

## Who Cares for the Carer? Protecting Filipino Migrant Domestic Workers in Singapore and Hong Kong

### Introduction

“It just hurts that I’m here taking care of someone else’s child, that I’m able to give her all my attention, all the care in the world. Yet I can’t do the same for my own daughter,” said Ms Lia Quirante, a Filipino migrant domestic worker (MDW) in Hong Kong, who had to watch her daughter win a school beauty pageant via Zoom.<sup>1</sup> Ms Quirante exemplifies the lives of many migrant Filipinos in the global domestic work industry – taking care of other people overseas so they could take care of their loved ones back home financially. But their jobs as MDWs are often precarious, unregulated and subject to their employers’ whims.

Take the experience of Ms Thelma Gawidan, another Filipino MDW. Her employers, a Singaporean couple, provided her only two meals in a day. The first meal, provided around 1am-2am, “comprised two to three slices of plain white bread and one to two packets of instant noodles”. The second meal, given in the late morning or early afternoon, “would consist of five to six slices of plain white bread”. Ms Gawidan also “had to ask for permission before drinking water”. She lost 20 kilograms in a span of 15 months (ie from 49kg to 29kg).<sup>2</sup> Indeed, amid reports of abuses and life-and-death cases, Filipino MDWs keep on toiling abroad to continue providing for their families.

The Philippines ranks as one of the world’s largest sources of MDWs. Remittances from them and the more than 10 million migrant Filipinos worldwide<sup>3</sup> contribute significantly to the nation’s economic output – a “vital lifeline for the Philippine economy” that accounts for about 10% of gross domestic product (GDP).<sup>4</sup> In 2023, overseas Filipino workers sent US\$33.5 billion<sup>5</sup> worth of cash remittances to the country. This case study focuses on Filipino MDWs in Hong Kong and Singapore. It examines the similarities and differences in the rules and procedures that the two destination sites implement, especially concerning rights, benefits, restrictions and regulations. Further, it illustrates the challenges faced by Filipino MDWs and assesses which destination fares better.

### Why Does the Philippines Send Domestic Workers Abroad?

The Philippines ranks as having one of the world’s largest emigrant flows. Thousands of Filipinos leave the country daily for temporary work or for permanent migration – either through legitimate means or via undocumented routes. A migration scholar coined the term “culture of migration”<sup>6</sup> to describe how the media, popular culture, banks and telecommunication companies reflect this Filipino connection with migration.

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<sup>1</sup> Mara Cepeda, “Mama, come home: Can the Philippines bring back its migrant workers?”, *The Straits Times*, April 6, 2024, [https://www.straitstimes.com/multimedia/graphics/2024/04/philippines-migrant-workers/index.html?utm\\_campaign=STPicks](https://www.straitstimes.com/multimedia/graphics/2024/04/philippines-migrant-workers/index.html?utm_campaign=STPicks)

<sup>2</sup> The Straits Times, “Jail and fine for couple who starved maid, causing her to lose 20kg,” March 27, 2017, <https://www.straitstimes.com/singapore/courts-crime/jail-and-fine-for-couple-who-starved-maid-causing-her-to-lose-20kg>

<sup>3</sup> Commission on Filipinos Overseas, “Philippine Migration Data at a Glance,” accessed August 26, 2024, <https://cfo.gov.ph/statistics-2/>

<sup>4</sup> Philippine Institute for Development Studies, “Beyond remittances: PIDS study calls for holistic policymaking for OFWs,” January 29, 2024, <https://pids.gov.ph/details/news/press-releases/beyond-remittances-pids-study-calls-for-holistic-policymaking-for-ofws>

<sup>5</sup> Bangko Sentral ng Pilipinas, “Overseas Filipinos’ Cash Remittances,” 2024, <https://www.bsp.gov.ph/Statistics/External/Table%2011.pdf>; In 2023, US\$1=S\$1.34

<sup>6</sup> Maruja M.B. Asis, “The Philippines’ Culture of Migration,” Migration Policy Institute, January 1, 2006, <https://www.migrationpolicy.org/article/philippines-culture-migration>

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Emigration is linked with the country's historical and colonial experience. For instance, Filipino sailors aboard the Spanish-Acapulco galleon trade were said to be the first migrant Filipinos. However, contemporary labour migration began under former President Ferdinand Marcos, Sr – father of current President Ferdinand “Bongbong” Marcos Jr. Beset by a balance of payment crisis and high unemployment, the Marcos Sr's administration officially launched the country's overseas employment policy to bolster the economy through the passage of the Labor Code in 1974.<sup>7</sup> The Labor Code contained provisions that encourage and regulate the migration of workers.<sup>8</sup>

While overseas employment was initially considered as a stop-gap measure, it has become a major contributor to economic output compared to exports and foreign direct investments. Moreover, even when the economy grew, employment prospects remained tight because the labour market was unable to absorb the country's huge labour force. For those with jobs, wages can hardly keep up with inflation rates and the resulting increase in food prices. Moreover, while the government touted the decline in family poverty levels from roughly 13% in 2021 to 10% in 2023, the current data reportedly mirrors pre-pandemic levels.<sup>9</sup>

Aside from serving as an economic lifeline, remittances unburden the government from filling the health and education services gaps that otherwise would have further drained the public budget. For these reasons, the government continues to manage overseas employment, even if it denies that it is not an economic strategy. The establishment of the Department of Migrant Workers in 2023 is proof of this. With poverty unresolved and decent jobs still elusive for many, the Philippine economy remains tethered to overseas employment's economic and welfare benefits.

In the 1970s, Filipino men went to the Middle East as construction workers when the region benefitted from the worldwide oil price increase. In the 1980s, however, the rising middle class in the region and the growing labour force participation of women in East Asia resulted in huge demand for MDWs. This situation contributed to the feminisation of migration from the Philippines that persists today. According to the most recent available government data, roughly 50% to 60% of total labour migrants are women, close to 70% of whom are employed in elementary occupations (to which domestic work belongs).<sup>10</sup>

Filipino MDWs are in great demand worldwide, as they are “known to have a friendly and caring attitude”<sup>11</sup> and are well-trained in handling various household chores (eg cleaning, cooking, laundry, childcare, eldercare). They can also communicate well in English.<sup>12</sup> However, many recruiters market not only their cooking, cleaning and English language skills, but also, their ‘affordability’. For example, a 2023 advertisement said: “Compared to [migrant] domestic workers from other countries, Filipino [migrant] domestic workers are relatively affordable. They are willing to work for lower wages.”<sup>13</sup>

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<sup>7</sup> Maruja M.B. Asis, “The Philippines’ Culture of Migration”.

