

# When the Home Is Also the Workplace: Women migrant domestic workers' experiences with the 'live-in' policy in Singapore and Hong Kong

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## Abstract

This article examines the link between the mandatory live-in policy and the unsafe working and living conditions of women migrant domestic workers. This policy has been rationalised on the principles of the inviolability of the private home and challenges around regulating and enforcing labour protections in the home-workplace but has, in practice, increased migrant domestic workers' precarity and exploitation. Drawing on empirical research in Singapore and Hong Kong, the article demonstrates how the live-in policy operates in tandem with inadequate labour and migration regulations to produce a situation where poor working and living conditions are an enduring part of workers' employment and everyday lives. It contributes to research that has highlighted the gendered dynamics and exclusionary bordering practices that shape waged domestic labour, and considers the implications this may have for the well-being and security of women migrant domestic workers.

**Keywords:** live-in rule, immigration law, women migrant domestic workers, Singapore, Hong Kong, labour law

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## Introduction

Accounting for 2.3 per cent of the total global employment, and 4.5 per cent of female employment worldwide,<sup>1</sup> domestic work is an important source of employment for women. Broadly, a domestic worker is employed to perform different household chores—from housekeeping duties such as cleaning, cooking, and washing to providing care for young and elderly people. In light of aging populations and increasing long-term care needs, the demand for domestic work is expected to grow.<sup>2</sup> Yet, it remains an industry characterised by high rates of informal employment, inadequate legal protections, and racialised gendered expectations that have contributed to its social and economic devaluation.

Within Asia, most countries and territories that permit the legal entry of women migrant domestic workers (for example, Singapore, Hong Kong, Malaysia, and Taiwan), have put in place state-mandated ‘live-in’ rules for these workers. This provision has been identified as one of the main employment conditions that contributes to, and sustains, exploitative practices such as excessively long hours of work, exclusion from overtime pay, social isolation, deprivation of privacy, and inadequate food allocation, housing, and resting space.<sup>3</sup> Yet, under international labour standards, where employer-provided housing is linked with or arising out of work, as in the case of live-in domestic labour, the accommodation is considered to be part of the workplace (i.e. world of work), and states have a duty to ensure workers have equitable access to safe housing and decent living conditions.<sup>4</sup> Challenging the mandatory live-in policy has thus been a core part of global advocacy efforts for labour rights,<sup>5</sup> with activists arguing that it blurs

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<sup>1</sup> C Junghus and A Olsen, *Making Decent Work a Reality for Domestic Workers: Progress and prospects in Asia and the Pacific, ten years after the adoption of the Domestic Workers Convention, 2011 (no. 189)*, International Labour Organization (ILO), Bangkok, 2021, [https://www.ilo.org/asia/publications/WCMS\\_800224/lang-en/index.htm](https://www.ilo.org/asia/publications/WCMS_800224/lang-en/index.htm).

<sup>2</sup> In 2017, the Hong Kong Legislative Council projected that the number of migrant domestic workers would increase from 400,000 to 600,000 over the next 30 years.

<sup>3</sup> F Durán-Valverde *et al.*, *Social Protection for Domestic Workers: Key policy trends and statistics*, Social Protection Policy Papers: Paper 16, International Labour Office, Geneva, 2016, [https://www.ilo.org/secsoc/information-resources/publications-and-tools/policy-papers/WCMS\\_458933/lang-en/index.htm](https://www.ilo.org/secsoc/information-resources/publications-and-tools/policy-papers/WCMS_458933/lang-en/index.htm).

<sup>4</sup> K Sheill, *Home Truths: Access to adequate housing for migrant workers in the ASEAN region*, ILO, Bangkok, 2022, [https://www.ilo.org/asia/publications/WCMS\\_838972/lang-en/index.htm](https://www.ilo.org/asia/publications/WCMS_838972/lang-en/index.htm).

<sup>5</sup> International Trade Union Confederation, International Domestic Workers Federation, ILO’s Global Action Programme on Migrant Domestic Workers and their Families, *Domestic Workers Unite: A guide for building collective power to achieve rights and protections for domestic workers*, ITUC, IDWF & ILO-GAP, n.d., retrieved 20 November 2022, <https://idwfed.org/domestic-workers-united-a-guide-for-building-collective-power-to-achieve-rights-and-protections-for-domestic-workers>.

the boundaries between work and rest, and reinforces unequal gender hierarchies in which women migrant domestic workers are expected to be ‘proto-mothers’, available 24/7, even when this labour is not fairly compensated. Indeed, Article 9 of the Domestic Workers Convention (no. 189), adopted by the International Labour Organization (ILO) in 2011, states that domestic workers should be ‘free to reach agreement with their employer or potential employer on whether to reside in the household.’<sup>6</sup>

