

ARTICLE 11

EMPLOYMENT

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*
 - (a) *The right to work as an inalienable right of all human beings;*
 - (b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
 - (c) *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
 - (d) *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
 - (e) *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
 - (f) *The right to protection of health and to safety in working conditions, including safeguarding of the function of reproduction.*
1. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*
 - (a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
 - (b) *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
 - (c) *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
 - (d) *To provide special protection to women in pregnancy in types of work proved to be harmful to them.*

- 11.1 The State has placed a reservation on Article 11(1).
- 11.2 AWARE'S discussion under this Article will deal with the reservation as a key concern before discussing other areas of concern.

AREAS OF CONCERN

Reservations

- 11.3 Under paragraph 30 of its Concluding Comments, the CEDAW Committee called for a withdrawal of the reservation to Article 11(1). AWARE seconds this and calls upon the State to withdraw the reservation and ratify Article 11 in its entirety without delay in order to provide full CEDAW protection in employment matters to all women in Singapore. Furthermore AWARE sees no necessity for these reservations to stay as even the government in its Fourth Periodic Report has articulated its desire for and its attempts to implement measures to ensure there is gender equality.

The State's Rationale for the Reservation

- 11.4 The official reason given by the State for the reservation¹ to Article 11(1) was its duty to safeguard the welfare of women and their unborn children from certain hazardous occupations, namely from combat or combat-related duties in the Singapore armed forces.
- 11.5 AWARE respectfully rejects this rationale for the following reasons:

(a) Disproportionately wide. The blanket reservation is disproportionately wide in response to a specific objection. The State's rationale on protecting women and unborn children from hazardous occupations such as combat focuses on a small minority of women and ignores the vast majority of women who are in employment positions unrelated to the military that would benefit from the ratification of Article 11(1). Most of Article 11(1) has nothing to do with protecting women from hazardous occupations, for example, safeguarding their right to work per se, right to promotion, job security, vocational training, equal remuneration and social security, etc. These are fundamental safeguards to protect workers, All workers. It is therefore puzzling that the objection has been raised based on so-called protection of a narrow cross-section of women, for whom remedial measures and safeguards can be put in place to protect their well-being.

¹ From <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>... accessed 15 March 2011: "Singapore interprets Article 11(1) in the light of the provisions of Article 4, paragraph 2 as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on work done by them where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Singapore and considers that legislation in respect of Article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation."

(b) No requirement for combat for women. There is no requirement in Singapore for women to be sent into combat. In fact, legislation requires only male Singaporeans to serve National Service and Second Minister for Defence Ng Eng Hen reiterated this as recently as March 2011, saying, “The Singapore Armed Forces will not draft women for national service because there is no operational needs to justify doing so”². AWARE has another perspective on National Service and the mandatory enlistment of men into service. (See also discussions in para 11.35).

(c) Article 11(1)(f). This sub-section already requires the State to take measures to ensure “the right to the protection of health and to safety in working conditions, including safeguarding of the function of reproduction”. Therefore in ratifying this Article, the State will address its cited concern “to safeguard the welfare of women and their unborn children from certain hazardous occupations, namely from combat or combat-related duties in the Singapore armed forces”.

11.6 AWARE believes that it is time for the State to acknowledge that most of Article 11 is not supported by this rationale. By ratifying Article 11(1) in its entirety, the State will address its concerns of ensuring equality for women in the workforce while simultaneously safeguarding their health and function of reproduction.

Analysis of the Impact of the Reservation

Article 11(1)(a) - The right to work as an inalienable right of all human beings.

11.7 A reservation to this suggests that the State is acknowledging that women do not have this basic right to work. This undermines the important notion of getting more women into the workforce and is contrary to fair and merit-based employment. It is also inconsistent with the State’s various pronouncements and policies that women do in fact have this right. See the State’s remarks in the Foreword to the Fourth Periodic Report, which outlines the approach of the Singapore government³.

11.8 The State has commendably established and promoted the Tripartite Alliance for Fair Employment Practices (TAFEP)⁴ which, in support of the principle of equality

² ‘S’porean men in two minds about women serving NS’, *The Straits Times*, 4 March 2011.

³ Minister of State, Mrs. Yu-Foo Yee Shoon, Ministry of Community Development, Youth and Sports in her Foreword statement says: “As stated in Article 12 of the Singapore Constitution, all Singaporean women enjoy equal rights as men”. See also page 27, Singapore’s Fourth Periodic Review whereby the State makes a point on the provisions under Article 12 of the Singapore Constitution that embodies the principle of equality of all persons before the law.

⁴ TAFEP adopts a promotional and educational approach to raise awareness among employers in Singapore and share knowledge on fair employment practices. TAFEP’s website indicates that it provides “resources and consultation on Fair Employment Practices” and that it also conducts “training sessions for those who are interested to know how to improve their employment practices”. Commendably, the website offers free useful manuals for employers’ reference in relation to various employment topics. Feedback channels are also available – namely, a telephone hotline and an email account open to receiving “Workplace Discrimination” feedback. Members of the public are also urged to report discriminatory job ads to TAFEP. Recently, TAFEP has increased its outreach through a slew of TV and print advertising in MRT stations and

underpinning this sub-article, formulates guidelines for fair employment practices. AWARE submits that TAFEP would not be meaningful unless this sub-article relating to the basic right of a woman to work, is ratified.

Article 11(1)(b) - The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

11.9 TAFEP's website champions the spirit of Article 11(1)(b) as it states clearly that recruitment should be "on the basis of merit (such as skills, experience or ability to perform the job), regardless of age, race, gender, religion or family status"⁵. However, it is unclear the extent to which TAFEP applies such principles of fair employment practices which also includes foreign domestic and migrant workers or the extent that it lobbies for legislative changes for all workers. Nevertheless the TAFEP principles are clear in ensuring that there are guidelines for fair practices, which makes this reservation unnecessary.

Article 11(1)(c) - The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining including apprenticeships, advanced vocational training and recurrent training.

11.10 TAFEP's principles on fair employment practice⁶ call for employers to "provide employees with equal opportunity to be considered for training and development based on their strengths and needs, to help them achieve their full potential".

11.11 AWARE notes that the State has arranged for the availability of a wide variety of training programmes to incentivise and provide skills retraining for workers to be competitive in today's fast changing workplace. They include training programmes by the Singapore Workforce Development Agency⁷ under the Workforce Skills Qualifications system; the Workforce Training Support scheme for older workers⁸; the Skills Program for Upgrading and Resilience⁹; and Workforce Skill UP¹⁰.

the papers. It has also inaugurated the TAFEP Exemplary Employer Award. It is, however, unascertainable as to how far the officers of TAFEP would go to assist victims of workplace discrimination (particularly expectant employees who have been unfairly treated) or if these channels are simply for the gathering of feedback on the compliance status of the employer-companies rather than the meaningful censure of the same.

⁵ http://www.fairemployment.sg/getting_started.asp?subid=2... accessed 15 March 2011.

⁶ http://www.fairemployment.sg/getting_started.asp?subid=2... accessed 15 March 2011.

⁷ <http://app2.wda.gov.sg/web/Common/homepage.aspx...> accessed 15 March 2011.

⁸ <http://www.mom.gov.sg/EMPLOYMENT-PRACTICES/EMPLOYMENT-RIGHTS-CONDITIONS/WORKFARE/Pages/workfare-training-support-scheme.aspx...> accessed 15 March 2011.

⁹ See Appendix 11.1 on Skills Program for Upgrading and Resilience.

¹⁰ See Appendix 11.2 on Workforce Skill Up.

11.12 Once again, it appears strange for the State to have a reservation against this sub-article when it is already fulfilling the requirements. While the availability of such training programmes and schemes is not in doubt, AWARE nonetheless would like to see the State produce transparent sex – and age – disaggregated data to evaluate meaningfully how many women (including long-term visit pass holders and permanent residents) actually benefit from these training programmes, and how these are translated into effective promotions and job security. As such, the importance of acceding to this provision is particularly acute in the absence of anti-discrimination laws in Singapore.

Article 11(1) (d) - The right to equal remuneration, including benefits, and equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

11.13 As proof to its commitment to equal pay for equal work, in May 2002, the State ratified the key International Labour Organisation (ILO) Convention on Equal Remuneration¹¹. Following that, the Ministry of Manpower (MOM), the National Trades Union Congress (NTUC) and the Singapore National Employers Federation issued a Tripartite Declaration on Equal Remuneration for Men and Women Performing Work of Equal Value in November 2002 which declared that the principle of equal remuneration embodied in the Convention will be incorporated into all future collective agreements as and when the agreements are due for renewal. Paragraphs 11.1 and 11.2 of the State's Fourth Periodic Report to CEDAW also reiterate its recognition of this right.

11.14 Following such statements of commitment to equal remuneration, AWARE sees no justification in maintaining the reservation to Article 11(1)(d). AWARE also calls upon the State to take immediate action to correct existing gender imbalances and wage differentials as examined further in paragraph 11.24 to 11.36 of this report.

Article 11(1)(e) - The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

11.15 The right to social security should not be construed as requiring an excessively expensive welfare state to be set up in Singapore. Social security is currently available in Singapore through the Central Provident Fund (CPF) system¹², and cash transfers such as top-ups and the Public Assistance programmes.

¹¹ ILO Convention 100 on Equal Remuneration 1951.

¹² Mr Gan Kim Yong, Minister for Manpower at the CPF Board's Celebrating 55! Seminar on 26th June 2010, calls the CPF a key pillar of Singapore's social security system: "Since 1955, CPF has been a key pillar of Singapore's social security system, helping Singaporeans save for their retirement, own homes, and afford good quality healthcare. Over the past 55 years, CPF has evolved from a simple savings scheme into the comprehensive social security system it is today." The CPF is a social security savings plan. The overall scope and benefits of the CPF broadly cover retirement, healthcare, home ownership, family protection and asset enhancement¹². It is compulsory and individuals are unable to opt out.