<sup>8</sup> Jeremiaiah Opiniano and Alvin Ang, “The Philippines’ Landmark Labor Export and Development Policy Enters the Next Generation,” Migration Policy Institute, January 3, 2024, <https://www.migrationpolicy.org/article/philippines-migration-next-generation-ofws>

<sup>9</sup> Lance Spencer Yu, “PH poverty magnitude back to pre-pandemic level as family poverty rate falls to 10.9%,” *Rappler*, July 22, 2024, <https://www.rappler.com/business/poverty-statistics-philippines-january-december-2023/>

<sup>10</sup> Philippine Statistics Authority, “2022 Survey on Overseas Filipinos (Final Result),” October 11, 2023, <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>

<sup>11</sup> MSIG Insurance, “How to Direct Hire Filipino Maid in Singapore?,” November 2020, <https://www.msig.com.sg/lifestyle-library/how-direct-hire-filipino-maid-singapore>

<sup>12</sup> RAMASIA, “In-Demand: Filipino Domestic Workers in the Global Market”, March 12, 2023, <https://ramasiainternational.com/in-demand-filipino-domestic-workers-in-the-global-market/#navbar-offcanvas>

<sup>13</sup> RAMASIA, “In-Demand: Filipino Domestic Workers in the Global Market”.

Like other MDWs, Filipino MDWs also tend to be vulnerable workers. They not only suffer from many forms of gender-based violence in households but also experience many rights violations on account of their race and nationality, their status as temporary migrants and their positions as “low-skilled” workers. These intersecting categories make their work precarious and subject to uncertainties in migrant destination sites.

### Why do Singapore and Hong Kong Need MDWs?

In the 1980s, the global economic restructuring transformed Hong Kong and Singapore into newly industrialised economies, increasing work opportunities for local women. However, Confucian gender norms structure Hong Kong and Singapore societies, in which unpaid care work for the family and the elderly is largely relegated to women, while men devote themselves to paid work. This division of labour has been inscribed in the state-led development model pursued by East-Asian economies.<sup>14</sup>

The household care deficit incidental to the surge in female labour force participation had to be filled by MDWs. Initially, Hong Kong relied on *amahs* (Chinese domestic workers), but this soon gave way to hiring from the Philippines, primarily catering to expatriates residing in the city. Such was also the case for Singapore, which had to look for other sources when the supply of *amahs* dwindled alongside the increased demand for MDWs as households became wealthier and more local women joined the workforce.<sup>15</sup>

Currently, both Singapore and Hong Kong suffer from falling fertility rates and concomitant ageing demographics. However, more and more women are staying active in the labour market, creating a care gap in the household. The labour force participation rate among female residents in both Singapore and Hong Kong increased significantly over the years: from 58.1% in 2013 to 62.6% in 2023 in the former,<sup>16</sup> and from 45.1% in 1997 to 52.2% in 2023 in the latter.<sup>17,18</sup> As of end-2023, women comprise a little more than half (50.3%) and a little less than half (47.2%) of the resident workforce in Hong Kong and Singapore, respectively.<sup>19,20</sup> The care gap has been compounded by gender norms. For instance, even if there are shared parental leaves available in Singapore, men are hesitant to take them due to concerns over stigma and career backlash.<sup>21</sup>

With the lack of affordable childcare facilities and flexible working arrangements, it is not surprising that both the Singapore and Hong Kong economic models heavily rely on MDWs. By enabling more local women to join the labour force, MDWs indirectly contributed US\$2.6 billion each to the Hong Kong and Singapore economies in 2018.

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<sup>14</sup> Thanh-Dam Truong, “The Underbelly of the Tiger: Gender and the Demystification of the Asian Miracle,” *Review of International Political Economy* 6, no. 2 (1999): 133–65, <http://www.jstor.org/stable/4177306>

<sup>15</sup> Kanako Masuda, “Forced to Live in the Employer’s House: A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore” (Thesis, University of California Los Angeles, 2019), <https://escholarship.org/uc/item/2g82d5g0>

<sup>16</sup> Ministry of Manpower, “Labour Force in Singapore – 2023 Edition,” January 2024, [https://stats.mom.gov.sg/iMAS\\_PdfLibrary/mrsd\\_2023LabourForce.pdf](https://stats.mom.gov.sg/iMAS_PdfLibrary/mrsd_2023LabourForce.pdf)

<sup>17</sup> Legislative Council Secretariat, “Information Note: Policy measures to expand female workforce in Australia and Singapore,” February 14, 2023, <https://www.legco.gov.hk/research-publications/english/2023in03-policy-measures-to-expand-female-workforce-in-australia-and-singapore-20230214-e.pdf>

<sup>18</sup> Census and Statistics Department, “Women and Men in Hong Kong - Key Statistics (2024 Edition),” August 26, 2024, <https://www.censtatd.gov.hk/en/wbr.html?ecode=B11303032024AN24>

<sup>19</sup> Census and Statistics Department, “Women and Men in Hong Kong - Key Statistics (2024 Edition)”.

<sup>20</sup> Ministry of Manpower, “Labour Force in Singapore – 2023 Edition”.

<sup>21</sup> Jean Iau, “Singapore wants more babies but fathers underuse paternity leave – ‘work never stops,’” *South China Morning Post*, August 2, 2024, <https://www.scmp.com/week-asia/lifestyle-culture/article/3272948/singapore-wants-more-babies-fathers-underuse-paternity-leave-work-never-stops>

Adding their direct personal expenditures and the real value of paid domestic work,<sup>22</sup> estimates indicated that MDWs added a total economic contribution of about US\$12.6 billion or 3.6% of GDP in Hong Kong. For Singapore, MDWs' total contribution in the economy was pegged at US\$8.2 billion or 2.4% of its GDP.<sup>23</sup>

### Filipino MDWs in Singapore and Hong Kong

Singapore and Hong Kong are among the cities with the highest concentrations of Filipino MDWs. In 2022, data<sup>24</sup> from the Hong Kong government indicated that 190,059 Filipinos were working as caregivers and nannies, comprising more than half of the MDW population. Meanwhile, there were 268,500 domestic workers in Singapore in 2022, 84,000 of whom were estimated to be Filipinos, approximately a third of the MDW population.<sup>25</sup> Filipino MDWs comprise about 40% of the total population of overseas Filipino workers in Singapore.<sup>26</sup> In contrast, in Hong Kong, they are estimated to comprise most Filipinos working in the territory.

### How do Singapore and Hong Kong treat MDWs?<sup>27</sup>

To manage the huge demand for MDWs, the Singapore and Hong Kong governments established a temporary and contract-based employment scheme where workers must live in the employer's household. In Singapore, the Ministry of Manpower regulates MDW employment, while in Hong Kong, the Labour Department and the Immigration Department share the responsibility. In both sites, MDW recruitment is generally done via private agencies. MDWs are covered by Hong Kong's labour laws and protected by workers' rights and benefits policies. In Singapore, the Employment Act includes local and migrant workers but excludes MDWs. Some argue that this is meant to be "practical, so that employers can have more flexibility in determining their helpers' working conditions in the household".<sup>28</sup> However, this also increases the dependency of MDWs on their employers for sufficient salaries, food and living conditions.<sup>29</sup> In Hong Kong, MDWs are covered by labour laws.