This is not to say that in the absence of the live-in rule, women migrant domestic workers are not at risk of exploitation: exclusionary labour and immigration regulations *and* the gendered norms underpinning waged domestic labour intersect to create an environment where poor working and living conditions are an enduring part of their employment and everyday lives. It is true that employer-provided accommodation may reduce issues of housing affordability and costs of living. However, it also uniquely produces and reinforces a situation that allows employers to have significant control over workers’ bodies and mobilities (i.e., where they are allowed to sleep, how much they can eat, what they can wear, when they can rest, who they can communicate with, and when they are allowed to go out). The COVID-19 pandemic and related lockdowns have further brought to fore the impacts of live-in requirements and the ambivalence of home as a safe space for women migrant domestic workers.<sup>7</sup> In this context, safe work is not fundamentally guaranteed or protected by law. Instead, it becomes tied to the arbitrariness of being able to secure a ‘good’ employer or having a good relationship with the employer.<sup>8</sup> Attending to the mandatory live-in policy, which transforms ‘home’ into a site of work and rest, thus offers a platform to understand workers’ experiences of employment, and the everyday implications of border controls and labour regulations for women migrant domestic workers.

This article draws on findings from interviews with fifty-two women migrant domestic workers and ten employers in Singapore and Hong Kong, carried out over a four-month period in 2017 and 2018. Workers and employers were recruited separately (i.e., they were not personally acquainted with each other) through a combination of snowball sampling and a ‘friend-of-a-friend’ approach,<sup>9</sup> which

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<sup>6</sup> International Labour Organization, *C189 - Domestic Worker Convention*, 2011, Article 9.

<sup>7</sup> ILO, *Home Truths*, p. 40.

<sup>8</sup> S J Tan, *Gendered Labour, Everyday Security and Migration: An examination of domestic work and domestic workers’ experiences in Singapore and Hong Kong*, Routledge, London & New York, 2022.

<sup>9</sup> S Scott and A Geddes, ‘Ethics, Methods and Moving Standards in Research on Migrant Workers and Forced Labour’, in D Siegel and R D Wildt (eds.), *Ethical Concerns in Research on Human Trafficking*, Springer International, Cham, 2016, pp. 117–135, [https://doi.org/10.1007/978-3-319-21521-1\\_8](https://doi.org/10.1007/978-3-319-21521-1_8).

uses the social ties of participants to connect with more extensive ‘weak-tie’ networks. Recognising that workers who were predominantly from the Philippines and Indonesia, with a smaller number from Myanmar, Thailand, and Nepal, did not speak English as a first language, preparations were made to ensure that they could access an interpreter if they wanted. However, the actual role of the interpreter was minimal as workers preferred to communicate directly with me in English as much as possible. As a trilingual researcher, speaking English, Mandarin Chinese, and Cantonese, I was also able to ‘switch’ across languages during the interviews with employers. The interviews were conducted in public locations of participants’ choice and were audio-recorded with their permission. The names of all participants mentioned in this article are pseudonyms.

While the project is more broadly focused on women migrant domestic workers’ experiences of work and workplace exploitation in Singapore and Hong Kong, it is the aspect of the mandatory live-in policy that is the focus of this article—in particular, how the live-in policy (and home as a site of work and rest) contributes to the everyday insecurity of women migrant domestic workers and increases their vulnerability to unsafe and exploitative employment conditions. By focusing on workers’ and employers’ experiences, the article also interrogates how existing labour laws and regulations compound the everyday insecurity of women migrant domestic workers. Specifically, it argues that these laws and regulations that govern the waged domestic labour sector are strongly associated with and grounded in gendered norms and expectations around women’s domestic work. Yet, state conceptualisation of harms and labour exploitation is based upon an ‘ungendered’ definition of ‘work’ and labour standards, which risks overlooking the realities of these women’s lives.

## Migrant Domestic Workers in Singapore and Hong Kong

Migrant women form a significant proportion of live-in domestic workers, especially as employer-provided accommodation is part of labour migration regulations in many countries of employment. This includes Singapore and Hong Kong—two cities that have a longstanding dependency on migrant women to perform domestic and care labour in the private home. In the 1970s and 1980s, global economic restructuring and unprecedented economic growth in Singapore and Hong Kong led to a heightened participation of local women in the labour market. As domestic and care labour remained the responsibility of women,<sup>10</sup> households turned to the employment of women from neighbouring South and Southeast Asian countries, an option that was considered to be

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<sup>10</sup> C Hobden, ‘Working Time of Live-in Domestic Workers’, International Labour Organization, Domestic Work Policy Brief 7, 2013, [https://www.ilo.org/travail/info/publications/WCMS\\_230837/lang-en/index.htm](https://www.ilo.org/travail/info/publications/WCMS_230837/lang-en/index.htm).

relatively inexpensive and highly convenient. Other factors such as limited state investment in long-term welfare and care services, and cultural preference for care in the home<sup>11</sup> have further contributed to the demand for the services of live-in domestic workers.

