshi migrant workers are concerned, the prevalence of tactical accommodation with employers becomes a significant factor, particularly since workplace grievances appear widespread. The limitations on advocacy can therefore stem from the fact that dynamics of control within the workplace – not all of them coercive – prevent grievances from being politicised into contentious struggles which would, in turn, provide NGOs with opportunities to lobby for labour reform.

This is a particularly salient consideration when some of the relatively weaker NGO demands over the years are taken into account. At least two years prior to the GFC, NGOs had been lobbying the Ministry to look into worker allegations of kickbacks and to liberalise the COE framework for work permit holders from various industry sectors. These calls were often plainly dismissed by the Ministry since the cases encountered mostly involved complaints made by individual workers and were few and far between. In fact, prior to 2008, NGOs often informed workers that they would not be able to assist them with claims of kickbacks. This was because the Ministry refused to formally recognise it as an employment issue (interview, Jolovan Wham, April 3, 2013). While many workers I interviewed were explicitly aggrieved over having to pay kickbacks, particularly for contract renewals, their grievances did not often escalate into open disputes. These workers were in a position to use tactical obedience to informally renegotiate the effort-reward bargain with their work

superiors. This allowed them some prospect of improving their individual working conditions while staving off employer threats of premature termination and forced repatriation.

The turnaround on kickbacks and occupational immobility made by the Ministry in the wake of the GFC was largely due to the magnitude of under-deployed workers who were in no position to use tactical accommodation to protect their migration objectives. The fact that their employers hardly had any jobs for them meant that there was barely an effort-reward nexus to speak of and there was little they could do to stave off impending repatriation. Confrontation with employers over kickbacks ensued when their labour agents revealed to them that the bulk of their hefty recruitment fees were paid directly to the employers. This saw an unprecedented number of migrant workers desert the workplace seeking outside assistance. What were previously weak NGO calls for the illegalisation of kickbacks and the liberalisation of the COE system became strong ones and forced the Ministry to respond.

Likewise, it is worth considering that NGOs have called for the repeal of particular work permit conditions that they feel are prejudicial towards migrant rights such as those that prohibit a work permit holder from marrying in Singapore or engaging in “immoral and undesirable activities” and “breaking up Singaporean families” (Solidarity for Migrant Workers 2011). There has been little real contestation on the part of workers over these regulations largely because they rarely, if ever, manifest themselves within their concrete everyday life experiences or place stress on their migration objectives. There is little information on whether migrant workers have actually had their employment terminated and been repatriated on these grounds. The workers interviewed expressed little or no concern over such regulations. There is, thus, little political impetus for NGOs to make claims against these regulations even though they constitute an open and evident form of discrimination against migrant workers.

Worker desertion as an outcome of production politics is even more significant in driving migrant labour advocacy given that NGOs have struggled to collectively mobilise migrant workers to push for labour reform. While stringent and repressive laws restrict the freedom of workers to form independent unions and explicitly prohibit NGOs from engaging in trade-union-like activities, collective action on the part of migrant workers – assisted by or independent of NGOs – has nonetheless occurred in recent years. In mid-2012, HOME’s then executive director, Jolovan Wham, organised a large group of Chinese female factory workers at a local Panasonic factory by drawing up a petition against their employers demanding an increase in wages and a reduction in working hours (*Asian Correspondent*, August 21, 2012; *publichouse.sg*, August 30, 2012). In February 2012, over a hundred Bangladeshi construction workers staged a sit-in by a construction site in the eastern suburb of Tampines to protest unpaid wages (*The Online Citizen*, February 6, 2012; TWC2 2012b). In November the same year, a group of 171 Chinese bus drivers, employed by the state-owned SMRT transport corporation, went on a two-day strike over pay-parity and accommodation issues (*The Straits Times*, November 26, 2012; *Australian Broadcasting Corporation*, December 3, 2012).