Also, in terms of adherence to international human rights norms, Singapore and Hong Kong are both signatories to the Convention on the Elimination of All Forms of Discrimination Against Women, which highlights women's rights, including migrant workers. However, neither has ratified the International Labour Organization's (ILO) Convention 189, a treaty specifying the rights of domestic workers, enumerating protective measures and urging countries to recognise domestic work as work, and the International Convention on the Rights of All Migrant Workers and their Families.

Eligibility requirements for MDWs are also different in both governments. In Singapore, only women between 23-50 years of age are allowed, with at least eight years of formal education. They must come from the following

<sup>22</sup> The real value of domestic work refers to "the true cost of each of these services if an MDW was not employed, which includes direct, personal care for children, the elderly and the disabled, as well as indirect care tasks such as cleaning, cooking and washing". See: [https://enrichhk.org/sites/default/files/2019-09/Final\\_The-Value-of-Care\\_Full-Report.pdf](https://enrichhk.org/sites/default/files/2019-09/Final_The-Value-of-Care_Full-Report.pdf)

<sup>23</sup> Experian and Enrich, "The Value of Care: Key Contributions of Migrant Domestic Workers to Economic Growth and Family Well-being in Asia," 2019, [https://enrichhk.org/sites/default/files/2019-09/Final\\_The-Value-of-Care\\_Full-Report.pdf](https://enrichhk.org/sites/default/files/2019-09/Final_The-Value-of-Care_Full-Report.pdf); In 2023, US\$1=S\$1.34

<sup>24</sup> Immigration Department, "Statistics on the number of Foreign Domestic Helpers in Hong Kong," <https://data.gov.hk/data/dataset/Hong-Kong-imm-d-set4-statistics-fdh>

<sup>25</sup> Ministry of Manpower, "Foreign workforce numbers", <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>

<sup>26</sup> Chloe Mari Hufana, "PHL, Singapore to sign deal on hiring healthcare workers," *BusinessWorld*, July 19, 2024, <https://www.bworldonline.com/labor-and-management/2024/07/19/609048/phl-singapore-to-sign-deal-on-hiring-healthcare-workers/#:~:text=Cacdac%20said%20Singapore%20is%20home,while%2040%25%20are%20domestic%20workers>

<sup>27</sup> See Annex A for the full comparison of rights, prohibitions and regulations for MDWs in Singapore and Hong Kong.

<sup>28</sup> Global-is-Asian Staff, "Ensuring the Welfare of Foreign Workers in Singapore," *Global-is-Asian*, July 4, 2019, <https://lkyspp.nus.edu.sg/gia/article/foreign-domestic-workers>

<sup>29</sup> Global-is-Asian Staff, "Ensuring the Welfare of Foreign Workers in Singapore".

approved source locations: Bangladesh, Hong Kong, India, Cambodia, Indonesia, Macau, Malaysia, Myanmar, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand.<sup>30</sup> Specific recognised certificates/documents from each source area are also outlined on the Singapore Ministry of Manpower's website. For Filipinos, a high school diploma is required. MDWs must live with their employers and undergo pregnancy tests every six months.<sup>31</sup> On the other hand, Hong Kong does not implement age, gender, education and pregnancy test requirements, but nationals of Afghanistan, Cuba, Laos, North Korea, Nepal and Vietnam are not permitted. Like in Singapore, MDWs must also live with their employers.<sup>32</sup>

Singapore does not have a minimum wage for any sector.<sup>33</sup> However, due to their English language competency, reports indicate that MDWs from the Philippines generally receive higher wages than MDWs from other source countries.<sup>34</sup> Meanwhile, the statutory minimum wage does not apply to MDWs in Hong Kong. Considering Hong Kong's overall economic and employment situation and the relentless advocacy of unions and migrant associations, the government established the minimum allowable wage (MAW).<sup>35</sup> Regardless of nationality, the MAW is a statutory salary granted to all MDWs in Hong Kong since September 2023. As of September 2024, the MAW for MDWs is HK\$4,870.

While other migrant workers can join (but not form) unions in Singapore, MDWs are not allowed to unionise.<sup>36</sup> Nonetheless, in 2012, the Singapore government finally required employers to give their MDWs weekly days off or pay in lieu.<sup>37</sup> This policy came after a decade of vigorous campaigning from Transient Workers Count Too, the Humanitarian Organization for Migration Economics and the National Committee of the United Nations Development Fund for Women in Singapore. Nonetheless, MDWs are not entitled to any statutory or public holidays.

In contrast, as mentioned above, MDWs in Hong Kong enjoy rights equal to local workers under the government's labour legislation, including entitlements to statutory holidays and paid annual leave aside from one statutory day off per week.<sup>38</sup> They also enjoy the freedom of association and the right to collective bargaining.<sup>39</sup> Hong Kong has also been described as having a "vibrant NGO sector"<sup>40</sup> promoting human rights. For example, trade unions in Hong Kong, such as the Hong Kong Federation of Asian Domestic Workers Unions, have made significant strides in changing policies that harm DWs. In the early 1990s, when MDWs started congregating in public spaces on Sundays, residents petitioned against these gatherings on their days off. Eventually, their petition was denied.<sup>41</sup> MDW Sunday gatherings in public places are already part of Hong Kong's cultural landscape. However, the extent to which recent crackdowns and the National Security Law will change this remains to be seen.

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<sup>30</sup> Ministry of Manpower, "Migrant domestic worker eligibility," 2024, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/fdw-eligibility>

<sup>31</sup> Chieh-Hsuan Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan: Should Minimum Wage Apply to Foreign Domestic Workers?", *The Chinese Economy* 51, no. 2 (May 2018): 154-174, <https://doi.org/10.1080/10971475.2018.1447831>

<sup>32</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>33</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>34</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>35</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan"; In 2023, HK\$1=S\$0.17

<sup>36</sup> International Labour Organization, "Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand," 2019, <https://www.ilo.org/publications/public-attitudes-towards-migrant-workers-japan-malaysia-singapore-and>

<sup>37</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>38</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>39</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>40</sup> Freedom House, "Freedom in the World 2023: Hong Kong," 2023, <https://freedomhouse.org/country/hong-kong/freedom-world/2023>

<sup>41</sup> Emma-Lee Moss, "'That one day is all you have': How Hong Kong's domestic workers seized Sunday," *The Guardian*, March 10, 2017, <https://www.theguardian.com/cities/2017/mar/10/sunday-sit-in-inside-hong-kong-weekly-domestic-worker-resistance>



Both have standards for food and accommodation, but enforcement is still not guaranteed because there are no local laws governing domestic work in the household. In Singapore and Hong Kong, live-in arrangements mean free accommodation. Under Hong Kong's Standard Employment Contract, the employer must provide "suitable and furnished accommodation."<sup>42</sup> If the MDW's food is not free, the employer must provide HK\$1,236 monthly.<sup>43</sup> Meanwhile, in Singapore, the Ministry of Manpower mandates that the MDW must have adequate shelter, basic amenities, sufficient ventilation, space, and privacy, be ensured of safety, and not sleep with other male household members.<sup>44</sup>

Though both destination sites require medical examinations to work, Singapore requires pregnancy tests every six months.<sup>45</sup> MDWs are deported if found to be pregnant.<sup>46</sup> In Hong Kong, there are no such tests; it even entitles them to maternity leave benefits of 14 consecutive weeks.<sup>47</sup> In both destination sites, the visa is tied to the employer. Premature termination of the contract is generally discouraged, including the MDWs' ability to switch jobs. The MDW must secure approval from the employer if there is a need for contract termination. Within two weeks after the termination of work permit, the MDW must leave for the origin country. Otherwise, the MDW will be prosecuted and considered an undocumented migrant.