To support the significant demand for domestic workers, both Singapore and Hong Kong have instituted a temporary labour migration scheme to facilitate the entry of South and Southeast Asian women. Prior to the COVID-19 pandemic, there had been no set limits on the number of work visas issued.<sup>12</sup> Within this context, the employment of women migrant domestic workers is framed as the ideal solution to domestic and care deficits, and their labour thus replaces the unpaid housekeeping and caring responsibilities that have been normatively constructed as ‘natural’ obligations performed by mothers and wives.<sup>13</sup> It also shapes the formal and informal expectations and standards of their labour.<sup>14</sup>

Notwithstanding the dependency on women migrant domestic workers, the labour migration regime in both cities is structured to manage their presence as a ‘temporary and controlled phenomenon’.<sup>15</sup> Through the ‘tied-visa’ system, workers’ right to remain and work becomes dependent on continued employment by the employer-sponsor. They are also strictly regulated through clauses that prohibit them from changing employment sectors, obtaining permanent settlement, and reuniting with their family. In addition, Singapore-based migrant domestic workers

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<sup>11</sup> Empirical studies in Singapore and Hong Kong suggest that institutionalised care remains unpopular, and there is preference for home-based care due to association with genuine concern and personalised attention to bodily care and emotional needs (see, for example, R K H Chan and P Y K Wong, ‘The Double Burden of Care in Hong Kong: Implications for care policies and arrangements’, in R Ogawa *et al.* (eds.), *Gender, Care and Migration in East Asia*, Palgrave Macmillan, Singapore, 2018, pp. 25–45, [https://doi.org/10.1007/978-981-10-7025-9\\_2](https://doi.org/10.1007/978-981-10-7025-9_2)). Cultural perceptions of home as a safe haven for care of the family thus makes the live-in aspect of domestic labour more appealing.

<sup>12</sup> Official statistics indicate that as of December 2021, there were 247,400 and 339,000 migrant domestic workers employed in Singapore and Hong Kong, respectively. This means that approximately one in five Singaporean households, and one in eight Hong Kong households employs a live-in migrant domestic worker.

<sup>13</sup> R Ogawa *et al.*, ‘Introduction: Situating gender, care, and migration in East Asia’, in R Ogawa *et al.* (eds.), *Gender, Care and Migration in East Asia*, Palgrave Macmillan, Singapore, 2018, pp. 1–22, [https://doi.org/10.1007/978-981-10-7025-9\\_1](https://doi.org/10.1007/978-981-10-7025-9_1).

<sup>14</sup> P-C Lan, *Global Cinderellas: Migrant domestics and newly rich employers in Taiwan*, Duke University Press, Durham, 2006.

<sup>15</sup> B S A Yeoh, S Huang, and T W Devasahayam, ‘Diasporic Subjects in the Nation: Foreign domestic workers, the reach of law and civil society in Singapore’, *Asian Studies Review*, vol. 28, issue 1, 2004, pp. 7–23, <https://doi.org/10.1080/1035782042000194491>.

are prohibited from becoming pregnant or marrying a Singaporean resident or national—the consequence of which is immediate deportation.<sup>16</sup> While in Hong Kong they are legally safeguarded against dismissal and termination of contract on the basis of pregnancy, and entitled to paid maternity leave, the extent to which workers can access these mechanisms in practice has been critiqued.<sup>17</sup> In spite of these differences, the labour and immigration rules that govern the entry, stay, and exit of women migrant domestic workers in both cities reflect the governments' desire to mitigate risks around the permanent settlement of 'undesirable' migrant workers.

The mandatory live-in policy is located within this regulatory context. In both cities, women migrant domestic workers are required by law to reside (and work) only at the residential address specified on their work visas. Any exceptions are assessed on a case-by-case basis. In both cities, the everyday responsibility for the care of women migrant domestic workers (i.e., providing daily sustenance and necessary medical treatment) is delegated to employers. In relation to housing, in Singapore, under the *Employment of Foreign Manpower Act* (EFMA), employers are required to provide 'adequate' accommodation for domestic workers, which include 'basic needs such as a bed or mattress, blanket, towels and bathroom amenities', 'sufficient' ventilation and 'adequate' space and privacy. Similarly, in Hong Kong, under the Employment Ordinance (EO) and Standard Employment Contract (SEC), employers are required to provide workers with 'suitable' accommodation with 'reasonable' privacy. Yet, there are no clear parameters or formal specifications as to what constitutes 'adequate', 'sufficient', 'suitable', or 'reasonable'. Instead, in both Singapore and Hong Kong, it is expected that these conditions will be negotiated between employers and workers—a stance that has been criticised as overestimating workers' capacity and power to negotiate an equitable contract, and produces a situation where their working conditions are extremely variable and dependent on subjective interpretation by individual employers.<sup>18</sup> The reluctance to establish firm rules around designated private spaces in employers' homes, and the persistence of the live-in policy more broadly, is also associated with public anxieties around limited land space and an already stretched social infrastructure in two very densely populated cities.<sup>19</sup> However, in their examination of state responses towards housing issues faced by

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<sup>16</sup> *Ibid.*

<sup>17</sup> N Constable, *Born Out of Place*, University of California Press, California, 2014.

