



## **And The State Will Prevail: The Elder Caregiver Sector in Singapore and Thailand**



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### [ *Abstract* ]

Singapore and Thailand have been rapidly ageing. There has been a growing demand for eldercarers in the home-setting for which migrant domestic workers have filled the role. This paper examines the Association of Southeast Asian Nations (ASEAN) Consensus governing women migrant workers entering the eldercare sector. It argues that because the ASEAN Consensus is not legally binding, it only serves to reinforce the sovereignty of states in the treatment of migrant workers instead of member states acting in unison to ensure labour protections for this group; as a result, Singapore and Thailand do not feel the need to step up protections for this group of workers according to national labor laws and hence low-skilled women migrant workers entering the eldercare sector continue to be vulnerable to labour abuses. Thus as with globalization, the ASEAN Economic Community manifests the paradox of borders: that while states are economically interconnected and interdependent, they are simultaneously disconnected and independent from each other.

**Keywords:** ageing, migrant domestic workers, ASEAN Consensus, Singapore, Thailand.

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## **I . Introduction**

Globalization has swept the world, rendering varying economic, political, social, and environmental effects at the individual, community, national, regional and global levels. In the economic domain, globalization has accelerated flows of goods and services across national borders, international capital flows, immigration, the reduction in tariffs and trade barriers, the spread of technology, and knowledge beyond national political entities. In a way, we can now talk about a “global triumph of capitalism” (Youngs 2008: 5). Assertions have been made that the formation of Association of Southeast Asian Nations (ASEAN) as a “highly integrated regional economy” is an outcome of the globalization process at the regional level (Suci, Asmara and Mulatsih 2015: 80).

Having undergone immense changes in recent decades, economic growth levels in the ASEAN region have been at an all high of 5.9 percent, over and above the global economic growth rate of 3.8 percent (Das 2018). With a total population of 642 million people, its contribution to the global economy has reached 3.8 percent. In 2018, the gross domestic product (GDP) for the region’s five major economies, namely Indonesia, Malaysia, the Philippines, Singapore, and Thailand was 4.8 percent (Iwamoto 2019). The massive expansion of trade, investment, and human mobility have been factors contributing to the region’s economic growth, coupled with the inflow of foreign direct investment. Along with the ASEAN Economic Community (AEC) formed in 2015, member states are expected to benefit from the “free movement of goods, services, investment, skilled labour, and freer flow of capital” in the region (Huelser and Heal 2014: 1).

What is most revealing about the region in the last 50 years is that member states of the ASEAN have become increasingly intertwined with each other through migratory flows. In the ASEAN region, Singapore, Malaysia, and Thailand are the main migration worker destinations, with 6.5 million migrants constituting 95 percent of the total number of migrant workers, majority of which are low-skilled and undocumented workers in the construction, plantation, and domestic services sectors (Thuzar 2017).

Research on labor migration in the ASEAN has covered a range of areas, a subset of which constitutes a sizable corpus of literature focusing on women migrant workers in and from the region. Of that literature are studies on women migrants engaged in domestic work. The bulk of that literature has revolved around labor abuses and exploitation (Yeoh, Huang and Devasahayam 2004; Huang and Yeoh 2007; Piper and Iredale 2003); women's work (Chin 2003); civic activism (Sim 2003); migrant remittances and development (Aguilar 2009; Devasahayam 2013, 2018; Piper 2008); national labor migrant policies (Koh et al. 2017); migration policies in the region (Devasahayam 2010; Hugo 2012; Kaur 2010a,b); much less is known about the existing ASEAN frameworks, standards, and mechanisms governing the labor migration of low-skilled/unskilled workers in the region.

This paper examines Singapore and Thailand and how they have responded to the various regional mechanisms, principally the ASEAN Consensus, governing women migrant workers entering the eldercare sector. The paper argues that while an integrated economy, such as the AEC characterized by human flows, is marked by interconnectedness and interdependence, the ASEAN Consensus is not legally binding and thus serves to reinforce the sovereignty of states in the treatment of migrant workers. As a result, the states of Singapore and Thailand do not feel they need to step up their protections for this group of workers according to national labor laws although both countries are highly dependent on their neighboring countries in the ASEAN region for workers to meet the demands of their fast ageing society. This indicates that national political entities are seen to triumph over collective mechanisms. Thus, as with globalization, the AEC highlights the paradox of borders: while states are economically interconnected and interdependent, they are simultaneously disconnected and independent from each other.