Employer eligibility in both destinations is based on financial security and the ability to prove their demand. Care demand in Singapore and Hong Kong mostly emerges in double-income families in terms of childcare and maintenance.<sup>48</sup> For Hong Kong, the income threshold for employers is HK\$15,000, while for Singapore, the requirement is that they must not be bankrupt. Having two or more children under 18 years old and a 60-year old parent or parent-in-law in the household is required in Singapore before employers can hire a second MDW. In Hong Kong, there is no provision for this, probably because the income threshold for employers already discourages some from hiring a second MDW. One of the key prerequisites to employing an MDW in Singapore is to pay a S\$5,000 security bond<sup>49</sup> and a S\$300 monthly levy.<sup>50</sup> There is no security bond in Hong Kong. Meanwhile, employers are obliged to provide insurance for injury and to pay for medical treatment of MDWs in both sites.

### Who cares more for the carers? Singapore or Hong Kong?

Both have domestic employment regimes built on employers' entitlement instead of workers. The convergence in immigration and care regimes sustains the informality of domestic work in the labour regime. Employers in both enjoy government support for the liberal use of MDWs.<sup>51</sup> Also, Singapore and Hong Kong are both signatories to the Convention on the Elimination of All Forms of Discrimination Against Women, which highlights women's rights, including migrant workers. However, neither has ratified ILO Convention 189, a treaty specifying the rights of domestic workers, enumerating protective measures and urging countries to recognise domestic work as work.

<sup>42</sup> Immigration Department, "Employment Contract for a Domestic Helper Recruited from Outside Hong Kong - English Version," 2016, <https://www.immd.gov.hk/eng/forms/forms/id407.html>

<sup>43</sup> HelperPlace, "Food Allowance for Helpers in Hong Kong", October 2, 2023, <https://www.helperplace.com/blog/food-allowance-helpers-hong-kong>; In 2023, HK\$1=S\$0.17

<sup>44</sup> Ministry of Manpower, "Rest days, health and well-being for migrant domestic workers", August 6, 2024, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/rest-days-and-well-being>;

<sup>45</sup> Emma-Lee Moss, "'That one day is all you have': How Hong Kong's domestic workers seized Sunday".

<sup>46</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>47</sup> Labour Department, "Foreign Domestic Helpers: Frequently Asked Questions," 2024, <https://www.fdh.labour.gov.hk/en/faq.html>

<sup>48</sup> Ministry of Manpower, "Rest days, health and well-being for migrant domestic workers".

<sup>49</sup> Ang Hwee Min and Cindy Co, "IN FOCUS: The challenges in uncovering abuse of foreign domestic workers," *CNA*, May 8, 2021, <https://www.channelnewsasia.com/singapore/maid-abuse-challenges-uncovering-cases-domestic-workers-in-focus-1883801>; In 2023, HK\$1=S\$0.17

<sup>50</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>51</sup> Yun-Hsiang Hsu, "Beyond convergence: regulating domestic employment in Singapore, Hong Kong, and Taiwan", *Journal of Asian Public Policy*, 96-109, 2020, <https://doi.org/10.1080/17516234.2020.1813064>

Overall, Filipino MDWs in Hong Kong are treated better than those in Singapore, based on the comparisons of their policies discussed above. First, context is key to understanding the plight of Filipino MDWs in the two economies. Because of the relative freedom of association and unionising in Hong Kong, there is space for MDWs to express their grievances and solidarity with their peers, and more significantly, to impact policy change.

Second, the inclusion of MDWs in Hong Kong's labour law is important, as it enables them to have labour rights, the same as any other worker in the special administrative region. More importantly, doing so makes the jobs of MDWs a public endeavour, rather than a part of the private sphere, thereby allowing them legal rights and social protection.

Third, while MDW salary is still not part of the minimum wage law, albeit a special minimum allowable wage exists, reports indicate that salaries are higher by 40% in Hong Kong than Singapore.<sup>52</sup> Fourth, as mentioned above, the bond and levy imposed on Singaporean employers encourage them to engage in heightened monitoring of MDWs' activities.

Therefore, coupled with freedom of association, MDWs in Hong Kong have far better rights in the public space compared to those in Singapore. Finally, the paid maternity leave benefits in Hong Kong is a recognition of MDWs' reproductive rights and right to safe motherhood. Having this policy prevents MDW from resorting to unsafe abortions for fear of deportation.

### **The situation of Filipino MDWs in Singapore and Hong Kong**

Structural issues lie at the heart of MDWs' precarious situation in Singapore and Hong Kong – and Filipino MDWs are not spared. Despite nearly six decades of policy evolution to better manage MDWs, reports of abuses continue, such as physical and sexual abuse, starvation, long working hours, and inhumane working conditions, among others.

#### ***Unregulated private sphere***

Neither Singapore nor Hong Kong has laws recognising domestic work as work even as both destinations have continually reviewed their policies towards MDWs. The lack of regulation in the domestic sphere exacerbates MDWs' precarity and renders them vulnerable to myriad forms of abuse. While the abovementioned regulations have evolved and are meant to curb violations, they can be considered mere stopgap measures that do not challenge the status quo. For example, the lack of regulation inside the household facilitated the ill-treatment and underfeeding that Ms Gawidan suffered from the hands of her Singaporean employers.<sup>53</sup> In Hong Kong, Ms Gabriela,<sup>54</sup> a Filipino MDW who faced gruelling work outside her contract, shared:

*When I arrived at my employers' house, I gave them my contract. But they told me that it is just a piece of paper that doesn't mean anything, and I must live by the family's rules because they paid a lot for me. I can't sit down for even one second because my employer doesn't want to waste it. Sunday is my holiday but I still work 8 hours then, when I'm supposed to have the whole day off.<sup>55</sup>*

<sup>52</sup> Domestic Workers Justice Initiative, "Singapore vs. Hong Kong", <https://dwji.org/singapore-vs-hong-kong/#:~:text=Minimum%20Wage%3A%20Singapore%20doesn't,40%25%20higher%20than%20in%20Singapore>

<sup>53</sup> The Straits Times, "Jail and fine for couple who starved maid, causing her to lose 20kg".