<sup>18</sup> C Chin, 'Precarious Work and Its Complicit Network: Migrant labour in Singapore', *Journal of Contemporary Asia*, vol. 49, issue 4, 2019, pp. 528–551, <https://doi.org/10.1080/00472336.2019.1572209>.

<sup>19</sup> ILO, *Home Truths*.

different groups of temporary migrant workers,<sup>20</sup> Huang and Yeoh note that the ‘rules of marginality’, which shape and reinforce the formal and informal status of temporary migrant workers, also need to be understood through gendered lenses that determine the value of their labour and differential access to labour protection.<sup>21</sup>

In both Singapore and Hong Kong, the entrenched gendered expectations surrounding domestic and care responsibilities—for example, that mothers and elder carers must be available 24/7—inform the need for flexibility and perpetual availability of domestic workers so that they can efficaciously perform child-rearing and care work. In Hong Kong, in 2016 and 2017, a Philippine and a Sri Lankan domestic worker, respectively, filed a judicial review challenging the constitutionality of the live-in policy on the basis that it forces workers to be on-call 24/7 and places them at increased risk of exploitation.<sup>22</sup> Both cases were dismissed by the Hong Kong High Court, which maintained that the requirement was an ‘essential feature’ of Hong Kong’s labour importation scheme, designed to meet local demand for *live-in* domestic services,<sup>23</sup> and that ‘many employers have special personal care needs for which live-in domestic helpers are better placed to cater due to their availability and flexibility in providing a variety of services at different hours of the day.’<sup>24</sup> Similarly, in Singapore, proposals for ‘live-out’ domestic workers have been consistently met with resistance due to concerns around the increased costs of hiring,<sup>25</sup> the inconvenience of not having a domestic worker be available 24/7, and the perceived risk that live-out workers may engage in illegal activities.<sup>26</sup> While the COVID-19 pandemic has led to policy

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<sup>20</sup> In 1994, in response to complaints of unsatisfactory living conditions, the Singaporean government began allocating land to build dormitories for migrant construction workers. These purpose-built dormitories were equipped with numerous amenities, including recreational facilities, in-house canteen, and cooking areas. However, the live-out option has remained unavailable for women migrant domestic workers in spite of clear evidence of their vulnerability to abuse and isolation from society.

<sup>21</sup> S Huang and B S A Yeoh, ‘The Difference Gender Makes: State policy and contract migrant workers in Singapore’, *Asian and Pacific Migration Journal*, vol. 12, issue 1–2, 2003, pp. 75–97, <https://doi.org/10.1177/011719680301200104>.

<sup>22</sup> Asia Times Staff, ‘Employers Oppose Lifting of the New Live-in Rule for Maids’, *Asia Times*, 6 November 2017.

<sup>23</sup> J Siu, ‘Hong Kong High Court Throws Out Challenge to Live-in Policy for Domestic Workers’, *South China Morning Post*, 10 February 2021.

<sup>24</sup> *Ibid.*

<sup>25</sup> C W Aw and J Seow, ‘Live-out Maids “Will Lead to More Costs, Issues”’, *The Straits Times*, 19 May 2016.

<sup>26</sup> A Raguraman and S Devaraj, ‘Employers May Find It Hard to Look After Well-being, Safety of Maids If They Live Out: MOM’, *The Straits Times*, 15 January 2022.

developments that permit small-scale employment of live-out workers,<sup>27</sup> and sparked new debates around the necessity of having *live-in* workers,<sup>28</sup> it is unclear to what extent this would translate into a longer-term shift.<sup>29</sup>

## When the Private Home Is Also a Site of Work

Within public and academic discourses, it is well-established that the mandatory live-in policy is associated with increased risks of poor and exploitative employment conditions, including blurred boundaries of work and rest, overworking or long working hours, unsuitable living facilities, inadequate food provisions, a lack of privacy, and social isolation.<sup>30</sup> The workers I spoke with reported similar experiences. One of the main problems they talked about was the requirement to be on call 24/7. This was especially common for those who had caregiving responsibilities for young children and elderly people. Jenny, a Philippine single mother, has been working as a domestic worker for nearly a decade in Taiwan and Singapore. In her employment with a family for which she provided care for a grandmother who had dementia, Jenny described how she had to be available whenever the grandmother was awake, which meant that she had very little sleep for the two years that she was working for the household:

*Their grandmother is very different. Like naughty, like their mind is different. They make the night time like day time and stay awake all the night, and last time I almost give up, but I said I think of my daughter. Too long the working hours and night time I cannot sleep. I tell them [the employers] also, but they tell me always, 'once she sleeps, you sleep, quickly go and sleep too.' But the grandmother really always awake, you know. (Jenny, Philippine, Taiwan/Singapore)*

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<sup>27</sup> In 2017, the Ministry of Manpower introduced the Household Services Scheme (HSS) as an alternative to the full-time, live-in migrant domestic worker employment model. This would allow households to engage women migrant domestic workers to complete domestic labour, on a part-time, on-demand basis.