- 11.16 The original intent of the CPF was to help workers save for their old age and for them to be less dependent on the State when they were no longer economically productive. However, now both the employer and employee make monthly contributions that can be withdrawn at the age of 55. The fund can also be utilized before the age of 55 to pay medical bills, finance homes, service insurance policies and invest in stock. Instead of the State directly providing financial assistance, the scheme was intended to encourage self-reliance and to build a sense of responsibility for parents to their children, children to their parents, and even siblings to each other. For example, members have the option of topping up their parents' and spouse's retirement accounts through cash deposits or transfer of savings from their accounts.
- 11.17 With the availability of some form of basic social security to cover retirement, sickness, invalidity and old age¹³, AWARE is of the view that the reservation should be withdrawn. Removing the reservation will also pave the way for greater development where more needs to be done, in view of Singapore's changing demographics. The older woman is fast becoming a vulnerable person. AWARE emphasises the need to meet the social security needs of older women, who on the whole earn less than men, live longer and have less financial security. (See Article 12 and paragraphs 11.37 to 11.40 of this report for further analysis.) AWARE urges the State to introduce alternative social security schemes to assist women¹⁴, and so fulfil its obligations under this sub-article.
- 11.18 Although there are no unemployment benefits dedicated to helping the unemployed, the State has various assistance packages that help the unemployed. To that extent, there is baseline social security for those unemployed who are needy. Many of these schemes under the ComCare Endowment Fund – the main vehicle for delivery of social benefits¹⁵ – are for the needy and unemployed. They include ComCare EnAble, ComCare SelfReliance and ComCare Grow, each of which has a slew of programmes including the Public Assistance Scheme¹⁶ and Special Grant¹⁷. The unemployed are also entitled to get

¹³ Admittedly there are also current queries as to whether there will be a sufficient balance left to workers for their old age after all the allowable deductions to the CPF funds are made.

¹⁴ See Article 12 and Appendix 11.3 on WINGS.

¹⁵ <http://app1.mcys.gov.sg/IssuesTopics/HelpingtheNeedy/ComCareHelpingtheNeedy/ComCareProgrammesSchemes.aspx> ...accessed 15 March 2011.

¹⁶ http://www.mcys.gov.sg/web/serv_E_PA.html ...accessed 15 March 2011. Public Assistance is available to the unemployed in the form of monthly cash grants to help with basic living expenses, free medical assistance at government healthcare institutions and education assistance. To qualify, Singapore citizens who are unable to work owing to old age, illness, or unfavourable family circumstances, and have limited means of subsistence and little or no family support, and (from 1 July 2010) who receive a small monthly payout from the CPF Minimum Sum or CPF Life schemes, which is not sufficient for their needs, may apply for PA if they fulfil all other PA criteria.

¹⁷ Administered in parallel to the Public Assistance Scheme, this scheme is meant to assist Permanent Residents of Singapore. Recipients enjoy the same benefits as those on PA. It is available to Permanent Residents who are aged 60 and who have no means of support, are destitute, disabled, mentally ill or chronically sick and unfit to work.

assistance from government and non-government organisations on job training, counselling, course fee subsidization and job data bank services.

- 11.19 In addition, there are also schemes to help low-wage earners, including the Workfare Income Supplement (WIS) Scheme which was announced during the 2007 Budget Speech as a permanent scheme following the one-off Workfare Bonus Scheme. The objectives of WIS are to supplement the wages and CPF savings of older low-wage workers as well as to encourage them to stay employed¹⁸. There is also the Workfare – Skill Up¹⁹ programme, which provides training to help attain literacy and workplace skills, and placement into jobs thereafter. The training programmes ensure that workers are re-skilling to remain employable.
- 11.20 AWARE is of the view that the foregoing programmes, including those targeting re-employment, illustrate that there is a form of social security in place, despite AWARE's concerns that not all residents may qualify for the programmes²⁰. As there is an infrastructure to provide assistance, AWARE sees no need for a reservation on this sub-article. But, AWARE calls for continuous improvement of social security programmes and sex- and age-disaggregated data to illustrate the effectiveness of these programmes, especially those placing women in jobs and re-employing women.
- 11.21 The right to paid leave is set out in the Employment Act²¹. With regards to workers who do not fall within the Employment Act, statutory paid leave is not available and this is discussed further at paragraph 11.59 to 11.64 in this report including maternity, paternity and childcare leave benefits. Although statutory paid leave is not available to everyone including foreign domestic workers and contract workers²² and still needs improvement, the fact that it is covered under the Employment Act and is available to all public sector employees (with the State being the biggest employer in Singapore) should justify the removal of the reservation to Article 11(1)(e) while the State works to improve coverage.

Article 11(f) - Right to protection of health and to safety in working conditions, including safeguarding of the function of reproduction.

- 11.22 The reservation to this sub-article should be withdrawn in its entirety. It is paradoxical that this reservation was entered on the basis of trying to safeguard the welfare of women and

¹⁸ http://mycpf.cpf.gov.sg/Members/Gen-Info/WIS/WIS_Scheme.htm ...accessed 15 March 2011. With the latest enhancements, with effect from 1 January 2010, the maximum payout for WIS is now \$2,800 per year (up from \$2,400 previously) to encourage older low-wage workers to seek and to remain in employment. The maximum qualifying average monthly income is now \$1,700 (up from \$1,500 previously).

¹⁹ http://www.e2i.com.sg/services/employers/workfare_skill_up/... accessed 15 March 2011.

²⁰ However, not all residents of Singapore may qualify for such programmes it, or it may simply not be enough for those unemployed in the lower income group.

²¹ See Appendix 11.4. Employment Act Section 43(1)

²² '52 Days Leave? Too good to be true', *The Straits Times*, 5 February 2011.

their unborn children from certain hazardous occupations, when in fact this very sub-article *requires* the safeguarding of health and safety in working conditions and the function of reproduction.

- 11.23 AWARE urges the State to withdraw its reservation to Article 11(1) completely. Article 4(2) of the Convention already clearly states that adoption by States Parties of special measures aimed at protecting maternity shall *not* be considered discriminatory. Thus if the State insisted on pressing its argument on the need to protect the safety of women in combat roles in the armed forces, this could be achieved within the framework of the Convention without the need to jeopardise the right to freedom from discrimination which women should enjoy in all other areas of employment.

Gender Imbalances in Labour and Employment

- 11.24 AWARE recognises the efforts of the State in putting in place measures to promote fair employment practices. These include, as already discussed earlier, the setting up of TAFEP to provide advisory services and assist employers to achieve fair employment practices²³. There is also the Ministry of Community Development Youth and Sports' (MCYS) Family Life Ambassador programme, which aims to create family-friendly policies in the workplace and community. AWARE further acknowledges organisations such as the Centre for Fathering and the newly formed National Council on the Family, which are encouraging men to come on board to take up dual responsibilities at home and at work. However, the initiatives to support families are still in their tentative stages to effect fundamental changes in mindset, as ideologically, the prescribed approach is still to recognise "men as heads of household"²⁴.
- 11.25 A review since the 2007 Shadow Report shows that trends remain the same. AWARE is disappointed that options for women are still restricted by the lack of gender-equitable measures – flexible work arrangements and sufficient social support services – to enable both husbands and wives to pursue family-life and careers with fewer hassles. Till today, as the rest of this discussion will show, women tend to either sacrifice their careers, and opportunities for self-development and achievement, or they are saddled with an onerous dual responsibility of work, care-giving duties and household chores. The prevailing expectation in Singapore society for some years is that women are needed in the workforce as a contributor to the income in the household. Men lack the opportunity to be involved in or are still spared from, an equal sharing of the family-life as much is left to the private arrangements on the home front. At the State level, there is still not enough of an encouragement in the way of deep incentives and policies to right the imbalance between men and women as they cope with work-life issues.

²³ TAFEP http://www.fairemployment.sg/getting_started.asp?subid=2 ...accessed 15 March 2011. See also fn above.

²⁴ See Appendix 5.2. Quote on Men as Head of Households.

Labour Participation

11.26 MOM reported that overall, 66.2 percent of the resident population aged 15 and over participated in the labour market (i.e. were employed) in 2010²⁵. For male labour force participation rate it was 76.5 percent while for females it was 56.5 percent²⁶. With an educated women workforce, it is rather disturbing that the take-up rate of women in employment is rather dismal compared to advanced countries like Sweden, which compares well with Singapore in terms of literacy among women. In addition, the participation rate of women in the labour force in 2007 was 56 percent, which shows only a 0.5 percent improvement rate over a four-year period.

11.27 Some data on the economically inactive include those aged between 25 and 54 (85%) and aged between 55 and 64 (62%). Both these groups cited family responsibilities as their main reason for being out of the labour force²⁷. It is hard to see how the “healthy development of families” can be achieved when women have to struggle between work and family in such a strenuous fashion. An AWARE research²⁸ of a fairly well male/female-balanced respondent base showed that:

- the wife (60%) rather than the husband (4%) spent more time with their child(ren) (36% indicated "same"); and
- the wife (61%) rather than the husband (6%) took most responsibility for housework (33% indicated "same");

These statistics bear out the same trend of the labour participation rate by age and gender chart²⁹. The rate of female participation rises steeply and steadily from age 15 onwards until midway in the age band of 25-30, where it drops and does not increase again with age. In sharp contrast, male labour force participation rises steadily and steeply but where female participation starts to fall at 25-30, male participation creeps up even more here and remains relatively constant all the way till the age band of 50-54 or 55-59, before starting to decline steadily. Women who leave the workforce do not re-enter as full-time workers.

²⁵ This figure appeared in paragraph 1.2 of MOM’s ‘Report on Labour Force in Singapore, 2010’ http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrds_2010LabourForce.pdf... accessed 15 March 2011.

²⁶ See Appendix 11.5. MOM Report on Labour Force in Singapore 2010. Percentage of male and female labour force participation rate.

²⁷ This figure appears in paragraph 4.4 of MOM’s ‘Report on Labour Force in Singapore, 2010’ http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrds_2010LabourForce.pdf... accessed 15 March 2011.

²⁸ AWARE Survey on ‘Parenting Leave in Singapore’, conducted at childcare centres across Singapore from Oct 2010 - Jan 2011 and with 1,000 respondents who are working Singaporeans and PRs with at least one child aged 7 years and below.

²⁹ See Appendix 11.6. MOM Report on Labour Force in Singapore 2010. Chart on gender labour participation.