<sup>54</sup> Names of MDWs mentioned in the source article have been changed to protect identities. See: <https://globalvoices.org/2020/02/16/hong-kongs-labor-laws-aid-and-abet-the-abuse-of-foreign-domestic-workers/>

<sup>55</sup> Katie McQue, "Hong Kong's labor laws aid and abet the abuse of foreign domestic workers," *GlobalVoices*, February 16, 2020, <https://globalvoices.org/2020/02/16/hong-kongs-labor-laws-aid-and-abet-the-abuse-of-foreign-domestic-workers/>

The ILO Convention 189 mandates countries to enact a local law recognising domestic work, which is believed to be a key intervention in the long-term protection of DWs. However, neither Singapore nor Hong Kong is a signatory to this Convention.

### **Live-in arrangement**

The live-in arrangement system characterising domestic work employment has been identified as a key culprit in enhancing the precarity of MDWs. The set-up, while arguably reducing living expenses for the DW<sup>56</sup>, facilitates ill-treatment towards them and perpetuates unfair working conditions set by employers that are beyond the government's radar. In the unregulated realm of the private sphere, it is quite easy for employers to monitor every activity of the MDW, leading to long-working hours and other forms of abuse. Under this scenario, employers become powerful enough to potentially demand 24-hour availability of the MDW. For example, in January 2023, a Singaporean employer was sentenced to 10 months in jail for physically assaulting her two Filipino MDWs and requiring them to work long hours.<sup>57</sup> Meanwhile, an employer was sentenced to four weeks in prison in Hong Kong for assaulting a Filipino MDW when she refused to massage her.<sup>58</sup> In other words, "living with their employers means their working hours are not properly circumscribed because of the absence of spatial distinctions, taken for granted in more formal arrangements."<sup>59</sup>

### **Box 1: Alternative living arrangement for MDWs<sup>60,61</sup>**

#### **Japan**

In 2015, the Japanese government allowed the entry of foreign nationals for housekeeping jobs in three prefectures. The arrangement is live-out: housekeepers are required to work at least five days a week and are guaranteed 35 hours a week. The social and employment insurance are co-shared by the housekeeper and the employer. The housekeeper's direct employer is not the household but a specified organisation in Japan that manages the training, complaints and other administrative matters.

#### **Canada**

In 2024, Canada's new pilot programme for migrant caregivers grants a pathway to permanent residency upon arrival. It also gives the migrant choice to work as live-in among families or live-out among organisations providing care for individuals in need. The pilot programme comes in the heels of many changes to Canada's care regime, which has been criticised for having strict requirements for permanent residency.

<sup>56</sup> Shih Joo Tan, "When the Home Is Also the Workplace: Women migrant domestic workers' experiences with the 'live-in' policy in Singapore and Hong Kong," *Anti-Trafficking Review*, no. 20 (2023): 75-91, <https://antitraffickingreview.org/index.php/atjournal/article/view/678/518>

<sup>57</sup> Danielle Keeton-Olsen, "Singapore woman jailed for 'exploiting', abusing 2 Filipino domestic helpers," *South China Morning Post*, January 28, 2023, <https://www.scmp.com/news/asia/southeast-asia/article/3208291/singapore-woman-jailed-exploiting-abusing-2-filipino-domestic-helpers>

<sup>58</sup> Mayen Jaymalin, "Hong Kong employer banned from hiring Pinoy helpers," *Philstar Global*, October 19, 2022, <https://www.philstar.com/nation/2022/10/19/2217640/hong-kong-employer-banned-hiring-pinoy-helpers>

<sup>59</sup> Yvan Ysmael Yonaha, "Negotiating Leisure Constraints in the Pandemic: The Case of Migrant Domestic Workers in Hong Kong," *Int J Social Leis*, (2024), <https://doi.org/10.1007/s41978-024-00150-8>

<sup>60</sup> Department of Migrant Workers, "Governing Board Resolution No. 8," 2016, <https://dmw.gov.ph/archives/gbr/2016/GBR-08-2016.pdf>

<sup>61</sup> Colin Singer, "Canada's New Caregiver Immigration Pilots To Offer Permanent Residence On Arrival," *Immigration.ca*, June 4, 2024, <https://www.immigration.ca/canadas-new-caregiver-immigration-pilots-to-offer-permanent-residence->



While some employers have been sent to court and jail for abuses and exploitation, the power relations between the MDW and the employer and the live-in arrangement make reporting difficult. There are also employer practices such as isolation and mobile phone confiscation, which prevent reporting abuse. Moreover, the long prosecution process renders the MDW jobless since reporting an employer would generally mean that the MDW is ready to leave her job. In Hong Kong, the mandatory two-week rule deters DWs from reporting abuses since they are legally required to find an employer within two weeks of leaving their previous employer. Failure to do so would put them at risk of deportation. Meanwhile, in Singapore, the Personal Data Protection Act 2012 disables recruitment agencies from accessing employer records to determine frequent DW turnover, which can indicate poor working conditions.<sup>62</sup>

### ***Tied visa***

The tied visa scheme is a labour immigration policy that grants foreign labourers visas because they will only work for a particular employer. Under this setup, MDWs are disallowed from transferring employers. Two concerns are raised about this visa policy: first, it heightens employer control of MDWs and perpetuates abuses, and second, it prevents permanent settlement. Coupled with MDWs' ineligibility for permanent residency, "through the 'tied-visa' system, workers' right to remain and work becomes dependent on continued employment by the employer-sponsor."<sup>63</sup> Countries in the West Asia region and the United Kingdom also utilise this scheme which has been labelled as a form of modern slavery.

In a large sense, this situation heightens the employers' power, to the great disadvantage of the MDWs because an MDW will forever be in the same job category, employer and status for their stay.<sup>64</sup> In effect, because this has been sanctioned by law, it constitutes institutionalised discrimination, especially because they are only imposed on MDWs and not on professionals or those considered high-skilled foreign workers.

### ***Temporary nature of domestic work***

In both Singapore and Hong Kong, MDWs are not eligible for permanent residency. High-skilled immigrants are favored for permanent stay in these destination sites. Hong Kong immigration rules exclude MDWs and mainland government officials<sup>65</sup> from applying for permanent residency status, compared to other migrants who can avail themselves of the visa within seven years of stay. In Singapore, only those in job categories referred to as professionals and skilled can be permanent residents, aside from investors. MDWs and construction workers are ineligible to apply for permanent residency. In both areas, MDWs are also not allowed to bring their families. These immigration schemes limit the rights afforded to MDWs, no matter the guidelines and rules currently in place. For instance, Evangeline Banao Vallejos, who had been an MDW in Hong Kong since 1986, fought for permanent residency which a lower court upheld. However, a 2013 Court of Final Appeal ruled against her favour.<sup>66</sup>

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<sup>62</sup> Min and Co, "IN FOCUS: The challenges in uncovering abuse of foreign domestic workers".