<sup>28</sup> J Baker, 'In Focus: Will rising costs and reduced availability change Singapore's relationship with maids?', *Channel News Asia*, 27 March 2021.

<sup>29</sup> R G Chia, 'Can Singapore's Home Cleaning Scheme Reduce Maid Abuse?', *The Rappler*, 11 September 2021.

<sup>30</sup> M Lee, 'Borders and Migrant Domestic Workers', in L Weber and C Tazreiter (eds.), *Handbook of Migration and Global Justice*, Edward Elgar Publishing, Glos, 2021, pp. 49–64.



While the issue of stand-by hours<sup>31</sup> is a feature of domestic and care work more generally, living in the employer's home makes it even more challenging for workers to establish and enforce clear demarcations between working hours, rest periods, and standby time. Instead, as Jenny's experience exemplifies, the mandatory live-in policy enables employers to act on the perceived entitlement that workers can and should be available whenever deemed necessary by their employers. This has significant implications not just in relation to their labour, but also women's capacity to lead an independent life outside of their employment as domestic workers.<sup>32</sup> For example, Jill shared how within the home-workplace, she was required to prioritise her employers' needs and comfort, even during her rest time:

*In my first employer I cannot use phone. At night when I am talking to my family back in the Philippines, the grandmother will knock on the door, because my room is near to her room. Then she said too noisy, cannot use. They said I can only use my phone when I am going out. (Jill, Philippine, Singapore)*

Closely related to the need to be on stand-by 24/7 is the lack of designated private space within the employer's home and limitations to the right to privacy. Many of the workers reported issues relating to the lack of autonomy and full control over their private space, such that they would either be sharing a sleeping space with other household members (n=9) or were allocated a space where employers and other household members could enter whenever they wanted (n=21). Thus, these workers had little to no privacy for the duration of their employment contract. Some workers described how they were assigned unsafe living arrangements:

*My employer asked me to sleep on top of the washing machine and the drying machine. They just put one cardboard like this and one small foam for me to sleep. I cannot turn, cannot move, just sleep like this. And every night the employer want me to do the drying of the clothes at night time. So, it will be very, very hot when I go to sleep and I cannot go to sleep until the clothes for drying is finished. (Sally, Philippine, Hong Kong)*

The ability to have regular work hours, sufficient time for rest, and a private space of their own to unwind and relax, away from employers' monitoring, was thus a key motivation for why five of the workers had decided to live out of their employers' home. All five had agreed on this with their employers, who also paid for their

<sup>31</sup> Under ILO Convention 189 Article 10(3), stand-by hours are defined as 'periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls'.

<sup>32</sup> B Anderson, *Worker, Helper, Auntie, Maid?: Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia*, International Labour Organization, Bangkok, 2016, [https://www.ilo.org/asia/publications/WCMS\\_537808/lang-en/index.htm](https://www.ilo.org/asia/publications/WCMS_537808/lang-en/index.htm), p. 61.

rent and transportation costs. They acknowledged that even though it was risky to live out, as it was not legally permissible, and could result in imprisonment or deportation,<sup>33</sup> it was a risk that they were willing to take because of the quality of life it ensured in the day-to-day:

*For me is because... we have tried already live-in, right? Because even you finish the work at 9 p.m. and you try to sleep, but even then they will knock on your door to tell you to do something. But that is our privacy, right? Just like finish the job, we still have tomorrow to work, right? Why are you still knocking the door of the helper? And in the stay out, if you finish the work, then you can go home and take a rest. You can relax. No need to think about the employer. (Felicia, Philippine, Hong Kong)*

Felicia's reflections illustrate the circumstances and justifications for why women migrant domestic workers may decide to work or reside unlawfully (i.e., breaching work visa conditions). Women migrant domestic workers may turn to irregularity or 'voluntarily circumventing institutions'<sup>34</sup> to enable safety and security for themselves, when precarity is inherent to the working and living situation and fails to protect workers' interests and well-being. Participants' stories suggest that this was the case for the women who had decided to live out, as the home was not perceived to be a suitable or safe place of rest and privacy. Indeed, having the space and time to disengage from work was a luxury that most live-in workers did not have. For example, despite having a 'good' relationship with her current employer for whom she has been working for nearly five years, Polly explained that the nature of the relationship, and the highly intimate location of the workplace meant that it was still exhausting:

*I happy but I must be careful, you know. Everything I have to be careful. You know, it's cannot relax fully, with the domestic worker, because you stay with the employer for 24 hours. Even me. I have good employer, and more relax but I still remember I am not their family. I am worker. For example, we stay with the employer, it is not convenient for the worker you know. Because we have to use the stove and equipment from the employer. So, it is not quite convenient. (Polly, Thai, Hong Kong)*

For live-in workers, the paradox of the home space being (imagined) at once as an idealised place of rest, safety, and support, and a place of restricted freedom, privacy, and exploitation, is compounded by the isolated nature of the private home and a backdrop of inadequate regulatory protections (for example, a lack

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<sup>33</sup> Lee, p. 59.