Unemployment Rates among Women

11.28 The national unemployment rate (non-seasonally adjusted) as of June 2010 was 4.1 percent³⁰. It is harder for women to land jobs and AWARE is of the view that men find work more easily than women as there is a prevailing sub-text of seeing men as breadwinners (see Article 5 para 5.2). It is noted that for economically active persons between the ages of 25-64, 95.8 percent of these men were employed while only 74.4 percent of women were employed³¹. This disparity in employment rates between men and women was also part of the MOM report which compared the employment rates of Singapore, Japan, Hong Kong, Taiwan, South Korea, the United Kingdom, the United States, France, Germany, the Netherlands and Sweden. The report said that: “the employment rate among females in Singapore generally lagged those in developed countries such as Sweden, the Netherlands, the United Kingdom and the United States”³². Women are impacted through this lower employability as compared to men.

Nature of employment (‘Employment Status’)

11.29 Men make up 56.4 percent of the employed workforce and women 43.6 percent³³. Theoretically, the figures across all industries and occupations should be the same or relatively comparable. However, AWARE notes that women still occupy the majority of clerical positions, making up 78.9 percent of all clerical workers, 47.7 percent of associate professionals and technicians, and 54.2 percent of cleaners, labourers and related workers³⁴. These are clearly positions which command less income and prestige. Though in numbers women seem to be catching up with men, a closer look at the types of jobs women take on still shows the same kind of disparity that was highlighted in the 2007 AWARE Shadow Report³⁵. The CEDAW Committee too had made recommendations in the Concluding Comments on the same point on both the vertical and horizontal segregation with regard to women in the workforce³⁶. The State’s report does not directly address this issue other than to cite the role of TAFEP (see this report para 11.8), for which there is no clear public track record on how it has carried out its role.

³⁰ See Appendix 11.7. MOM Report on Labour Force in Singapore 2010. National unemployment rate.

³¹ See Appendix 11.8. MOM Report on Labour Force in Singapore 2010. Percentage of women who are employed.

³² See Appendix 11.9. MOM Report on Labour Force in Singapore 2009. Employment rate among women in Singapore as compared to other countries.

³³ See Appendix 11.10. MOM Report on Labour Force in Singapore 2010. Table 29 employment rate as of June 2010.

³⁴ See Appendix 11.11. MOM Report on Labour Force in Singapore 2010. Table 55 employed residents by occupation and gender.

³⁵ See AWARE Shadow Report, 2007, pp. 69 para 11.4.

³⁶ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp. 5 para 30.

11.30 Conversely, for the “higher-level” industries/occupations, instead of forming the ideal/balanced 46.1 percent of such personnel, women constitute only 36.9 percent of managers and administrators, 24.13 percent of working proprietors and 41.2 percent of professionals³⁷ (see also Article 13 para 13.3). The data showed that most employers (74.7%) and self-employed (71.2%) were men. But only a quarter of employers were women, of whom two-thirds were contributing family workers. Most women – 63 percent³⁸ - are “contributing family workers”³⁹.

11.31 To sum up this section, the statistics outlined above highlight that women:

- (a) are less economically active than men;
- (b) have a lower employment rate than men even when they are seeking or are in employment;
- (c) are generally of lower employment status (i.e. more employees and contributing family workers rather than managers) than men;
- (d) obtain lower salaries than men even after accounting for age and qualification; and
- (e) are funnelled into less prestigious occupations/industries than men.

11.32 AWARE strongly believes that the State should step up its efforts to provide adequate social support to empower women to enter and remain in the workforce (as men are able to do) and to achieve parity with men in the workforce on a meaningful basis by the elimination of the above indications of qualitative (as well as quantitative) inequalities in the realm of labour and employment.

11.33 Removing the reservations to Article 11, as discussed earlier, will also pave the way to put in place anti-discriminatory laws to complement the work of TAFEP.

Wage Differentials

11.34 Wage differentials according to gender continue to exist. The average median gross monthly income of resident full-time female employees in Singapore is SGD 2,500, whereas the equivalent figure for men is SGD 2,920⁴⁰. This cannot simply be attributed to lower academic qualifications on the part of female employees - the data shows that men across seven types of similar qualifications as women, earn significantly more than women⁴¹ (see Article 13 para 13.3). Whether it is by age-specific or qualification-specific

³⁷ See Appendix 11.11. MOM Report on Labour Force in Singapore 2010. Table 55 employed residents by occupation and gender.

³⁸ See Appendix 11.11. MOM Report on Labour Force in Singapore 2010. Table 55 employed residents by occupation and gender.

³⁹ This is defined in the MOM’s “Report on Labour Force in Singapore, 2010” to be referring to “persons who assist in the operation of family business without receiving regular wages or salaries”.

⁴⁰ See Appendix 11.12. MOM Report on Labour Force in Singapore 2010. Wage differentials. Table 20.

⁴¹ Ibid.

indicators, the data shows that the median monthly income for men is higher than for women⁴². AWARE believes that the gender-based wage inequalities persist because of the kind of jobs that women and men take on. As discussed in para 11.30 more women still hold rank and file jobs while men feature as employers with higher earning capacities. Because of cultural conditioning, men continue to be seen as heads of households (see also Article 5 para 5.1) and so stand a better chance of landing a better job.

- 11.35 In addition to conditioning, men under the Enlistment Act⁴³, undergo two years of full-time National Service training at the age of 18, which carries an entitlement of salary increments, higher starting salaries and/or tangible benefits upon completion of the training⁴⁴. This is recognition for service given to the country and experience gained by the men. The National Service discussion has been raised a few times. AWARE has advocated broadening the definition of “National Service” to include community service, paramedical services and support programmes for anti-terrorism services. It has also been argued that with today’s technology, military training is increasingly geared towards intelligence and has become a knowledge-based operations of a new order that offers many new opportunities for men and women alike. With a falling TFR (Total Fertility Ratio) men alone cannot fill the ranks – women will be needed. There are many new forms of service to the nation, including the military - for women and men who wish to opt for such a pathway.
- 11.36 There is a lack of data to clarify the rationale for the wage deferential between the sexes (even aside from increments accruing to men solely on the grounds of their having served National Service). The type of data that would assist in investigating the root cause/s of the wage differential between men and women in Singapore generally should include sex-disaggregated data based on qualification (field of study/work experience), age group, occupation, hours worked and wage (excluding National Service increments). Such data would enable a clearer analysis of the trends and causes at work as well as providing clarity and an answer to questions such as whether the wage differentials exist due to direct gender discrimination and/or arise from existing gender-dominated industries/occupations. This will lead to enhanced capability to remedy the underlying socio-structural deficiencies causing such wage differentials. The CEDAW Committee has made such a recommendation to the State in its Concluding Comments⁴⁵, asking for sex-disaggregated data in all sectors and to make such data publicly available.

⁴² Ibid.

⁴³ Available at <http://statutes.agc.gov.sg/>

⁴⁴ MINDEF website, *Supporting our NS Men: An employers’ guideline*. Available at <http://www.mindef.gov.sg/imindef/resources/e-books.html?PageNumber=2> ... accessed 5 April 2010. See also statistics on employment rates and gross monthly salary for fresh graduates and post-National Service graduates produced by Temasek Polytechnic: <http://www.tp.edu.sg/ges09.pdf> ... accessed 5 April 2010. It was stated on page 2 thereof that, “The average gross monthly salaries remained competitive at \$1,776 for fresh graduates and \$2,130 for post-NS graduates in full-time permanent employment.”

⁴⁵ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp.4 para 18.

Employment of Older Women

- 11.37 The proportion of older women who are economically active in Singapore remains significantly lower than that for men. The employment rate of older (aged 55-64) male residents is at a record high of 75 percent, while the employment rate of older female residents, in comparison, is a mere 43.4 percent⁴⁶. AWARE is of the view that much more can be done by the State to aid older women in light of their contributions to the family and the difficulty for them to regain a foothold in the workforce if and after they have withdrawn from it for what may amount to years or even decades, to take care of their children and family.
- 11.38 There have been calls for State-funded retirement pensions to help workers. The State has rejected these calls and while emphasising the unsustainability of such an idea with falling birth rates and an ageing population⁴⁷ it has championed the robustness of the CPF system in meeting retirement needs. But if many women are not working as they grow older they will have less in their savings (see also Article 12). The State feedback unit, Reach, has proposed⁴⁸ (a) a retirement grant for low income workers over 65 to supplement their inadequate retirement savings; and (b) that older workers who have been laid off can borrow money from their CPF savings, to be repaid when the worker finds another job. AWARE hopes that these recommendations will be seriously studied, implemented and monitored.
- 11.39 The State is well aware that efforts to help older women enter the workforce could be complemented by suitable skills upgrading and work preparation programmes⁴⁹. However, the State has again fallen short in stepping up efforts sufficiently in this area in order to boost employment of older women. The ADVANTAGE!⁵⁰ scheme was launched

⁴⁶ This is mentioned on pp. 15 of MOM's 'Report on Labour Force in Singapore, 2010' http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrsd_2010LabourForce.pdf... accessed 15 March 2011.

⁴⁷ See the letter from the MOM, 'State-funded pension means higher taxes', *The Straits Times*, 28 September 2006.

⁴⁸ There is concern over the widening income gap, the increase in casual labour and the elderly growing old alone. Although the CPF scheme attempts to avoid destitution, this is still an issue among the needy. <http://www.reach.gov.sg/portals/0/MediaRelease/REACH%20Media%20Release%20on%20PSW%20Recommendations%20-%20web.pdf>... accessed 15 March 2011.

⁴⁹ The government had noted in the MOM July 2008 Focus Paper on Older People In and Out of Employment, that the "Majority of older economically inactive women have limited or no labour market experience, suggesting that efforts to help them enter the workforce could be complemented by suitable skills upgrading and work preparation programmes..." http://www.mom.gov.sg/publish/etc/medialib/mom_library/mrsd/ms.Par.90720.File.tmp/mrsd_Focus_on_older_people_in_out_employ.pdf ... accessed 15 March 2011.