<sup>63</sup> Tan, "When the Home is Also the Workplace".

<sup>64</sup> ILO Regional Office for Asia and the Pacific, "Hong Kong's Hidden Shame," 2012, <https://apmigration.ilo.org/news/hong-kongs-hidden-shame>

<sup>65</sup> The University of Hong Kong Community Legal Information Centre, "Hong Kong permanent residence", 2004, [https://www.clic.org.hk/en/topics/immigration/hk\\_permanent\\_residence](https://www.clic.org.hk/en/topics/immigration/hk_permanent_residence)

<sup>66</sup> Associated Press in Hong Kong, "Filipino maid takes fight for permanent residency to Hong Kong's top court", *The Guardian*, June 22, 2012, [https://www.theguardian.com/world/2012/jun/22/filipino-maid-hong-kong-court#:~:text=A%20Filipino%20domestic%20worker%20has,the%20southern%20Chinese%20financial%20centre](https://www.theguardian.com/world/2012/jun/22/filipino-maid-hong-kong-court#:~:text=A%20Filipino%20domestic%20worker%20has,the%20southern%20Chinese%20financial%20centre;); In 2023, US\$1=S\$1.34

## **The Philippine government's response to the situation of Filipino MDWs**

Since the 1980s, the Philippines has built an elaborate bureaucracy catering to migrants' needs and concerns at every phase of the emigration cycle. From pre-employment to repatriation and reintegration, government personnel are tasked to protect the welfare of MDWs and other Filipino migrants. In 2023, the establishment of the Department of Migrant Workers consolidated key migration programmes, with the intent to improve assistance to migrant Filipinos. The landmark law Republic Act 8042 (Migrant Workers and Overseas Filipinos Act of 1995) and its amended version, Republic Act 10022, outline a set of protection mechanisms such as legal assistance, the establishment of Migrant Resource Centers in embassies which provide counselling and welfare services to abused workers, and strict penalties for illegal recruiters, among others.

There are Migrant Welfare Offices (formerly Philippine Overseas Labor Offices) in the Philippine Consulate in Hong Kong and the embassy in Singapore. Since 2010, the Philippine Development Plan has contained provisions underlying targets for enhancing the protection of Filipino migrant workers. To ensure that MDWs are trained and can adapt to conditions abroad, first-timers are trained for over 200 hours in government-accredited centres in the country. This is aside from the mandatory Pre-Departure Orientation Seminars. Only those who are 23 years old and above can apply as an MDW. Their salaries are set by the government at no less than US\$400.

The government has pursued bilateral labour agreements with host destinations, along with government-to-government hiring, to enhance protection services. The Philippines has bilateral labour agreements on domestic worker deployment with Jordan, Kuwait, the Kingdom of Saudi Arabia, and Lebanon, among others. It has none with Singapore and Hong Kong. However, bilateral agreements are criticised as overly focused on the outflow process rather than on the other phases of migration such as repatriation and reintegration. The lack of systematic and periodic review of these arrangements was also pointed out.

Whenever there are reports of abuses and exploitation, especially those that garner wide media and public discourse, the government normally issues a deployment ban and a review of the bilateral agreement with the destination site (if there is any). Investigation of the recruitment agency concerned is also a practice. Legal assistance and social services are usually arranged for the MDW family, and the immediate return of the MDW is also usually arranged. Soon after, whenever media attention has dissipated, deployment is resumed. This was the case, for example, in Kuwait in 2018.<sup>67</sup>

### **Recent Reforms**

#### ***In the Philippines***

Recently, the Philippines has turned to diplomacy to mitigate and manage outmigration. For example, its active engagement in the Global Compact for Safe, Orderly, and Regular Migration ensures that it continues its role as a "model" in migration management about sending countries. It is also the second country to have ratified the ILO Convention on Domestic Workers, which grants domestic workers labour rights and sets standards for their protection. Subsequently, it localised the convention with a law governing local domestic workers.

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<sup>67</sup> In February 2018, Filipino MDW Joanna Demafelis' murder by her employer in Kuwait made the headlines, prompting then President Rodrigo Duterte to issue a total deployment ban of all Filipinos bound for the Middle Eastern country. After a diplomatic row, a series of negotiations took place resulting in a Memorandum of Agreement on the Employment of Domestic Workers. Subsequently, former President Duterte lifted the ban in May of the same year. Soon after, reports of other Filipino MDWs' murder generated tensions and deployment ban announcements between the two countries.

As previously mentioned, whenever labour disputes occur in destination countries, the Philippine government turns to deployment bans until a review or a new bilateral agreement is forged. Such active role in the diplomatic arena allows the Philippines to have the moral ascendancy to advocate for the welfare and interest of its own MDW. Also, as a “model” in migration management, the country is able to present itself as having an intricate bureaucracy within and outside the Philippines to train capable workers and use this as leverage in negotiations with receiving states.

In partnership with the private sector and other entities such as the ILO, the government has launched various programmes to upskill jobs for migrant women. For example, when thousands of Filipino migrant workers returned to the country due to the pandemic, the Technical Education and Skills Development Authority and Overseas Workers Welfare Administration partnered with ILO and offered scholarships for call centre training, web design and baking. Evelyn Caballero, a former MDW turned call centre agent, shared her reason for taking on the scholarship:

*I wanted to spend time with my family because they have grown up without me. Before I got married, I was already an OFW [Overseas Filipino Worker]. It was very hard because I cannot attend to the needs of my children. Zoom and Skype can help, but not completely, because they can only see me, and not really feel my presence.<sup>68</sup>*

Meanwhile, some Filipino MDWs returned for good as part of a government programme that offered licensure examinations for teachers in destination countries. Some of those who passed accepted the offer to teach in public schools in the Philippines. Over the years, salary rates for public school teachers have considerably gone up, that it can already compete with MDW wages.

This set of recent upskilling programmes is far from the usual government training enabling women to be “supermaids” or someone who can multi-task as caregiver, tutor and a cook. Although this has been criticised, it still exists to this day. However, the bid to upskill domestic workers ensures they would not be forever stuck in domestic work category.