These episodes of direct collective action have yet to produce any tangible gains in terms of reforms to migrant labour laws or political space for civil society activism. Many of the striking bus drivers were forcefully deported by the government while five purported “ringleaders” were prosecuted and jailed (*CNN*, February 26, 2013). The construction workers sit-in at Tampines was contained by the police, without overt force, and the wage dispute swiftly resolved by Ministry officials in favour of the workers (TWC2 2012b). The Panasonic workers’ petition led to no improvements in working conditions (*publichouse.sg*, October 3, 2012). HOME was given a stern reprimand from the Ministry as Wham, who organised the workers, was forced to step down from his role as executive director (interview,

Jolovan Wham, April 3, 2013). On a more encouraging note, the SMRT Corporation announced a small increase in wages for all bus drivers and a revision to the company's pay system in March 2013; just weeks after the last striking drivers had been sentenced (inSing.com, March 8, 2013). It is evident that authoritarian state-responses that collective actions bring about essentially close up channels of contestation. Individualised or collective instances of worker desertion to NGOs, on the other hand, tend to open up channels of advocacy.

Within an illiberal political context which places huge restrictions on freedoms of expression and association, NGOs struggle to collectively mobilise migrant workers or even to mobilise mass citizen support for migrant workers. They need opportunities to legitimise their advocacy work, especially towards the state. It is the critical mass of case-work procured from their direct services that allows them to engage with both state and non-state stakeholders to exert pressure on the state to reform migrant labour laws. In this sense, particular outcomes of workplace struggles between migrant workers and their employers – such as desertion rather than the perpetuation of tactical accommodation – provide the driving force behind migrant labour advocacy in Singapore. The variant and contingent outcomes emanating from these production politics, therefore, demonstrate both the potential for and the limits to contention which the contentious politics literature does not examine.

REFINING THE REGIME BY ADMINISTRATIVE MEANS

While NGOs attempt to engage in independent lobbying within state-sponsored sites, the Ministry attempts to incorporate independent contention into the legal-administrative mechanisms of the state. Substantively, this is done by widening the scope of their labour complaints mechanisms by creating additional offences for employer practices like kickbacks

as well as enacting regulations covering no-work pay for under-deployed migrant workers. Such moves allow more workplace grievances and disputes to be dealt with within state-sponsored sites of participation. This means that workplace disputes over under-deployment and kickbacks, for instance, can now be resolved administratively rather than through overt political contention within the workplace.

For the same reason, the PAP-controlled NTUC set up the MWC in 2009 in order to address the welfare issues of migrant workers locked in dispute, without the pressure of independent advocacy. In 2012, the MWC was quick to step in to help defuse several publicised worksite disputes without publicly advocating for reforms to migrant labour laws. The MWC's approach is evident from the manner in which it intervened in another construction worker sit-in in the northern suburb of Yishun in December 2012. The MWC stepped in to assist Ministry officials in resolving a pay dispute between four Chinese workers, 20 Indian workers and their employer (*My Paper*, December 19, 2012). Rather than publicly criticising the Ministry for previously ignoring the complaints of some of these workers – a fact later pointed out by HOME's Jolovan Wham in an open letter to the Minister of State for Manpower (TWC2 2013) – MWC chairman, and PAP member of parliament, Yeo Guat Kwang praised the Ministry's "swift response" to the dispute and reminded employers to adhere to Ministry regulations (*Channel NewsAsia*, December 19, 2012). In the wake of emerging labour unrest among the migrant labour force, the MWC is working with the Ministry to "educate" migrant workers on how to "settle any employment dispute amicably" (*My Paper*, December 19, 2012).

The measures taken to legally require no-work pay and to criminalise kickbacks, as well as setting up the MWC, encourage workplace disputes to be resolved administratively at an individual level rather than through collective mobilisation. In effect, such measures to extend legal protection to migrant workers represent a "technocratic management and

resolution of political conflict” conflicts which originate from tensions within the production process. They complement, rather than free up, existing “tight controls on political expression” which “militate against” NGO attempts to collectively mobilise migrant workers or mass citizen support for their causes (Rodan and Jayasuriya 2007, 796). While recent reforms to the migrant labour regime have delivered greater legal protection for migrant workers, they also need to be understood for the manner in which they depoliticise the workplace grievances of migrant workers while attempting to administratively incorporate independent voices for reform.