⁵⁰ [http://www.mom.gov.sg/publish/etc/medialib/mom_library/Workplace_Standards/files2.Par.86545.File.tmp/Final%20Report%20of%20Tricom%20on%20Older%20Workers%20\(Executive%20Summary\).pdf](http://www.mom.gov.sg/publish/etc/medialib/mom_library/Workplace_Standards/files2.Par.86545.File.tmp/Final%20Report%20of%20Tricom%20on%20Older%20Workers%20(Executive%20Summary).pdf) ...accessed 27th March 2010. The ADVANTAGE! Scheme supports companies' efforts on three broad fronts: (1) recruiting more older workers, (2) retaining older workers, with (3) a greater emphasis on facilitating the re-employment of workers beyond age 62. This includes giving funding support to help

by the State to provide funds to organisations to encourage re-employment of the aged. However, the take-up rate of employers/companies, the participation rate of older women and the efficacy and success of this scheme remain woefully under-assessed and under-documented/reported. Indeed, with respect to job-related structured training or education, MOM noted in its 2010 labour report that “[y]ounger residents continued to participate more actively in training than those older. Nearly four in ten economically active residents in their 20s (37%) and 30s (36%) underwent training compared with two in ten (19%) of those aged 50 to 64”⁵¹. This also implies that older women may not be receiving the said training. MOM needs to promote its training programmes more effectively to ensure that older workers can be better skilled to enhance their earning power.

- 11.40 The target set, according to Minister for Manpower Gan Kim Yong, for employment rate for older workers aged 55-64 is 65 percent by 2015⁵². Actions to encourage higher employment rate for older workers include the ADVANTAGE! Scheme, The Programme for Re-employment Practices: A Roadmap for Employers (PREPARE) and the “4R” (Recruitment, Retention, Re-employment and Re-career) Programme to “provide general guidance to companies on re-employment and how to better manage an older workforce”⁵³. As with other policies put in place by MOM, the impact on older women is uncertain or undocumented. AWARE asks for adequate data to be shared with stakeholders.

Pregnant Mothers

- 11.41 While the Government has made due progress in increasing paid maternity leave to four months or 16 weeks under the recent changes to employment laws (first announced in August 2008 at the National Day Rally) to cultivate a pro-family environment in Singapore, pregnant employees in the workforce unfortunately still face discrimination and unfair treatment. It has been reported⁵⁴ that in the first nine months of 2009, there had been 119 “pregnancy-related” complaints lodged with MOM (soon after the enhanced maternity leave policy changes). This is an increase from 95 for the whole of 2008. For

companies implement HR policies and systems for the recruitment, retention and re-employment of older workers.

⁵¹ As stated by MOM at para 1.11 of its ‘Report on Labour Force in Singapore, 2010’ http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour-2010/mrds_2010LabourForce.pdf... accessed 15 March 2011.

⁵² Para 18 of Committee of Supply (Speech 2) by Mr Gan Kim Yong, Minister for Manpower, 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=316> ... accessed 13 March 2011.

⁵³ Para. 20 of Committee of Supply (Speech 4) by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318>... accessed 12 March 2011.

⁵⁴ Para. 20 of Committee of Supply (Speech 4) by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318> ...accessed 12 March 2011.

the entire year (of 2009) following the newly-increased duration of maternity leave entitlement, MOM received 147 cases of wrongful dismissal complaints filed by pregnant women⁵⁵. In 2010, the numbers came down to 84. Clearly, more has to be done at ground level to ensure that employers do not continue to sidestep or get away with offending the relevant laws. AWARE highlights that in the State's Fourth Periodic Report there is no direct address of this issue other than to reiterate the role of TAFEP. In the Concluding Comments there was a request for the State to evaluate the provisions of TAFEP to deal with indirect discrimination⁵⁶.

11.42 In fact the National Institute of Education (NIE) has even issued directives⁵⁷ that clearly tell its teacher-trainees who receive allowances and serve their practicum in the schools, that they can only take up to 4 weeks of maternity leave, which, if they are doing their practicum would then mean that they have to go on a no-pay basis.

11.43 AWARE applauds TAFEP⁵⁸ for all its efforts. But it remains unascertainable how TAFEP officers deal with workplace discrimination – particularly expectant employees who have been unfairly treated – and how the staff advocate non-discrimination at the workplace. Most notably, it is unclear if MOM would be roped in to check on and enforce compliance by the employer-companies to ensure meaningful censure and recourse for aggrieved employees/applicants. In October 2008, Mr Gan Kim Yong, then Acting Minister for Manpower, made a speech at a parliamentary sitting, also commented that:

“We should not believe that legislation is the panacea to all discrimination-related problems – because it is not. The real solution is to change employers' mindsets so that they understand the benefits of and to adopt fair employment practices, and create a family-friendly work environment. This is the reason why the Tripartite Alliance on Fair Employment Practices (or TAFEP) has been set up in May 2006”⁵⁹.

AWARE notes that the State's Fourth Periodic Report does not offer any clarity on the efficacy of TAFEP.

11.44 AWARE also points out the weak prosecutions in cases of unfair dismissals of pregnant women also show that the punitive measures are not substantive. If an employer were found to be in breach of the applicable laws on maternity leave and benefits, it would only be liable for a fine up to SGD 5,000 or up to six months' imprisonment or both. Even for a recurrent offence, the punishment is a fine not exceeding SGD 10,000 or

⁵⁵ See Appendix 11.13. 'Pregnant? You're Fired' by Radha Basu, *The Sunday Times*, 8 November 2009.

⁵⁶ CEDAW Committee 39th Session Concluding Comments: Singapore 2007, pp5. para 30.

⁵⁷ See Appendix 11.14 for NIE directives.

⁵⁸ See footnote 186 in this Article.

⁵⁹ http://www.mom.gov.sg/publish/momportal/en/press_room/mom_speeches/2008/20081021-CDCA.html ...accessed 3 April 2010.

imprisonment for a term not exceeding one year, or both⁶⁰. This penalty may be ineffective as a deterrent, as it suggests that an errant employer bent on removing his female staff can get away by paying a relatively small fine at the least, which is likely to be less than the cost of paying maternity benefits⁶¹.

Sexual Harassment in the Workplace

- 11.45 The lack of any specific legal definition and prohibition of sexual harassment in the workplace continues to be an area of concern. This was also commented upon by the CEDAW Committee in its Concluding Comments (para 30). AWARE conducted some research (2008) in which 54 percent of the 500 respondents said they had experienced some form of sexual harassment⁶². Another 25 percent of respondents said they knew of others who had also experienced some form of sexual harassment⁶³. Most of the respondents who had faced sexual harassment at work were below 35 years old⁶⁴. Women and men said they have been sexually harassed at work⁶⁵, and experienced it many times. The figures show that sexual harassment exists in Singapore, affecting both women and men and raising some concern for the level of tolerance towards sexual harassment in the workplace⁶⁶. The figures also reaffirm the general worldwide trend of more women being targeted than men, and as a form of discrimination against women there is also concern on its impact on women's rights to employment and a safe working environment.
- 11.46 The State's Fourth Periodic Report indicates a "range of laws that guard against various forms of sexual harassment"⁶⁷ exist. However, without specific legislation, sexual harassment in the workplace remains unrecognized as a distinct legal wrong. Claims made under criminal or civil law remain inadequate to cover the specific nature and forms of sexual harassment, provide adequate responses like interim relief and compensation or

⁶⁰ See Appendix 11.15. Employment Act Section 112.

⁶¹ 'Close loophole to help pregnant employees', *The Straits Times*, 20 June 2006.

⁶² AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, pp. 18. AWARE's study approached 92 companies to share their policies and / or practices, if any, that addressed sexual harassment but only received 7 positive responses⁶².

⁶³ Ibid, pp. 20.

⁶⁴ Ibid, pp. 19.

⁶⁵ 8.3% of women respondents and 42% of male respondents indicated having been sexually harassed at work. Out of that, 34% of women respondents and 19.2% of male respondents had been harassed several times - AWARE, "Research Study on Workplace Sexual Harassment 2008", 2008, p. 18.

⁶⁶ In its report AWARE cited its limitations on the respondent size as the research could only be conducted with companies that were willing to participate. Since the report in 2010, AWARE has gone on to design a workshop and conducted workshops for 734 participants with 20 companies and institutions. To date very few civil service organisations have asked for the course.

⁶⁷ Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008, pp.90 para 11.4.

appropriate procedures under the circumstances⁶⁸.

- 11.47 As for seeking redress directly from management or other organisations, AWARE's study revealed that 66.6 percent of respondents were not aware of any sexual harassment policies in their workplace⁶⁹. Although 50.4 percent indicated that they were aware of a department or resource person they could approach, it remains unclear whether there is any specific mechanism that deals specifically with sexual harassment⁷⁰. Some – 12.5 percent – expressed reservations in seeking redress as they felt that they would lose their jobs. Some of the cases registered with AWARE's helpline also underscore this problem as victims remain uncertain of their rights or where to turn to for help⁷¹.
- 11.48 MP Halimah Yacob, who is also with the union, in response to AWARE's survey results said the statistics were higher than she expected and called for companies to put in place appropriate policies and systems⁷². However, without a more coordinated and concerted effort by the State to set the standard and create a no-tolerance climate for sexual harassment, employers are left to their own devices and level of social responsibility. The MOM for purposes of the study confirmed in writing that there are currently no plans to develop guidelines for workplace sexual harassment in Singapore⁷³. On 25 August, 2008, the Minister in charge of the Civil Service, Teo Chee Hean, in response to a question in Parliament affirmed that existing measures were adequate to deal with sexual harassment in the workplace but that the Public Service Division will do more to raise awareness of the issue and available mechanisms of redress within the Public Service⁷⁴. While this commitment from the State to create greater awareness is much lauded, the State's Fourth Periodic Report does not elaborate on the conduct and impact of these awareness-raising efforts. AWARE further urges that such efforts need to be extended to the other sectors as well.

⁶⁸ Ibid, Section Three, pp. 34-45.

⁶⁹ AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, pp. 18.

⁷⁰ Ibid.

⁷¹ AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, AWARE helpline cases on pp. 7, 8, 14, 18, 24, 26 and 30.

⁷² 'Sexual harassment widespread at the workplace', *The Straits Times*, 9 July 2008.