### ***In Hong Kong and Singapore***

In recent years, and specifically in the aftermath of the pandemic, both Hong Kong and Singapore adjusted their policies for MDWs. For instance, in October 2022, the Hong Kong government increased its minimum allowable wage from HK\$4,630 to HK\$4,730. It also raised the minimum monthly food allowance from HK\$1,173 to HK\$1,196, when the MDWs’ employers opted to pay the allowance instead of providing free food in the household. In a recent visit to the Philippines, a Hong Kong official remarked: “Fairness, good pay and clear protection from us are the three factors that will ensure that Hong Kong always remains a priority city for migrant workers from the Philippines to go to.”<sup>69</sup>

Meanwhile, in 2021, the Singapore government allowed flexibility in hiring MDWs via the on-demand model. Under this scheme, MDWs may live outside of the employer’s home – they live in housing units arranged by the employer’s company. They only work on scheduled demand from their employers. While this is far from perfect, some argue that this would provide better protection to MDWs since it does away with the precarity associated

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<sup>68</sup> International Labour Organization, “Upskilling women migrant workers for the future of work,” November 21, 2022, [https://www.ilo.org/manila/public/fs/WCMS\\_861663/lang--en/index.htm](https://www.ilo.org/manila/public/fs/WCMS_861663/lang--en/index.htm)

<sup>69</sup> Jap Tobias, “Hong Kong’s pitch to OFWs: Fairness, good pay, clear protection from Hong Kong govt,” *The Philippine Star*, January 20, 2023, <https://www.philstar.com/world/2023/01/20/2238241/hong-kongs-pitch-ofws-fairness-good-pay-clear-protection-hk-govt>; In 2023, HK\$1=\$\$0.17

with the live-in system. Moreover, because MDWs are outside the employer's abode, the S\$5,000 security bond may no longer be imposed on employers.<sup>70</sup> Hopefully, this will result in fewer abuses since they will no longer have to micromanage their MDWs' mobility and activities.

During and after the heightened uncertainties of the pandemic, Singapore has added more protection schemes to address MDWs concerns. For example, from January 2023, MOM mandated employers to impose "one rest day a month that cannot be compensated away".<sup>71</sup> If there is disagreement on the appointed rest day, the MDW has to take it within the month or be paid the equivalent of one day's salary.<sup>72</sup>

## Ways Forward

While on the one hand, domestic worker employment has provided livelihood, remittances and welfare to families in the Philippines, on the other hand, stories of exploitation, discrimination and even death remain. Even as Hong Kong and Singapore continue to devise ways to minimise these, the fact remains that they can opt to turn to other nationalities available, in cases when the Philippines stops sending MDWs to them. As poverty rates are still high and decent jobs remain scarce, the Philippine government will continue to rely on overseas employment. As the Philippines aims for a middle-income status soon, it must find serious and sustainable ways to address high inequality. Generating an environment where decent jobs can thrive, coupled with reliable social protection in health, education and other public services, is an urgent step in the right direction. It is inconceivable that Filipinos will leave their families for jobs with meagre protection and pay abroad, if their basic needs are met locally.

Meanwhile, in Hong Kong and Singapore, gender norms relegating a disproportionate share of household and caregiving responsibilities to women, even in instances when they are working full-time, still remain. Furthermore, their economic models that focus only on productivity but downplay familial responsibilities as a shared endeavour between men and women, suggest that ageing societies will still import more MDWs in the near future. Sustained public awareness to change gender norms is an urgent task for both Singapore and Hong Kong. Adherence to ILO Convention 189 on Domestic Work would also be a step in the right direction for these destination sites.

## Discussion Questions

1. Singapore and Hong Kong's economic models rely on MDWs to cope with the high participation of local women in the labour force. Discuss concrete policies that these migrant destination sites may implement so that hiring MDWs is not necessarily the default solution to address care gaps in the household.
2. The case study has discussed the intense link between outmigration and the Philippine economy. What do you think are the ways the Philippines can reduce its reliance on overseas employment and remittances?
3. Imagine working for an international organisation that is handling migration issues. Given the common root causes of abuse and exploitation discussed in the case study, what solutions can you offer that may have a long-lasting beneficial impact on MDWs?

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<sup>70</sup> Junjia Ye, "From living in to spacing out: Singapore's introduction of Household Services Scheme and its impact on domestic workers," *London School of Economics Reflections*, December 8, 2021, <https://blogs.lse.ac.uk/seac/2021/12/08/from-living-in-to-spacing-out-singapores-introduction-of-household-services-scheme-and-its-impact-on-domestic-workers/>

<sup>71</sup> Ministry of Manpower, "Rest days, health and well-being for migrant domestic workers".

<sup>72</sup> Ministry of Manpower, "Rest days, health and well-being for migrant domestic workers".

**Annex A: Rights, Prohibitions and Regulations for MDWs in Singapore and Hong Kong**

Themes	Singapore	Hong Kong
<b>Institutional Framework</b>		
Government Agency in charge of Migrant Domestic Worker (MDW) affairs	Ministry of Manpower. Domestic employment is under immigration control. <sup>73</sup>	Labour Department <sup>74</sup> and Immigration Department. <sup>75</sup>
Inclusion of MDWs in main labour law	Excluded from main labour law; MDWs are protected by the Employment of Foreign Manpower Act and by the Employment of Foreign Manpower (Work Passes) Regulations. <sup>76</sup>	MDWs are covered under the same labour law as the locals in Hong Kong, and therefore entitled to various workers' rights and benefits. <sup>77</sup> MDWs are under immigration regulations. <sup>78</sup>
Adherence to international human rights norms		
Convention on the Elimination of All Forms of Discrimination Against Women	Signatory	Signatory
International Labour Organization's (ILO) Convention 189	Not a signatory	Not a signatory
International Convention on the Rights of All Migrant Workers and their Families	Not a signatory	Not a signatory
<b>On Migrant Domestic Workers</b>		
Eligibility requirements for MDWs	Only women between 23 and 50 years old who have at least eight years of formal education (with a recognised certificate as proof) from approved source destination countries or territories including Bangladesh, Hong Kong, India, Indonesia, Macau, Malaysia, Myanmar, the Philippines, South Korea, Sri Lanka, Taiwan and	No age, gender, education, or pregnancy test requirements. Nationals of Afghanistan, Cuba, Laos, North Korea, Nepal, and Vietnam are not permitted. MDWs must live with their employers. <sup>81</sup>

<sup>73</sup> Yun-Hsiang Hsu, "Beyond convergence".

<sup>74</sup> Yun-Hsiang Hsu, "Beyond convergence".

<sup>75</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>76</sup> ILO, "Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand."

<sup>77</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>78</sup> Yun-Hsiang Hsu, "Beyond convergence".

<sup>81</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".