## **II. Singapore's and Thailand's Ageing Profile**

Singapore and Thailand are home to a growing elderly population accompanied by declining fertility rates, declining births, and a

decline in mortality rates (Krishnakumar et al. 2015). Both countries are the fastest ageing populations in the ASEAN region. In 2017, 19.5 percent of Singapore's population is 60 and above, while Thailand's population of above 60 years of age constitutes 17.1 percent of the country's overall population (Situation of the Thai Elderly 2017). Population ageing in these countries, as in others in the world, has multiple effects at different levels. Policymakers are aware of the economic and social implications of population ageing, generally construing ageing as a burden on government resources. The common fears are that an ageing population adds pressure on the healthcare system and has the potential to stymie the country's economic development because of a shrinking labor force (Gavrilov and Heuveline 2003). Challenges to health policy in terms of the adequacy of public provision and financial sustainability to meet the needs of a growing older population have also presented themselves as common anxieties among states (Devasahayam 2014). Pressures on the younger generation to provide for the growing elderly are inevitable as the old-age dependency ratio rises.

Importing labor is not a new phenomenon in Singapore. Until the late 1970s, "unskilled/semi-skilled" workers were sourced mainly from their neighbor to the north, Malaysia, because of geographic proximity, cultural commonalities, and a shared history and common values (Chia 2011). However with Malaysia's own economic development, workers from Malaysia have become increasingly scarce, forcing Singapore to turn to what it terms "non-traditional sources" of labor in the ASEAN region, as well as North Asia and South Asia. In contrast to the unskilled/semi-skilled workers from Malaysia who are free to work in all sectors, workers from non-traditional sources are permitted to work only in the construction and maritime sectors (for men) and the domestic work sector (for women). As early as 1978, Singapore allowed foreign women to be employed as domestic workers (Freire 2013). In terms of recruitment, the preference has been for women from countries in the ASEAN region and South Asia. For that matter, the bulk of domestic workers in Singapore are women from Indonesia, the Philippines, and Myanmar, with smaller numbers coming from Sri Lanka and India. While majority undertake child rearing and

housework, increasingly a growing number are becoming eldercarers because of the growing demand for such workers who are able to provide home care for the elderly.

Providing care to an elderly in the home tends to be the norm because of the persistence of values linked to filial piety—a fact reinscribed by government policies which have had an influence in shaping how the elderly are cared for and for reinforcing the family as the main site for eldercare. Alternative models of the organization of care for the elderly have not taken off unlike in the West. Institutional care, community, and friendship networks have been far less popular in Singapore, although voluntary welfare organizations (VWOs) run by charities with some government support have stepped up in some instances to replace such forms of eldercare especially to the destitute and the elderly who live alone and have no family to rely on. By and large, however, the option for middle-class families is for a “market-based yet family-centered option as a solution to the eldercare crisis” (Yeoh and Huang 2010: 71), in the person of the migrant domestic worker.

It is estimated that there are around 253,800 foreign domestic workers employed in Singapore, residing in one of five households (Ministry of Manpower 2019). They form part of the “revolving door” temporary labor migration regime as these women work on two-year contracts in the city-state (Koh et al. 2017: 191). That they are barred from putting down roots in the country is exemplified in the fact that migrant domestic workers are excluded from Singapore’s main labor law, the Employment Act (Devasahayam 2010). This legislation, which regulates working hours, access to leave, among other work conditions, covers all other categories of workers save for domestic workers. Instead, they are governed by the Employment of Foreign Manpower Act (EFMA).

In contrast, Thailand’s elderly population has been growing at a faster rate than all other Southeast Asian countries; in fact, the country is the third most rapidly ageing population in the world (HelpAge n.d.). Unlike Singapore, Thailand joined the ranks of countries considered aged in 2005, when the country hit the 10 percent mark of its population turning 60 years and older (Situation

of the Thai Elderly 2017). In 2017, the country drew closer to being a “complete-aged society” (Situation of the Thai Elderly 2017: 32). By 2030, the elderly population is expected to hit 26.9 percent and by 2050, 37.1 percent (HelpAge 2015). As in Singapore, the need for providing care towards a growing elderly population is a reality among an increasing number of Thai households.