⁷³ AWARE, 'Research Study on Workplace Sexual Harassment 2008', 2008, pp. 29. Six companies and one public sector organization shared their policies/ practices. These were Singapore Airlines Limited, IBM, McKinsey & Company (Asia), The Body Shop, Shell, PricewaterhouseCoopers (PwC) and International Enterprise Singapore (IE).

⁷⁴ Singapore Parliamentary debates. Official Report of the Eleventh Parliament. Part III of First Session, v.84, 25 August 2008. Available at: http://www.parliament.gov.sg/parlweb/get_highlighted_content.jsp?docID=408115&hlLevel=Terms&links=TEO,CHEE,HEAN&hlWords=%20%20&hlTitle=&queryOption=1&ref=http://www.parliament.gov.sg:80/reports/public/hansard/full/20080825/20080825_HR.html#1... accessed 15 March 2011.

11.49 There is an urgent need to break the silence around sexual harassment at work and ensure victims who come forward are not stigmatised. AWARE has been receiving more calls for help against sexual harassment at work.

Support Structures and Services

Workforce Participation and Flexible Work Arrangements

- 11.50 The State has long identified the causal connection between the lower employment rate among women and the absence of an established framework of flexible work arrangements. Data on economically inactive women residents aged 15 and above who have worked before reveal that of all the reasons given for leaving their previous jobs, the second highest reason is “housework/ care of children, elderly or sick relatives”⁷⁵ (see also para 11.27 in this Article.) This data also reveals the extent of the problem, as the number one reason for women degree-holders leaving their jobs⁷⁶ is because of the caregiving role.
- 11.51 In spite of the recognition of the importance of flexible work arrangements to increase workforce participation by women with children, many women continue to feel that their employment options are limited once they have children. “If there were more part-time jobs or jobs with flexible hours, we women would have better options. Our careers would not have to end after giving birth and we would not have to miss our children’s milestones”⁷⁷. In addition, in the AWARE survey 61 percent of respondent-parents were in favour of employers providing flexible options at work, e.g. having longer maternity leave at lower pay⁷⁸.
- 11.52 The State’s report identifies several initiatives both within the private and civil service to promote work-life strategies with employees. These include programmes like the Employer Alliance, Work-Life Works! Fund, and the Work-Life Advocate programme⁷⁹. However there is a need for information on results and the effectiveness of these programmes/ schemes in improving the work-life of women.
- 11.53 Mr Hawazi, in his Committee of Supply speech⁸⁰ this year, acknowledged that “there were 270,400 economically inactive residents in the prime working age of 25 to 54, of

⁷⁵ Ministry of Manpower, ‘Report on Labour Force in Singapore, 2010’, Table 85, pp.138. The main reason cited for women leaving their jobs was ‘completion of contract/ job’.

⁷⁶ Ibid.

⁷⁷ ‘Baby Girl’s Ours – For Only Two Nights A Week’, *Today*, 20 June 2006.

⁷⁸ AWARE Survey on ‘Parenting Leave in Singapore’ February 2011.

⁷⁹ Singapore’s Fourth Periodic Report to CEDAW 2008, pp.77-79 para 11.58-11.63.

⁸⁰ Committee of Supply (Speech 4) para 27 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318> ... accessed 12 March 2011.

which 87 percent were women”⁸¹ in 2010. He pledged that in 2011, MOM will “re-examine the obstacles faced by economically inactive residents when returning to work, so as to put in place measures that cater to their needs”. Mr Hawazi cited two initiatives by the government to encourage flexible work arrangements.

- 11.54 The first is the Work-Life Works! Fund, or the WoW! Fund, a “one-time grant given to businesses to encourage employers to introduce Work-Life strategies at the workplace. The WoW! Fund helps to defray costs incurred by organisations while introducing Work-Life measures. An approved project can be funded up to 80 percent of costs subject to a maximum of SGD 20,000” and any organisation may apply for this grant⁸². According to Mr Hawazi, this fund has benefited over 760 companies, mostly SMEs, since it was launched in 2004⁸³. While this seems like an encouraging sign, it is unclear if MOM has followed up on these 760 companies to examine if the employees indeed enjoy the work-life integration strategies in the workplace. As a result, AWARE says it is hard to be convinced of the benefits of this scheme.
- 11.55 The second initiative Mr Hawazi highlighted was the Flexi-Works! Scheme, which MOM introduced together with WDA and its tripartite partners in 2007. The Flexi-Works! Scheme “is to facilitate the recruitment of employees (aged 30 and above) on part-time/flexible work arrangement. This is targeted at helping companies attract the economically inactive back to work”⁸⁴. As of December 2010, “250 companies have committed to recruit 6,000 workers on flexible work arrangements under the scheme”⁸⁵. Although it cannot be attributed to this scheme alone, the percentage of establishments offering flexible work arrangements increased from 3.6 percent in 2007 to 6.3 percent in 2010⁸⁶. AWARE finds this an encouraging sign and hopes that this trend of alternative work arrangements can further increase to the effect of further improving the situation.
- 11.56 Despite the State’s efforts to support a family-friendly environment, many multinational corporations and local companies are still not embracing flexi-work arrangements. Only 35 percent of private-sector employees were offered at least one form of flexible work schedule in 2010⁸⁷. These included staggered hours (6.5%), flexitime (6.3%), teleworking

⁸¹ Ibid.

⁸² <http://www.mom.gov.sg/employment-practices/work-life-harmony/wow-fund/Pages/wow-fund.aspx> ... accessed 15 March 2011.

⁸³ Committee of Supply (Speech 4) para 30 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318...> accessed 12 March 2011.

⁸⁴ <http://www.ntuc.org.sg/flexiworks/> ...accessed 15 March 2011.

⁸⁵ Committee of Supply (Speech 4) para 31 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318...> accessed 12 March 2011.

⁸⁶ Chart 6, Conditions of Employment 2010 http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf ...accessed 15 March 2011.

⁸⁷ MOM, ‘Employment Conditions, 2010’, pp.1 Available at

(2.8%), homeworking (1.9%) and job sharing (0.6%)⁸⁸. However, among this 35 percent, a substantial 29 percent are actually part-time staff (included in the definition of “flexible work arrangements”) rather than full-time employees being offered flexible work arrangements which could help women employees cope with the double burden of career and family needs⁸⁹. AWARE also notes that MOM’s Women Returning to Work⁹⁰ report showed that a lower proportion of women rejoined the workforce (52%) as compared to other developed countries in Asia.

11.57 There are, however, some commendable developments notwithstanding the rather sparse figures above. AWARE recognizes the Tripartite Committee on Work-Life Strategy, which promotes work-life initiatives. The Committee received over 200 applications for the third Work-Life Excellence Awards in 2010, an increase of 50 percent from 2008, indicating the growing interest in work-life initiatives among employers. Seventy successful employers, including 13 SMEs, were recognized for their innovative and effective work-life strategies⁹¹.

11.58 In addition, the Employer Alliance, a group of companies led by Ms. Claire Chiang aiming to make work-life integration part of Singapore’s corporate landscape, saw its membership increase significantly from 766 to 916 in 2010. Over the years, the Employer Alliance has promoted best practices, conducted research and assisted employers in implementing work-life initiatives. AWARE hopes that employers (and that the government encourages companies to) make full use of such resources and initiatives⁹².

Paid Family Care, Maternity and Paternity Leave

11.59 The Ministry of Manpower defines family care leave as paid leave granted to employees for taking care of their children/spouse/elderly parents/other sick family members. It excludes maternity or paternity leave. In 2010⁹³, 19 percent of establishments offered childcare sick leave. This is an improvement compared to 8.3 percent in 2008. Similarly, parental care/parental sick leave was offered by 10.6 percent of the establishments compared to 5.9 percent in 2008. This increase is encouraging but there remain issues

http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf ... accessed 15 March 2011.

88 Ibid.

89 Ibid.

90 http://www.mom.gov.sg/Publications/mrsd_women_returning_to_work.pdf ... accessed 15 March 2011.

91 Committee of Supply (Speech 4) para 28 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318>... accessed 12 March 2011.

92 Committee of Supply (Speech 4) para 29 by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 9 March 2011, Parliament, <http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=318>... accessed 12 March 2011.

93 These figures appear in Chart 4 of MOM’s ‘Employment Conditions, 2010’. http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf... accessed 15 March 2011.

over implementation. Despite specific legal entitlements to family care leave, private companies also have to be supportive of granting parents more leave to spend time with their children before the legislative initiatives would be truly effective on the ground level.

“The question is, are we really given enough time off to take care of the family, to keep us together? ...I’m glad MCYS stresses financial support, but if private companies – and the Government – are not supportive of granting parents more leave to spend time with their children, the whole idea of keeping families together with such initiatives would be yet another scheme that runs a short sprint resulting in a waste of money and resources”⁹⁴.

11.60 AWARE acknowledges the State’s measures on marriage and parenthood in relation to paid maternity leave and applauds the increase in paid maternity leave to 16 weeks⁹⁵. However its limited and discriminatory application raises some concern⁹⁶:

- (a) the paid maternity leave of 16 weeks appears to apply only to “citizen births”, denying non-citizen women the recognition of maternity as a social function⁹⁷;
- (b) single women officers who do not marry the fathers of their Singaporean child remain ineligible; and
- (c) there is little enforcement – companies like Singapore Airlines continue to require pregnant female flight attendants to resign. Crew members receive no maternity benefits although they may later re-apply as ground staff. The move by Singapore Airlines to offer an ex-gratia payout of two months’ salary is a marginal improvement of the situation but does not change the nature of the discriminatory policy in place⁹⁸
- (d) without corresponding changes to paternity leave, the increase in maternity leave serves to (i) create further differences between women and men in how they are socialised into parenthood, (ii) further entrench child-raising as women’s work, (iii) potentially create greater discrimination against women of child-bearing age in the employment market

11.61 AWARE calls for the full implementation of the CEDAW Concluding Comments on ensuring “paid family, maternity and paternity leave is guaranteed to all employees in the

⁹⁴ Ms. Mariam Maes in her letter to the Today newspaper’s forum. Her letter was published on Thursday 21 May, 2009, under the heading, ‘Private companies should play their part’.