<sup>34</sup> O Killias, "“Illegal” Migration as Resistance: Legality, morality and coercion in Indonesian domestic worker migration to Malaysia", *Asian Journal of Social Science*, vol. 38, no. 6, 2010, pp. 897–914, <https://doi.org/10.1163/156853110X530796>.

of clarity around working and housing standards and the tied-visa scheme). This fosters a situation where workers are not only at increased risk of overworking and social isolation but also become almost completely dependent on their employers for basic rights and entitlements such as food, access to medical care, and communication channels with persons outside of the house. A significant minority of live-in workers (n=11) reported that their employers would limit their food and water intake, and access to medical care, either as punishment or cost-saving measure. While there is also a possibility that employers of live-out workers would withhold their access to these everyday necessities, the live-in situation (and restricted capacity to leave the home) means that the safety and well-being of these workers is highly variable and dependent on the goodwill of employers. Thus, for women migrant domestic workers in Singapore and Hong Kong, the legal requirement to work and reside in their employers' home effectively places them in situations where their everyday well-being and safety has to be negotiated through social relationships (i.e., relationships between the worker, employer, and other household members), rather than being protected by law.<sup>35</sup>

### Within and Beyond the Home: Public laws in the home-workplace

Without a doubt, the mandatory live-in policy affords employers power over workers and facilitates poor working and living conditions for women migrant domestic workers. However, from workers' and employers' narratives, it was also evident that the harms associated with the live-in policy need to be understood against other socio-legal factors, specifically, how the location of labour in the private home and gendered norms underpinning domestic and care labour are used to justify the absence of labour laws or the effective enforcement of regulations. The discursive construction of the private/public dichotomy, and the impacts of legal non-intervention in cases of violence against women that the construct of 'privacy' enables, is well-documented within critical feminist scholarship on domestic violence.<sup>36</sup> Scholars have particularly emphasised how the deeply gendered construct of 'privacy' serves to delineate the domestic sphere as a space in which love and affection, rather than law or money, hold currency.<sup>37</sup> This has then allowed for a wide range of behaviours and relations within the domestic sphere to be exempt from legal regulation and scrutiny, effectively hiding violence against women from the public eye and shielding offenders from

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<sup>35</sup> Tan, p. 111.

<sup>36</sup> J M Price, 'The Apotheosis of Home and the Maintenance of Spaces of Violence', *Hypatia*, vol. 17, issue 4, 2002, pp. 39–70, <https://doi.org/10.1111/j.1527-2001.2002.tb01073.x>.

<sup>37</sup> C A MacKinnon, *Towards a Feminist Theory of the State*, Harvard University Press, Cambridge, 1989.

sanctions.<sup>38</sup> Implicit in this view is the assumption that violence that occurs within the home is an individual problem—that of an abusive person and an innocent victim, while overlooking the extent to which gendered patterns and violence in the domestic sphere mirror and reinforce larger social patterns of inequality.<sup>39</sup>

In the context of waged domestic labour, we see an extension of these arguments and logics to labour law violations in the home. In particular, the principle of inviolability of the private home has often been invoked to justify the full or partial exclusion of women migrant domestic workers from protective labour legislation. Indeed, the labour migration in Singapore and Hong Kong is structured such that employment conditions or relations are negotiated via individual arrangements between employers and workers, and, if necessary, with the assistance of a third-party migration intermediary. There remains a persistent perception that conventional labour regulations cannot be enforced in the private home, as associated procedures, such as labour inspections, would be difficult to implement and compliance difficult to monitor.

For example, the Ministry of Manpower (MOM) in Singapore has consistently stated that ‘it is not practical to regulate specific aspects of domestic work i.e. hours of work, work on rest day and on public holidays, as the habits of households vary.’<sup>40</sup> This reluctance to lay down rules can be connected to Singapore and Hong Kong’s rationale of keeping state support and intervention in household matters at a minimum.<sup>41</sup> It also points to a decontextualised assumption that women migrant domestic workers are fully autonomous subjects who have the capacity to substantively challenge and negotiate their terms of employment. This is not to say that they are passive victims of circumstances. Indeed, there is much empirical evidence documenting how they utilise individual and collective strategies of subversion, resistance, or submission to secure their well-being and livelihood, for example, through collective efforts to unionise and making organised demands for improved working and living conditions. However, the context, nature, and location of their employment—where they are constantly in close proximity with employers who hold much power over their job and right to remain in the country—mean that for women migrant domestic workers, negotiating their terms of employment, even when it is within their right, is a challenging task.

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<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> As cited in Y Teo and N Piper, ‘Foreigners in Our Homes: Linking migration and family policies in Singapore’, *Population, Space and Place*, vol. 15, issue 2, 2009, pp. 147–159, p. 151, <https://doi.org/10.1002/psp.545>.

<sup>41</sup> Chin.

