

## **The Impact of Migration Bans on Myanmar Migrant Domestic Workers**

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Abuse and gross violation of their rights are far from unusual experiences for migrant workers, but there are times and countries where they occur and receives considerable publicity in the workers' country of origin. There are demands that the government of the country concerned should do something to prevent such things from happening, and imposing a ban on workers going to the country where the abusive behaviour occurred can seem like an obvious response.

In general, public opinion and states tend to react more strongly when migrant women are subjected to physical or sexual abuse, and this may lead to a state imposing a ban that is gender-specific – for example, India has banned women from going to work in Saudi Arabia but not men. There is the idea that women are in greater need of protection, but also a sense that somehow the standing of the nation in its own eyes suffers if it tolerates the abuse of its womenfolk by foreigners – even if similar abuse is tolerated within the country's borders.

It is not only countries of origin that may regard bans on specific groups of workers as an effective means of protecting the vulnerable. In Singapore, following a series of cases of abuse of young domestic workers, the minimum age for employment as a foreign domestic worker was raised from 18 to 23 in 2005. This was explained as a means of ensuring that all women employed as domestic workers would be of an age at which they would be better able to assert their rights and cope with the challenges of working in another country, but essentially, it was aimed at bringing to an end the employment of girls in their mid-teens. It had proved relatively easy to pass off girls of 15 or 16 as being over 18, but it was expected to be much harder to make anyone under 18 appear to be 23 or older, even with the use of fake documents.

Myanmar had a general ban on female nationals going abroad to work, with a few exceptions, up until 2009. Nevertheless, many women left. Thailand was one of the main destination countries for women who found employment in low-paid industrial work and as domestic workers.

With the lifting of the ban, more women left and many went further afield. In Singapore, the end of the general ban came when agencies were looking for workers from countries other than the two that had previously been the main sources of domestic workers, Philippines and Indonesia. This was because of reduced numbers of women wishing to come to Singapore and the increase in their salary expectations. The Philippines had also become more assertive in seeking a weekly day off for its nationals. Agents and employers in Singapore wanted workers whose hire would cost less, who they thought would be less assertive of their rights and who could make up the shortfall in numbers they were experiencing. Myanmar seemed set to provide this. Very quickly, the number of agencies publicising their ability to supply Myanmar domestic workers ballooned.

The very things that seemed to make the employment of Myanmar workers attractive to many employers were like an invitation to abuse for some employers, and there were a series of reports and cases reflecting that.

In June 2014, Myanmar announced a general ban on women going abroad to work as domestic workers, and then in September of the same year, it said that women were banned from going to Singapore to be domestic workers. The ban was reaffirmed in May 2015.

Despite this, agencies continued to advertise the availability of Myanmar domestic workers and their number seem to have kept growing. I say “seem” because there is no official breakdown of domestic worker numbers in Singapore by nationality, but, from various sources, a good estimate would be that they now number more than 40,000 out of a total of 246,000 domestic workers as of December 2017.

Clearly, women continue to leave Myanmar in significant numbers to work as domestic workers in Singapore despite the fact that they are forbidden to do so by their government.

If the ban has not made a big difference to the number of these workers (though it may have discouraged some), it has made a big difference to their status.

Myanmar women are much more likely to come to Singapore by irregular means than Filipina or Indonesian women. To some extent, this can seem like a plus to many women, because it may cost them less than going through a structured recruitment process, but they do pay recruiters and agencies all the same, mostly, but not exclusively, through salary deductions made by their employers, who pay their agency fees up front.

In addition, women who have been employed for two years in Singapore and have come to the end of their first contract can face extra costs if they return to Myanmar on the leave to which they are legally entitled. Some have to pay bribes to get back out.

It is difficult enough to get training centres and agencies to act responsibly towards domestic workers, including to give them good advice about their legal job scope, their rights, and sources of help and advice in the destination country, but the chances to do this with workers who come by irregular routes are further diminished.

New workers arrive hoping for the best, but, if they do find themselves in a bad employment situation, where can they go for help? Many desperate Filipina and Indonesian women turn to their embassies, some of them going there to escape from abusive employers, but what can you do if your country has said that you are not supposed to be in Singapore? Some Myanmar women do turn to their embassy, and embassy officials have told us that they do assist women who seek help, despite the ban. We know from cases we and another NGO have handled that this does occur, but we think that some women are discouraged from seeking embassy help because of the ban, and so they either don't go there at all or they hold out while being treated abusively until they feel they have absolutely no choice but to do so.

The ban therefore has the effect of making Myanmar domestic workers more vulnerable to abuse, not less. They are the most likely of the major groups of domestic workers here to face abuse, the lowest paid and the least likely to have days off.

Although domestic workers are the lowest paid workers in Singapore, for many rural women from other countries in the region, the pay on offer is still better than they could obtain if they remained in their homeland. Bans are an obstacle to those women taking up employment that would not only enable them to support their families, but, in more favourable employment situations, allow them to put aside money for their own needs, acquire new skills, and enjoy a measure of social freedom that they may not have in their home environment.

So, all in all, the ban has been counter-productive as far as Myanmar women workers are concerned.

The alternative that NGOs have argued for in this and other similar situations is for governments to act to ensure respect for the rights of their nationals working in other lands. They should seek to achieve respect for basic labour standards through multilateral and bilateral agreements. They should outlaw the charging of recruitment fees to migrant workers and cooperate to see that this rule is enforced, which would incentivise workers not to use irregular recruitment channels. If basic terms can be agreed between the countries concerned, then enforceable standard contracts could be a tool for protecting workers.

Workers should be informed of where they could turn for help in a destination country – their embassy, the destination country's competent authorities, and the local NGOs; they should be encouraged to memorise one or two phone numbers, in case anything written down is confiscated by agents or employers.

In the long run, development within countries of origin is crucial for the elimination of abuse. It would make migration for work a real matter of choice, not something forced on people by hardship and an absence of opportunity in their land of birth. A fall in the number of women seeking jobs as domestic workers would tend to encourage better wages and conditions for those still considering such work, creating new norms for their employment.

There is definitely an alternative to bans!