⁹⁵ Singapore’s Fourth Periodic Report to the UN CEDAW Committee 2008, pp.79 para 11.64.

⁹⁶ <http://www.mom.gov.sg/employment-practices/employment-rights-conditions/leave-and-holiday/Pages/maternity-leave.aspx> ...accessed 15 March 2011. This identifies ‘Coverage under different scenarios’ for different categories of women in Singapore.

⁹⁷ CEDAW Committee 39th Session Concluding Comments: Singapore 2007 pp.6 para 30.

⁹⁸ AWARE, ‘SQ Pregnancy Payout: AWARE’s Response’, 15 October 2010. Available at <http://www.aware.org.sg/2010/10/sq-pregnancy-payout-awares-response/>... accessed on 11th March 2011.

public and private sectors”⁹⁹.

- 11.62 While the majority of companies (96%) provide paid maternity leave, likely owing to the legal requirements, only 47.9 percent of companies provided paid paternity leave in 2010, down from 53.3 percent in 2009¹⁰⁰. This drop is disheartening, especially against the backdrop of improved maternity leave, and gives the wrong message to both men and women. AWARE urges the State to be active in promoting paternity care leave, to reinforce the message that childcare should be a shared responsibility between men and women which will enhance the quality of family life of Singaporeans.
- 11.63 AWARE recognizes that the legislature has paved the path towards encouraging fathers to play a larger role in childcare duties by instituting changes (first announced in August 2008 at the National Day Rally) to cultivate a pro-family environment in Singapore. Among other things, they make employers legally obliged to provide up to six days of infant care leave per year per parent for each child under two years of age, if the same is requested by the employee. This is, however, unpaid leave.
- 11.64 In a recent survey initiated by AWARE, two-thirds of the 1,100 respondents asked for a two-week paternity leave to be mandated and costs to be shared between employer and employee. Other findings include:
- 93% of respondents believed that paternity leave would enable fathers to be more involved in parenting (93%);
 - 79.7% of respondents felt that paternity leave should be at least 6 days (with 44.2% opting for more than 11 days);
 - 57% agreed that the last month of maternity leave should be converted to parental leave that can be taken by the father or the mother (19% disagreed; 24% somewhat agreed);

When it is available, paternity leave is utilised by most (ie. 75% of respondent) fathers. Two-thirds also wanted the six-days child-care leave to be changed into dependant’s leave, in view of many beginning to care for the older generation¹⁰¹. More than 1,000 Singaporeans also responded to an online poll conducted by The Straits Times, giving a mixed response to five policy changes recommended by AWARE on paternity leave recently. AWARE is of the view that a firmer legal position¹⁰² (and the corresponding message being conveyed to employers and employees alike) could have been taken by making such infant care leave paid instead of unpaid¹⁰³.

⁹⁹ CEDAW Committee 39th Session Concluding Comments: Singapore 2007 pp.6 para 30.

¹⁰⁰ These figures appear in pp.7 Chart 4 of MOM’s ‘Employment Conditions, 2010’, http://www.mom.gov.sg/Publications/mrsd_coe2010.pdf ...accessed 15 March 2011.

¹⁰¹ ‘AWARE’S Paternity Scheme: Singapore Divided’, *The Straits Times* 11 February 2011; see also <http://www.aware.org.sg/2011/02/paternity-leave-should-be-made-mandatory/>... accessed 12 March 2010.

¹⁰² Moreover, employees who are parents of children born out of wedlock or of non-Singaporean children would not be entitled to the infant care leave.

¹⁰³ AWARE, ‘Paternity leave should be made mandatory’, 9 February 2011. Available at <http://www.aware.org.sg/wp-content/uploads/Parenting-Leave-Singapore-mediarelease-9-Feb-2011.pdf>

Care Centres for the Elderly and Young Children

- 11.65 With an ageing population and the lack of supporting resources and services, family members, primarily women and single mothers, will face even more demands on their time as caregivers. To free up their time and energy for employment outside the home or to enable them to handle both more effectively, there should be more care centres for both the elderly and children.
- 11.66 Statistics show that the number of seniors (aged 65 and above) will increase from 8.4 percent in 2005 to 18.7 percent in 2030¹⁰⁴. The first batch of Baby Boomers will hit 65 by 2012¹⁰⁵. There is therefore a need to care for the increasing number of aged people, by providing more convenient and better-quality elderly care centres to help family members, primarily women, to cope with the double burden of work and family obligations. The TOUCH caregivers' portal indicates that there are 109 elder day care centres in Singapore at the moment¹⁰⁶. AWARE is not privy to more detailed and publicly available studies or statistics that are updated, on the total capacity and adequacy of all elder care facilities in Singapore.
- 11.67 In terms of childcare facilities, the 2010 Singapore Social Statistics¹⁰⁷ shows that there were 785 child care centres with total capacity of 67,980. It is clear that there are insufficient spaces for infant care. It is well known that there are long waiting lists for infant care space and that parents are enrolling their yet-to-be-born babies to ensure a space¹⁰⁸. Infant care is also expensive, ranging from SGD 1,000 to SGD 1,500 per child. If we assume that child care centres are for children aged three to six, and given the numbers of births each year at about 40,000, theoretically, we may need 120,000 places¹⁰⁹ for three cohorts of children.
- 11.68 However, it is noted that even with the current capacity of 67,980, the 2010 data shows an enrolment of 57,870 children, or a space surplus of 15 percent. There may be a host of reasons for this. One of the pertinent reasons could be that, despite the subsidies, the cost of childcare centres is beyond the reach of some families. Studies show that parents with the median income of SGD 2,700 spend between 10 and 30 percent of their income on childcare. Childcare centres cost from SGD 550 to over SGD 1,000 a month, before

...accessed 15 March 2011.

¹⁰⁴ MCYS [Online], Report on Ageing Population, 2005.

¹⁰⁵ Ibid.

¹⁰⁶ As indicated in <http://www.caregivers.org.sg/Tips.html> and <http://www.reload.aic.sg/AIC/ESN/Default.aspx> ...accessed 26 February 2011.

¹⁰⁷ <http://app1.mcys.gov.sg/Portals/0/Files/SPRD/Social%20Stats%202010.pdf>... accessed 8 February 2011.

¹⁰⁸ 'More infant care space, but no vacancies', *The Straits Times*, 28 February 2010.

¹⁰⁹ Three years of children for an annual cohort of babies at 40,000 births.

government childcare subsidies of up to SGD 300¹¹⁰.

11.69 With the increasing number of childcare centres in Singapore, there are inadequate qualified childcare givers. The Pre-school Qualification Accreditation Committee (PQAC) was set up in January 2001 to oversee the standards and quality of pre-school teacher training for both kindergarten and child care sectors in Singapore and is jointly steered by the Ministry of Education (MOE) and the MCYS¹¹¹. Despite the PQAC having been established for a decade now, there appears to be only 14 PQAC-accredited agencies that offer pre-school training courses in Singapore as at November 2010¹¹². NIE offers tertiary level training in Early Child Education. However this training is available only at the post-graduate level. Access to this course is also limited to individuals with teaching qualifications. The stringent nature of this course's entry requirements restricts access to the vast majority who might be interested in seeking professional qualifications in this sector¹¹³.

Women Not Protected by Legislation

11.70 AWARE is encouraged by some of the recent changes to the Employment Act, which came into effect in January 2009, notably the extension of coverage of the Act to confidential staff¹¹⁴. However the following persons remain excluded from the protection of the Employment Act¹¹⁵:

- Domestic workers;
- Persons employed in a managerial or executive position¹¹⁶ (unless such persons earn less than SGD 2,500 per month);
- Persons employed by statutory boards in Singapore.

11.71 MOM reports that professionals, managers, executives and technicians (PMETs) constitute 52 percent of the resident workforce¹¹⁷. The public sector is also a major

¹¹⁰ AWARE, 'Bringing a Women's Perspective to the Singapore Budget: A submission by AWARE to Singapore's policy makers', February 2011. Available at <http://www.aware.org.sg/2011/02/a-womens-perspective-on-the-budget/...> accessed 11 March 2011.

¹¹¹ <http://www.moe.gov.sg/education/preschool/teachers/...> accessed 3 April 2010.

¹¹² Word file titled 'List of PQAC-accredited courses conducted by respective training agencies', listed on MOE's website: <http://www.moe.gov.sg/education/preschool/teachers/...> accessed 6 March 2011.

¹¹³ Available at <http://www.nie.edu.sg/studynie/higher-degree-programmes/master%E2%80%99s-coursework/master-education/master-education-early-childh...> accessed 26 February 2011.

¹¹⁴ See Appendix 1-4.2 Changes to the Employment Act.

¹¹⁵ Available at <http://statutes.agc.gov.sg/>.

¹¹⁶ This is the case unless the persons employed in managerial or executive positions earn less than S\$2,500 per month; and even then, coverage under the Employment Act to such employees is further restricted to only certain provisions thereof.

¹¹⁷ This figure appears in paragraph 2.5 of MOM's 'Report on Labour Force in Singapore, 2010' <http://www.mom.gov.sg/Documents/statistics-publications/manpower-supply/report-labour->

employer of Singaporeans¹¹⁸. Clearly, a substantial proportion of the working population is not covered by the Employment Act.

- 11.72 AWARE acknowledges the State's step forward in having amended the law since 2009, so that managers or executives earning less than SGD 2,500 monthly would be somewhat covered by the Act. However, only select provisions pertaining to payment of salary and complaints and investigations into primarily salary-related offences would be available to these lower-earning managers and executives. AWARE is of the view that given legal costs, even managers and executives earning more than SGD 2,500 per month would be better protected with legislation extended to them rather than having to litigate or seek expensive legal advice to ensure adequate contractual protection of their employment rights or retrospectively seek legal advice on the same.
- 11.73 As for the exclusion of managers and executives earning more than SGD 2,500 monthly from the Employment Act, the State's rationale is that this group of workers is in a better position to negotiate their own terms of employment. AWARE contends that these workers are disadvantaged nonetheless for the following reasons:
- (a) those excluded from the Employment Act are most often not protected by unions since union laws generally do not permit such persons from being represented by trade unions;
 - (b) many young personnel are given designations such as executives or managers (terms which are used rather indiscriminately by local employers as a matter of practice) but may not necessarily be able to negotiate their own terms of employment; and
 - (c) the cap of SGD 2,500 is extremely oppressive in comparison with the cost of obtaining legal advice or representation in Singapore.