In Singapore, there is formal recognition that women migrant domestic workers ‘work isolated from society’ and ‘face a different situation from other workers’,<sup>42</sup> which prompted an amendment to the penal code.<sup>43</sup> Singapore has also introduced new safeguards aimed at improving detection of signs of abuse. One of these is a new home visit scheme, where labour officers visit the domestic workplace to check on the living and working conditions of women migrant domestic workers, and to discuss safe working conditions and channels for support.<sup>44</sup> This measure supplements an existing initiative where MOM randomly select first-time arrivals for in-person interviewing to find out how they are adjusting. A 2021 study by MOM indicates that the surveyed women migrant domestic workers reported high levels of satisfaction across areas such as accommodation and sufficiency of food provided.<sup>45</sup> However, there is no publicly available data or information to evaluate the impact of the new initiatives, including implications for employers and workers, and importantly, how it is experienced by women migrant domestic workers. While there are no similar schemes in Hong Kong, interviews with workers and employers suggest that the Thai Embassy would conduct checks on the living conditions for newly-arrived Thai migrant domestic workers. Reflecting on her friend’s experience of employing a Thai domestic worker, Evonne shared that:

*The [Thai] embassy will send people to your house to see where the domestic worker will be sleeping before they approve your request. I am not sure if this was a special case or an ongoing thing, but from what I am aware of, this is a procedure that they need to comply with, like carefully check their [the worker’s] living space. (Evonne, employer, Hong Kong)*

Notwithstanding such efforts, the nature of live-in domestic labour, operating in tandem with Singapore and Hong Kong’s approach of making employers responsible for workers, has enabled a situation whereby ‘homes’ are not just places of work and rest. They are also politicised sites where state-based practices and discourses are reproduced, and spaces where power relations between

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<sup>42</sup> Lee, as cited in Yeoh, Huang, and Devasahayam, p. 14.

<sup>43</sup> In 1998, Singapore’s penal code was amended to increase penalties for employers found guilty of physical abuse. Convicted employers would be liable to face punishment one and a half times the amount to which they would have otherwise been liable for those specific offenses. Convicted employers and their spouses would also be permanently banned from employing another migrant domestic worker.

<sup>44</sup> M Menon, ‘Manpower Ministry Starts New House Visits Scheme to Check on Welfare of Maids’, *The Straits Times*, 26 April 2021.

<sup>45</sup> Ministry of Manpower, ‘MOM Study Finds High Satisfaction Level Among Migrant Domestic Workers and Their Employers’, MOM Statistics and publications, 8 June 2022, retrieved 20 November 2022, <https://www.mom.gov.sg/newsroom/press-releases/2022/0608-mdw-and-mdw-employer-study-2021>.

employers and workers are constantly being shaped, reshaped, and contested in response to state practices and affective relations. This plays out differently in the homes of Singapore and Hong Kong where employers shoulder different legal responsibilities for the presence and conduct of their migrant domestic worker.

In Singapore, through the security bond scheme, which subjects employers to a forfeiture of an SGD 5,000 (approx. USD 3,750) security bond if they or their domestic worker violates labour regulations and conditions, employers are rendered legally responsible for the bodies and conduct of their workers. While there is no publicly available data on the frequency of bond forfeiture in practice, it is well-evidenced that the *threat* of bond forfeiture has led to an excessive policing of workers' lives by employers, through measures such as withholding of identification documents, inspecting personal belongings, monitoring of mobile phone usage, and restricting social interactions.<sup>46</sup> Singapore-based employers in my research reflected similar concerns and practices. For example, Sophia explained that she holds on to her worker's passport as a 'safety precaution', even though she was aware that it is unlawful to do so:<sup>47</sup>

*I would keep the passport, so that they don't run and I don't get fined [under the security bond conditions]. It is just a lot of trouble if they disappear with their passport to another country and you are stuck there, left high and dry. (Sophia, employer, Singapore)*

The overwhelming majority of Singapore-based domestic workers shared that their employers would hold on to their passports and mobile phones on the basis of 'security' and place varying restrictions on when and how long they could leave the house and even who they could talk to outside the house. The mandatory live-in policy, which physically isolates workers from others in the community, exacerbates the consequences of such restrictions:

*[It was] very hard, very hard to contact my agency [for help] because I don't have any hand phone [mobile phone] and I can't use the phone in the house. Because my employer didn't let me use the phone at home, so I can't call my family or the [employment] agency. Then my agency said, 'But you can send letter'. Then I tell them I try to send letter to Indonesia agency,*

<sup>46</sup> N Varia, 'Maid to Order: Ending abuses against migrant domestic workers in Singapore', Human Rights Watch, 2005, retrieved 20 June 2022, <https://www.hrw.org/report/2005/12/06/maid-order/ending-abuses-against-migrant-domestic-workers-singapore>.

<sup>47</sup> On the MOM website (last updated 2021), employers are reminded that under the *Passports Act*, 'it is an offence to keep or withhold any passport which does not belong to you'. Under labour regulations, women migrant domestic workers in Singapore *must* also 'have unrestricted access to the[ir] passport and belongings'.