CONCLUSION

In calling for reform to migrant labour laws within both state-sponsored and autonomous sites of participation, NGO advocacy presents a challenge to the existing migrant labour regime in Singapore. While this regime has not been fundamentally transformed, some small but significant changes have occurred in terms of migrant labour legislation and the Manpower Ministry’s stance towards the issues facing migrant workers. The existing contentious politics literature, with its focus on the restricted civil society space in Singapore, does not explain why NGO contention and subsequent reforms were made possible. In contrast, I argue that the form and outcomes of production politics between migrant workers and their employers have a significant influence on the extent to which NGOs can carve out political spaces to lobby for reform.

Using the case of Bangladeshi migrant construction workers, I demonstrate that the political impetus behind NGO contention comes from overtly confrontational outcomes of workplace struggles such as worker desertion, rather than the perpetuation of tactical accommodation. Instances of desertion are translated into a critical mass of case-work

through the nexus of NGO direct services. This case-work forms the primary basis of advocacy within various political sites, without which advocacy cannot be conducted effectively. Within the context of an illiberal political environment where NGOs find it difficult to collectively mobilise migrant workers or mass citizen support, contentious outcomes of production politics, such as desertion, allow NGOs to legitimise their advocacy work and exert pressure on the state to reform migrant labour laws. While NGO advocacy, driven by the breakdown of tactical accommodation in the workplace, continues to carve out spaces of contention, the state attempts to administratively incorporate it through small-scale reforms while containing and suppressing any forms of migrant worker collective action.

Beyond Singapore, this study offers a conceptual framework for analysing the articulation between production politics and modes of political participation. Challenges to contract migrant labour regimes in Southeast Asia, the Middle East and East Asia have taken different forms and yield significantly different outcomes. From the anti-globalisation demonstrations by migrant worker coalitions in Hong Kong, to the wildcat strikes of construction workers over wage demands in Dubai, various episodes of migrant worker contestation can be framed as being underpinned by particular forms of production politics which drive claim-making forward. These are in addition to historically contingent modes of political participation that allow for different forms of collective action. The interplay between the two is crucial as it shapes the nature of political opportunities and civil society space available to migrant workers and activists. The framework presented here can, therefore, be used elsewhere to understand the extent to which advocacy groups are able to represent migrant workers' concerns and to push forward different reform agendas.

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NOTES

¹ Rodan and Jayasuriya (2012, 186) argue that the interests of Singapore's domestic bourgeoisie are conditioned by and, hence, dependent on state capitalism.

² For a concerted debate on this issue, see the exchange between Yee and Lyons (2009). Yee argues that such NGO strategies are necessary given tight state controls on political expression while Lyons argues that these strategies reproduce dominant (state) discourses on gender, citizenship and civil society. Crucially, neither deeply explores the driving forces behind advocacy on behalf of migrant domestic workers.

³ See Piper (2005) for a broad outline of the activities of these various groups and Lyons (2009, 97-103) for a more updated view of the activities of TWC2 and HOME.

⁴ While their substantive focus is on migrant domestic workers and migrant non-domestic workers (such as those in the construction and shipbuilding industry) they have also taken up the concerns of asylum seekers, fishermen and victims of human trafficking.

⁵ While NGO calls for COE were initially rejected by the Ministry – initial batches of under-deployed workers were repatriated without benefits – the latter subsequently did make this exception. The gains of advocacy during the GFC are further elaborated on later in this section and in subsequent sections.

⁶ The Ministry's conditions were that the workers had a given period of time (less than a month) to source for their own jobs within their existing industry sector (such as construction

or shipbuilding) and that their potential employers had to be eligible to hire additional workers.