Those in this group who do not earn enough to be able to afford legal advice therefore suffer from significant inability to safeguard their employment rights.

- 11.74 Even for workers represented by trade unions, the representation of the interests of women in such trade unions must be examined - of the 500,000 workers represented in the trade unions affiliated to the NTUC as at September 2007, 48 percent were women¹¹⁹. However, only 4 out of 21 members appointed to the NTUC Central Committee (for the term 2007 to 2011) were women¹²⁰. The disproportion between the membership and the representative leadership of women in the NTUC is clearly very marked.

2010/mrds_2010LabourForce.pdf... accessed 15 March 2011.

¹¹⁸ The public sector is proclaimed to be the largest employer in Singapore http://www.contactsingapore.sg/industries/public_sector ...accessed 15 March 2011.

¹¹⁹ Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008 pp. 4 at para 7.21.

¹²⁰ Ibid.

Foreign Domestic Workers

- 11.75 In 2010, around 190,000 migrant women worked as Foreign Domestic Workers (FDWs) in Singapore, which makes about one FDW in every five households and nearly 4 percent of Singapore's total population¹²¹. AWARE is encouraged by the positive measures of the State in prosecuting abusive employers and recovering wages¹²² and acknowledges the efforts of the State to bring some governance into this industry through mediation processes and availability of educational materials for employer and worker education in different languages¹²³. MOM's actions are commendable: In 2010, "interviews with over 900 FDWs indicate that they are highly satisfied with working in Singapore, with a mean satisfaction level of 8.7 out of 10. Seven in 10 FDWs intend to continue working in Singapore after their contracts expire. Almost 90 percent of FDWs were also aware of their employment rights and obligations"¹²⁴.
- 11.76 However, AWARE remains concerned that FDWs are inadequately protected by legislation, as they are excluded from the ambit of the Employment Act, notwithstanding the various guidelines issued to employers and regulations governing employment agencies¹²⁵. The State argues that it is not "practical to regulate specific aspects of domestic work" under the Employment Act as FDWs "work in a home environment and domestic arrangements vary in different households"¹²⁶. The State also argues that legislation is not needed in this area and that market forces should determine wages and other conditions for foreign maids¹²⁷.
- 11.77 There is however much concern that the isolated workplace for FDWs within private homes increase their vulnerability and cases of domestic workers working 365 days a year without a single day off would not be illegal¹²⁸. The Employment of Foreign

¹²¹ 'Maid for work-life balance? Think again' by Theresa Devasahayam and Leong Chan Hoong, *The Straits Times*, 23 April 2010.

¹²² Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011.

¹²³ Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008 paras 11.28 to 11.41

¹²⁴ Committee of Supply (Speech 3) para 49 by Mr Lee Yi Shyan, Minister of State for Trade & Industry and Manpower, 9 March 2011, 5 PM, Parliament
<http://www.mom.gov.sg/newsroom/Pages/SpeechesDetail.aspx?listid=317>... accessed 12 March 2011.

¹²⁵ Singapore's Fourth Periodic report to CEDAW 2008, pp. 71 para 11.45 to 11. 51.

¹²⁶ Ibid, para 11.47.

¹²⁷ Hansard; 18 March 2004; Ministry of Manpower; Foreign Domestic Workers Guidelines by Dr. Ng Eng Hen.

¹²⁸ Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011; see also submission by COSINGO – A coalition of Singapore NGOs – to the Universal Periodic Review; para 24; <http://maruah.org/2010/11/01/coalition-of-singapore-ngos-cosingo-submission-to-universal-periodic-review/>;... accessed 12 March 2010.

- Manpower Act (EFMA) referred to in the State's Report does not appear to be strictly enforced¹²⁹. Despite the EFMA and Passports Act forbidding an employer from holding onto a worker's identity documents, "nine out of ten domestic workers who seek assistance from HOME (a Singapore NGO providing assistance to migrant workers) are without identification documents"¹³⁰.
- 11.78 FDWs are also excluded from the Work Injury Compensation Act which would cover and compensate for workplace injuries and occupational illnesses. "Even though domestic workers are covered by compulsory medical insurance in the event of an accident, the extent of the coverage and the benefits are less favourable than that of other low-paid manual workers covered by the Work Injury Compensation Act"¹³¹.
- 11.79 Paragraph 11.47 of the State's Fourth Periodic Report to CEDAW states that FDWs are encouraged to enter into contracts with their employers to protect them and that this is sufficient legal protection for them. AWARE rejects this position and argues that FDWs do not have sufficient bargaining power to negotiate their own terms and conditions of employment, and are in need of protection just like any other worker. Moreover many are already in debt over the placement fees. By excluding FDWs from the ambit of employment protection, the State is discriminatory against FDWs and their work.
- 11.80 Although a new form of standard contract¹³² was introduced by the Association of Employment Agencies¹³³ and CaseTrust in September 2006, clearly, the aim of the standard contract is to appease suppliers' and consumers' inconvenience and disputes when hiring foreign domestic workers rather than to protect the welfare of FDWs. This is borne out by the fact that the standard form employment contract, for instance, is designed "to help smoothen employer/employee relationships from the onset, by minimizing any ambiguities on the employment terms"¹³⁴. For instance, "the contract will include the stipulation of the minimum of one day-off entitlement for the Foreign Domestic Workers (FDWs)". The tenor seems to be one of meeting minimum standards rather than truly looking out for the welfare of these FDWs as employees in a foreign land, as women, and as human beings.

¹²⁹ Ibid, para 24.

¹³⁰ Ibid, para 24.

¹³¹ Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011.

¹³² Available at <http://www.aeas.org.sg/ca.html> ...accessed 5 April 2010.

¹³³ The two associations are the Association of Employment Agencies (AEAS) and CaseTrust. The standard contract has too many arbitrary terms for days off, hours of rest and privacy for it to be standard.

¹³⁴ Press Statement by AEA(S) and Case trust, 2006. Available at <http://www.case.org.sg/downloads/casetrust/060714%20-%20Press%20Release%20by%20Accreditation%20Bodies.pdf> ... accessed 5 March 2010.

- 11.81 AWARE argues that while curtailing disputes between employers and agencies is a useful function, it can severely limit the protection for FDWs, as there are too many arbitrary terms, such as the number of days off, that are left to be agreed on between employer and FDW. The number of rest hours and privacy issues are also not clearly spelt out. AWARE supports TWC2's (a migrant advocacy group) critique of the standard contract. FDWs are financially dependent on their employers to repay debts and to provide for their families. Because they work in a home environment, it becomes even more important for them to be protected via legislation.
- 11.82 While AWARE is heartened by the State's report on the enforcement of the Employment Agencies Act through the revocation and non-renewal of agency licences¹³⁵, it remains concerned about the high cost borne by FDWs in paying agency fees. Although the Employment Agencies Act provides for a one-off payment of agency fees that is not more than 10 percent of the worker's first month's wage, the reality is that "migrant domestic workers pay between SGD 2,000-2,400, which is six to eight months' worth of their salaries as placement fees to agents"¹³⁶. This could be increased by at least two months if the FDW requests a change of employer¹³⁷. The lack of governance and transparency makes the situation ripe for exploitation by the unscrupulous.
- 11.83 The State also garners about SGD 33 million a month¹³⁸ from the levies that employers pay for employing FDWs. Calls have been made for a portion of that money to be used to enhance training for re-integration, to set up support schemes for FDWs and to pay for their own insurance¹³⁹, but they have been turned down. AWARE joins the NGOs and human rights groups in asking for a portion of that levy to be ploughed back to protect FDWs, especially when they fall ill, or channelled into a small fund for them to use when they go home. (See further discussions on this issue under Article 6 and Article 16). These FDWs are women abroad for employment purposes and apart from recognizing their economic contributions to Singapore, the State should further effectuate such recognition in the form of adequate legal and regulatory protection for these FDWs.

Casual and Contract Workers

- 11.84 The number of resident employees on term contracts in 2010 decreased to 186,300 or 11.5 percent of the workforce. In 2009, there were 197,200 such workers or 12.7 percent.

¹³⁵ Singapore's Fourth Periodic Report to the UN CEDAW Committee 2008 pp.75 para 11.51.

¹³⁶ Joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011, para 35. Available at <http://www.home.org.sg/library/research/index.html> ...accessed 10 March 2011.

¹³⁷ Ibid.

¹³⁸ Based on the product of the lower FDW levy of \$170 per month and the estimated 196,000 FDWs in Singapore in 2011. <http://www.mom.gov.sg/newsroom/Pages/PressRepliesDetail.aspx?listid=172> ...accessed 15 March 2011.

¹³⁹ Hansard, 15 March 2003. Ministry of Manpower questioned by Nominated Member of Parliament, Ms. Braema Mathiaparanam.

These workers are usually low-skilled, middle-aged workers who are hired on short-term agreements. In some instances they earn as little as SGD 500, which is an unsustainable income in Singapore. Others have been known to earn SGD 1, 200 a month. Such workers are also the first to go during a recession¹⁴⁰ or a company upheaval. What is worrying is the lack of sex-disaggregated data on the workers and the kind of protection offered to them. AWARE is concerned how women are impacted at this lower end daily rated job and if they compete with men on a daily basis to gain access to such jobs.

- 11.85 AWARE is concerned that contract workers are not covered under the Employment Act. Most employers also choose not to make CPF contributions to their employees, even though it is against the law¹⁴¹. As reported in the news, an interviewed contract worker, Mrs Yeow, faced the following plight – “It’s no good being a contract worker. I get no benefits, no bonus and when the recession comes, I’m the first to go”¹⁴².
- 11.86 In 2010, the NTUC’s Unit for Contract and Casual Worker (UCCW)¹⁴³ managed to help 17,000 workers receive CPF and assisted 700 workers to be on the Workfare Training Support Scheme¹⁴⁴. The Workfare Training Support (or WTS) Scheme¹⁴⁵ was introduced in July 2010 as a complement to the Workfare Income Supplement (WIS). WTS encourages older, low-wage workers to upgrade their skills through training so that they can improve their employability, upgrade to better jobs and earn more. Mr Hawazi in his Committee of Supply speech this year was enthusiastic about the WTS, citing promising figures¹⁴⁶ and stating that “we think that it is working”. As there is no statistical breakdown of the impact on women, AWARE is unable to comment on the benefits this scheme may accrue to women. However, broadly speaking, while Mr Hawazi and MOM may think that this scheme is working, the figures celebrated by Mr Hawazi show primarily only how many have taken up the training. There is no objective productivity

¹⁴⁰ ‘Contract workers are the first to go’, *The Straits Times*, 6 January 2009.