*but my employer not send it, because I give to my Sir [male employer], but my Sir keep [the letter] in the cupboard. When I clean my employer's cupboard, then I found so many of my letters never sent to Indonesia. (Penny, Indonesian, Singapore)*

None of the Hong Kong-based employers (or workers) reported similar experiences of control or restrictions over the mobilities and access to external communications of women migrant domestic workers. Instead, employers considered such practices to be ethically and legally inappropriate. Notably, there are no security bond liabilities in Hong Kong and employers do not hold the same anxieties about the financial risk of workers running away, even though they do undertake other measures of control and surveillance (for example, imposing curfews) to mitigate the risk of their workers becoming pregnant. For Hong Kong-based employers, workers' pregnancy was perceived to be a significant imposition as there are no clear, practical guidelines and policies in relation to maternity rights and obligations of pregnant migrant workers and their employers. As Tammie explained:

*The best is if I can just give her [the worker] compensation because then it gives us both a choice. But then the law now, the employer doesn't have a choice. I cannot fire you because I have no choice. If I have the ability to give her compensation, then I would like to have the choice to give her compensation. I really don't want her to become pregnant because how can she work if she becomes pregnant? She can't do any work. (Tammie, employer, Hong Kong).*

Four of the five Hong Kong-based employers reflected similar concerns about the perceived unfairness of the current system. Thus, even though they were not subjected to security bond liabilities, as a result of the lack of clear operational guidelines and systems to support labour law frameworks (for example, related to how employers should care for a heavily pregnant domestic worker), for them, workers' pregnancies were not simply a matter of individual reproductive rights, but also associated with significant financial and legal burdens; the consequences of which are varying restrictions over workers' freedom of movement and privacy.

## Conclusion

From the findings, it is clear that, while Singapore and Hong Kong have introduced labour and immigration frameworks setting out minimum standards and obligations of employers (and workers), other features of the system—in particular, those that make employers responsible for workers and the associated financial risks—place employers and workers in positions of co-dependency and potential conflict. Critically, this highlights the intersections between state regulatory practices, employer practices, and workers' security and well-being in the home, and reveals the tensions in an employment context where employers

are made responsible, and accorded a lot of power over workers who have limited options for recourse to justice or exit—an arrangement that entrenches workers' precariousness. Through the analysis of the experiences of women migrant domestic workers and employers, it is evident that 'home' is the place where employers' and workers' struggle for security and safety is articulated, negotiated, and enacted. However, the asymmetrical power dynamics in the employment relationship means that while 'home' is often imagined a site of love, safety, and support, for women migrant domestic workers in Singapore and Hong Kong, home is not necessarily a safe or loving place, and can be as much a location of control, oppression, and violence.

The findings I presented in this paper are not surprising; they contribute to the well-established literature that the mandatory live-in policy and employer-sponsored accommodation sustain poor working and living conditions for women migrant domestic workers. While it does not represent the entire problem, the mandatory live-in policy is a useful site to understand how gendered normative standards, the devaluation of waged domestic labour, and labour and migration policies converge to inform the living and working conditions of women migrant domestic workers. The persistence of the mandatory live-in policy, in spite of well-established evidence of its harms, reveals the gendered norms and expectations that underpin the employment of women migrant domestic workers, where they are seen as surrogates or 'menial' extension of mothers and wives, which therefore makes it reasonable to expect that they are perpetually on stand-by and available 24/7. In addition, ambiguous terminology and inconsistent enforcement of guidelines in relation to the home-workplace have invariably produced a regulatory environment that leaves workers in a highly insecure position where they are very much dependent on employers.

Over the past few decades, we have seen significant investments in measures to combat human trafficking and labour exploitation. Despite these efforts, the conditions, which exacerbate insecurity and render women migrant domestic workers at risk of exploitation, remain unchanged. What is evident from my study is how prevailing legal and regulatory frameworks have demarcated acceptable and unacceptable employment practices and behaviours in a manner that normalises certain mundane and ordinary practices as a regular and expected component of women's labour in the home, which, in turn, has allowed poor employment conditions to flourish and become an enduring part of workers' everyday lives.<sup>48</sup> Thus, the mandatory live-in policy, which produces and exacerbates particular forms of poor employment conditions, is a significant problem; however, it is

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<sup>48</sup> J Quirk, C Robinson, and C Thibos, 'Editorial: From exceptional cases to everyday abuses: Labour exploitation in the global economy', *Anti-Trafficking Review*, issue 15, 2020, pp. 1–19, <https://doi.org/10.14197/atr.201220151>.



not the whole problem. My research has implications for how we think about responses and solutions. While ensuring that workers have a choice in whether they are living in or living out of the household, as covered under the Domestic Worker Convention, is certainly crucial, targeting an isolated employment practice is insufficient. What needs to be addressed are the overall conditions of employment, including the tied-visa system, and the gender norms and expectations that shape waged domestic labour. Crucially, efforts to reform and improve the living and working conditions of women migrant domestic workers need to capture women's lived realities and the messiness of life and work in the home-workplace.

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