Themes	Singapore	Hong Kong
	Thailand. <sup>79</sup> MDWs must live with their employers and undergo pregnancy tests every six months. <sup>80</sup>	
Medical and other required examinations for MDWs	Work permits require examinations of MDWs, such as medical examinations for infectious diseases and pregnancy. <sup>82</sup>	MDWs must pass a medical examination to prove they are in good health and can be employed as domestic helpers. <sup>83</sup>
Working hours of MDWs	Unregulated <sup>84</sup> ; long working hours are especially common among live-in MDWs who usually work full-time and are, in many cases, expected to be available at all times. <sup>85</sup>	
Minimum Wage of MDWs and associated dues (Levy/Bond)	<p>Singapore does not have a minimum wage for any sector.<sup>86</sup> Market forces determine whether wages should increase or decrease.</p> <p>One of the key prerequisites to employ an MDW in Singapore is to pay a S\$5,000 security bond<sup>87</sup> and a S\$300 per month levy.<sup>88</sup></p>	<p>Statutory minimum wage does not apply to MDWs in Hong Kong. Considering Hong Kong's overall economic and employment situation, the government established the minimum allowable wage (MAW).<sup>89</sup> As of September 2024, the MAW for MDWs is HK\$4,870.</p> <p>There is no security bond or worker levy requirement.<sup>90</sup></p>
Benefits of MDWs	<p>MDWs are entitled to one statutory day off per week<sup>91</sup>, as well as accommodation and food.<sup>92</sup> However, domestic workers can enter into a "voluntary" agreement to work for additional pay on their weekly day off. In such a case, employers are mandated to give MDWs one rest day per month that cannot be</p>	<p>MDWs also have one statutory day off per week. Besides this, they are also entitled to statutory holidays, paid annual leave, adequate food or a food allowance, coverage of the cost of travel to their place of origin upon termination of their contract, limits on the deductions that can lawfully be made from a salary.<sup>94</sup></p>

<sup>79</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>80</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>82</sup> Yun-Hsiang Hsu, "Beyond convergence".

<sup>83</sup> Yun-Hsiang Hsu, "Beyond convergence".

<sup>84</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>85</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>86</sup> ILO, *Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand*.

<sup>87</sup> Krittiya Kantachote, "Micromanagement of foreign domestic workers in Singapore: The influence of state regulations and laws." *Heliyon* 9 (7): 1-12, 2023, <https://doi.org/10.1016/j.heliyon.2023.e17679>

<sup>88</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>89</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan"; In 2023, HK\$1=S\$0.17

<sup>90</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>91</sup> ILO, *Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand*.

<sup>92</sup> Masuda, "A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore".

<sup>94</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

Themes	Singapore	Hong Kong
	<p>compensated. Domestic workers are not entitled to any statutory or public holidays.</p> <p>There is no food allowance – only a guide to provide MDWs with three meals a day and an examples of food items employers can provide them.<sup>93</sup></p> <p>There is no maternity benefit since pregnancy is not allowed for MDWs and results in deportation.</p> <p>MDWs can switch employers before the end of their 2-year contract without returning to their home country as long as they secure a written approval from their employer. The MDW must leave for the origin country within two weeks upon termination of contract.</p>	<p>Food allowance of not less than HK\$1,236 in lieu of free food.</p> <p>Paid maternity leave of 14 consecutive weeks under a set of conditions.<sup>95</sup></p> <p>MDWs can switch employers before the end of their 2-year contract without returning to their home country as long as they secure a written approval from their employer. The MDW must leave for the origin country within two weeks upon termination of contract.</p>
Right to Organise/Unionise	<p>While other migrant workers can join (but not form) unions in Singapore, domestic workers are not allowed to unionise.<sup>96</sup> In 2012, after a decade of vigorous campaigning, Singapore required employers to give their migrant domestic workers weekly day-off or pay in lieu.<sup>97</sup></p>	<p>Foreign domestic workers in Hong Kong enjoy rights equal to local workers under applicable labour legislations.<sup>98</sup> Migrant workers also have the freedom of association and right to collective bargaining.<sup>99</sup></p>
<i>On Recruiters and Employers</i>		
Who recruits MDWs?	<p>The Employment Agencies Act (1958, amended 2012) assigned private employment agencies (PEA) to recruit MDWs for employers. The act also contains provisions proscribing PEA from overcharging, deceiving or trafficking workers.<sup>100</sup></p>	<p>PEAs in Hong Kong are also regulated under Employment Agency Regulations as third parties in the market for domestic employment.<sup>101</sup></p>

<sup>93</sup> Ministry of Manpower, “Rest days, health and well-being for migrant domestic workers”.

<sup>95</sup> Labour Department, “Foreign Domestic Helpers: Frequently Asked Questions”; In 2023, HK\$1=\$\$0.17

<sup>96</sup> ILO, “Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand”.

<sup>97</sup> Masuda, “A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore”.

<sup>98</sup> Wang, et al., “The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan”.

<sup>99</sup> Masuda, “A Comparative Study of Migrant Domestic Workers in Hong Kong and Singapore”.

<sup>100</sup> Yun-Hsiang Hsu, “Beyond convergence”.

<sup>101</sup> Yun-Hsiang Hsu, “Beyond convergence”.

Themes	Singapore	Hong Kong
Employer Eligibility	<ol style="list-style-type: none"> <li>1. 21 years old and above.</li> <li>2. Not be an undischarged bankrupt.</li> <li>3. Have the mental capacity to fully understand and discharge responsibility as an employer.<sup>102</sup></li> <li>4. To hire a second foreign domestic worker, the applicant must either have two or more children below the age of 18 or a parent or parent-in-law over 60 years living in the household.<sup>103</sup></li> <li>5. There is a security bond of S\$5,000 for MDW employers.</li> </ol>	<ol style="list-style-type: none"> <li>1. Financially capable of employing MDW (must have monthly income of HK\$15,000 or higher).</li> <li>2. Entered a Standard Employment Contract as specified by the Director of Immigration with the MDW.</li> <li>3. Require the prospective MDW to perform domestic duties only.</li> <li>4. Not allow or require the prospective MDW to take up any employment with any other person during the contractual period as specified in the employment contract.</li> <li>5. Pay the MDW a salary no less than the minimum allowable wage as announced by the Hong Kong Government.</li> <li>6. Let the MDW work and reside at the contractual address only.</li> <li>7. Provide the MDW with decent accommodation and suitable privacy.</li> <li>8. A bona fide resident in Hong Kong and the bona fides of him/her and the prospective MDW are not in doubt.</li> <li>9. Has no adverse record with respect to employment of MDW.<sup>104</sup></li> <li>10. Security bond is not required.</li> </ol>
Obligations of MDW Employers	<p>Employers of MDWs are required to pay personal accident insurance for each person hired, and to bear the cost of their medical treatment.<sup>105</sup></p> <p>Employers pay medical insurance with coverage of at least US\$15,000 for in-patient care and day surgery for their MDWs per year and insure them for a minimum coverage of US\$40,000 for personal injury.<sup>106</sup></p>	<p>All employers are obligated to pay for compensation insurance for occupational injuries to cover the legal liabilities prescribed by the Employee Compensation Ordinance and the relevant common law in the event of occupational injuries sustained by MDWs during their term of employment. In the event of sickness or injuries during employment, employers must also provide free medical care per the standardised employment contract.<sup>107</sup></p>

<sup>102</sup> Yun-Hsiang Hsu, "Beyond convergence".

<sup>103</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".

<sup>104</sup> Yun-Hsiang Hsu, "Beyond convergence"; In 2023, HK\$1=S\$0.17

<sup>105</sup> ILO, "Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand".

<sup>106</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan"; In 2023, US\$1=S\$1.34

<sup>107</sup> Wang, et al., "The Foreign Domestic Workers in Singapore, Hong Kong, and Taiwan".