¹⁴¹ ‘NTUC going full steam to get contract workers on CPF; It is convincing firms supplying them and employing them to ensure workers get CPF’, *The Straits Times*, 28 February 2007.

¹⁴² <http://www.asiaone.com/Business/Office/Learn/Job%2BHunting/Story/A1Story20090105-112425.html> ...accessed 15 March 2011.

¹⁴³ <http://www.tripartism.sg/News.aspx?id=36> ...accessed 9 March 2011. The Unit for Contract and Casual Worker (UCCW) was set up by National Trades Union Congress (NTUC) to enhance the lives of low-wage, vulnerable workers in Singapore.

¹⁴⁴ <http://www.mom.gov.sg/EMPLOYMENT-PRACTICES/EMPLOYMENT-RIGHTS-CONDITIONS/WORKFARE/Pages/workfare-training-support-scheme.aspx> ...accessed 10 March 2011. This scheme helps workers upgrade their skills in order to get better paying jobs.

¹⁴⁵ <http://app2.wda.gov.sg/web/Contents/Contents.aspx?Id=299> ...accessed 15 March 2011.

¹⁴⁶ Committee of Supply (Speech 4) by Mr Hawazi Daipi, Senior Parliamentary Secretary (Health and Manpower), 09 March 2011, Parliament: “[a]s of February 2011, more than 34,000 workers have benefited from the scheme. Specifically, over 11,000 workers and 1,300 employers have benefited from the WTS-Employer Grant. More than 24,000 workers received the Training Commitment Award. A total of 5,000 workers have also signed up for Workfare-Skill Up. Of the 2,800 workers who have already benefited and or attended the Skill Up motivational workshops, 1 in 5 continued on to literacy training. So we think that it is working.”

measure to show that training has, indeed, benefited the people. As with the ADVANTAGE! scheme, the efficacy and success of the scheme seems to be underreported, although it should be also noted that the WTS Scheme was only introduced in July 2010 and the effects may not be measurable as yet.

- 11.87 While training schemes are indeed laudable, it should not be forgotten that quite urgently, workers themselves need more cash in hand. Many shun CPF or would rather not be on the scheme, so they can take home their full pay¹⁴⁷ to pay for utilities, rentals or just maintain themselves. Today the median income in Singapore has risen to SGD 2,710¹⁴⁸ and Singapore ranks 11 in the World's Most Expensive Big Cities¹⁴⁹. How are women, with little education, able to secure some financial security for old age and to meet day-to-day living expenses?

RECOMMENDATIONS

Reservations

- 11.88 AWARE urges the State to withdraw its reservations to CEDAW Article 11(1) as many of the practices already in place show that the government has achieved some success in opening many opportunities for women and also has programmes that can address to a certain level the discriminatory practices against women.
- 11.89 AWARE states that the rationale for the reservation is akin to using a blunt policy to address a specific problem in Article 11.1(f).
- 11.90 AWARE reiterates that for a 46-year-old nation of well-educated women and men, it is time to introduce anti-discriminatory laws which can happen once the reservations are lifted.

Gender Imbalances in Labour and Employment

- 11.91 AWARE urges the State to:
- take serious note that the lack of adequate institutional support continues to hamper the contribution of women to the economy and also their personal realization of their career goals simply because the duties of family-building and care-giving are not being fairly apportioned between wives and husbands and this is not being made any easier by the inadequacy of institutional support/facilities;
 - investigate whether social support services (by employers and by the State) are sufficient and effective, and whether family-friendly policies are being applied in the private sector in order to support working mothers;

¹⁴⁷ 'Low wage + No CPF = Zero nest egg?; More than 120,000 low-wage workers in Singapore are not paid CPF. What can be done to help them receive the benefits of this compulsory social security scheme? What is stopping them from getting it now?', *The Straits Times*, 21 April 2007.

¹⁴⁸ 'Median Monthly Income Goes Up', *Today*, 1 December 2010.

¹⁴⁹ http://www.citymayors.com/features/cost_survey.html... accessed 10 March 2011.

- (c) boost the labour participation of women by helping corporations implement effectively family-friendly practices including flexible work arrangements;
- (d) investigate gender imbalances based on occupational status and take affirmative action to increase the number of female employers and self-employed;
- (e) investigate and address female issues based on age group, as this will further help in addressing female issues more effectively and also improving the declining female participation rate across the age group categories;
- (f) examine why one-gender-dominated industries continue to exist and acquire information on gender-dominated industries, with further statistics to examine the ratio of women to men applying to a job, based on the industry and their qualifications and acceptance rates, to examine if employers in particular industries show preferences based on gender or qualifications, or whether this is due to there being more of one gender applying for such jobs than the other; and
- (g) explore sex-related data based on qualifications (field of study/work experience), age group, occupation, working status, hours worked and wage (excluding National Service increments) together with other data that will help identify the cause of wage differentials between genders.

Supporting Social Services for Women

- 11.92 AWARE urges the State to help women and men find a better balance between work and family life with more fine-tuned policies and fiscal incentives. This reconciliation between familial and professional responsibilities for men and women needs to be promoted and become a foundational approach across all policies within the State.
- 11.93 It is imperative that the State makes paternity leave mandatory, promote part-time work for either mothers or fathers, introduce care-giving incentives and transform the last month of the maternity leave into parental leave.
- 11.94 It is also important to recognise the multi-faceted nature of caregiving and mandate six days of dependency leave so that women and men can look after their elderly and less abled members in the family.
- 11.95 In order to support working parents and ensure better quality care centres, AWARE proposes that the State takes steps to effect the following:
- (a) Increase the number of elderly care centres and develop women-only care centres for Muslim and other communities in Singapore.
 - (b) Investigate mothers' and fathers' perceptions of daycare centres and explore areas to be improved.
 - (c) Raise standards and guidelines for care centres. The State should ensure that the supervisory/advisory board is sufficiently empowered and in fact does effectively monitor, evaluate and assess care centres to ensure enforcement of regulations.
 - (d) Create a mechanism to ensure that caregivers undertake recognized courses and undergo certified training related to early childhood. The State should also work with universities to provide courses that cover sufficient training and knowledge for caregivers.

- (e) Offer subsidies for older persons to be trained in childcare and infant care work. This will increase the capacity of childcare services available to working mothers and also provide employment to older workers.

Employment of Older Women

- 11.96 The State should encourage organisations to re-train and hire older women. Such actions could be advocated by providing more funding in addition to planning, facilitating and monitoring the training and hiring process, as well as investigating reasons why employers are discouraged from hiring older women. The State should closely monitor the ADVANTAGE! Scheme and ensure that its take-up rate by both employers and older women participants is satisfactory.

Dismissal of Pregnant Women

- 11.97 AWARE proposes that strong scrutinizing and enforcement action be taken in respect of compliance with the relevant laws. There is an urgent need to change the mindsets and practices of employers, who do not appear to be acting consistently and in the spirit of the recent (and commendable) legislative changes.
- 11.98 AWARE urges severe punitive measures against those who discriminate against women's reproductive roles either at the point of recruitment, employment or in termination.
- 11.99 AWARE urges greater employer-sensitisation through programmes and incentives.

Paid Family Care, Maternity and Paternity Leave

- 11.100 AWARE urges the State to review existing parental leave policies in employment settings to complement or replace, in part, maternity leave. This will allow couples to decide on paternal or maternal leave or both in a way that best suits their situation. It may also be useful to make the newly-introduced infant care leave paid leave rather than unpaid. This approach could furthermore possibly encourage more couples in Singapore to have children.
- 11.101 AWARE would like to see paternity leave being mandated.

Sexual Harassment in the Workplace

- 11.102 AWARE calls for an action plan by the State for:
- (a) The enactment of specific legislation and the introduction of appropriate mechanisms on sexual harassment in the workplace;
 - (b) More research on the occurrence and impact of sexual harassment on specific groups such as migrant domestic workers as well as students in education institutions, and
 - (c) The initiation of public education campaigns to raise awareness on the issue.

Employees Not Covered by Local Legislation

- 11.103 AWARE asks for workers who are not covered by the Employment Act that the State be more assertive in allowing working groups to help companies and employers in different sectors set up and implement guidelines from the Code of Responsible Employment Conduct. The State would then be able to use the Code as a reference point in settling disputes.
- 11.104 The State should also encourage employers to provide all workers with the benefits otherwise set out by statute even though these employees are not covered by the Employment Act.
- 11.105 To avoid discrimination in areas of employment, it is nonetheless important (especially in the absence of equal employment opportunity legislation in Singapore) that the reservation to Article 11 be withdrawn and the Constitution be amended to add “gender” and “marital status” in its anti-discrimination clause. This would be consistent with the aims of the Code of Responsible Conduct and various pronouncements of the State.

Foreign Domestic Workers

- 11.106 AWARE advocates legislation to protect foreign domestic workers and/or to include FDWs as part of the scope of protected persons in the Employment Act¹⁵⁰ and/or the CEDAW Convention.
- 11.107 The State furthermore needs to recognize the work of the FDWs as a proper vocation and invest more directly in training, insurance schemes and funds for the workers.
- 11.108 There also needs to be greater regulation in the agency industry so that exploitation is stopped at that level – significantly, the issue of FDWs needs to be recognized as complex and requiring the setting up of a multi-stakeholder dialogue that is trans-boundary in nature.
- 11.109 AWARE calls upon the State to work towards complying with the General Recommendations 26 on where the protection of female foreign workers is clearly spelt out.

¹⁵⁰ Available at <http://statutes.agc.gov.sg/>