In Thailand, as in Singapore, the family traditionally continues to be the main source of care for the elderly and the gap produced by the local population of eldercarers is also filled by migrant women workers, mostly from Myanmar (Caouette et al. 2006). Thailand’s comparatively higher income, robust economy, and job opportunities in the Greater Mekong Subregion (GMS) have been the country’s selling points to potential labor migrants in the subregion. To some extent, Thailand protects the rights of domestic workers—both local as well as foreign—through the Ministerial Regulation No. 14 (B.E. 2555) of 2012 issued under the Labor Protection Act. The Regulation outlines the minimum age for domestic workers (15 years) as well as guarantees their rights to a weekly rest day, official public holidays, sick leave, and payment for unused leave. However, the Regulation does not address working hours, overtime compensation, minimum wage coverage, social security protection, and maternity leave (UN Women 2017). According to the Alien Working Act B.E. 2551 (2008), low-skilled migrant workers come from Cambodia, Lao PDR, and Myanmar and are allowed to work only as laborers or domestic workers (Rattanapan 2015). Furthermore, Section 54 of the Alien Working Act fines employers for each undocumented worker. According to the Foreign Worker Administration Office of the Ministry of Labor, there were a total of 50,000 migrant domestic workers employed in Thailand based on figures from February 2019, with majority coming from Myanmar (Lephilipbert and Chengphuenpaw 2019). Under the Nationality Verification (NV) scheme (which allows employers to apply for migrant employee work permits), 21,821 domestic workers from Myanmar had taken up employment in Thailand in 2016; while the Memorandum of Understanding (MOU) scheme confirms 1,308 that same year (UN Women 2017). The Myanmar government, however, has estimated a much higher figure at 28,000 entering via

undocumented channels.

Over the years, Thailand has seen a change in status from a net domestic worker labor exporting to a domestic worker labor importing country owing to the growing scale of demand for this category of workers and the inability of the country to find local women to fill this labor sector. The country's impressive economic prosperity led to an expansion of the middle classes with whom the demand for domestic workers swelled (Toyota 2005). In the past, Thai women from the northern and northeastern reaches of the country worked for affluent families living in the cities as domestic workers. But because this "class" of domestic workers began to dwindle with the surge in demand, the country had to open its doors to women migrant workers to fill this labor need. Having a domestic worker today has become a symbol of a middle-class lifestyle. The new lifestyle of the single family household means that the need to outsource housework activities to non-family members is greater than in the past, when older parents might have stepped into the caregiver role when needed (Rattanapan 2015).

While there are no figures of migrant women employed as eldercarers in Thailand, those who do sign an employment contract have their welfare protected under the care of the employer. However, the contract has been described as being "open-ended and up to negotiation between employe[r] and employee" (Rattanapan 2015: 42). As in migrant women workers in Singapore, migrant women working in the domestic care sector in Thailand have access to some protection. The Migrant Health Insurance Scheme under the Social Security Contributions Act (SSC) allows for contributions to be made over three months. In this case, a five percent deduction is made from the domestic workers' monthly salary (International Labour Organization 2014) and it is not the responsibility of their employers to ensure that they are protected in this regard. If a migrant domestic worker is injured while on the job, healthcare treatment is covered by law. Labor abuses are not uncommon, however, because this kind of waged work occurs behind closed doors and in the privacy of homes. Hence, the protections for these women tend to be largely uneven.

### **III. Labor Migration in the ASEAN Region: Decades of Seesaw Negotiation**

The interconnectedness of the ASEAN economies is an undeniable feature of the relationship among the ten member states of ASEAN. It was on August 8, 1967 that the Bangkok Declaration gave birth to ASEAN; the impetus for the formation of this association was numerous although economic cooperation was on the cards (Khomon 2012). As the economies in the region become increasingly globalized, ASEAN countries began “moving towards closer economic integration where greater intra-ASEAN economic cooperation and a free flow of people, goods and services” are common features (Association of Southeast Asian Nations 2012a).

It was as early as the Fifth ASEAN Summit in 1995 in Bangkok that immigration was identified as an area where cooperation could be strengthened to support ASEAN’s mandate with respect to economic cooperation, followed by ASEAN Vision 2020 adopted by the ASEAN Heads of Government and States at their Second ASEAN Informal Summit in Malaysia in 1997 (Association of Southeast Asian Nations 2012a). Since then, there have been several meetings aside from the launch of the Hanoi Plan of Action (HPA) and the Sixth ASEAN Summit in 1998 in Vietnam to address the financial crisis of 1997. In 1999, the Third Meeting of the ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the ASEAN Ministries of Foreign Affairs (DGICM) met in Yangon to establish a High Level Ad-hoc Experts Group Meeting on Immigration Matters (EGIM). It was at that meeting that discussions revolved around (a) establishing an institutional framework for ASEAN cooperation on immigration matters in order that immigration authorities are able to respond effectively to the needs and aspirations of ASEAN member states; (b) developing a Plan of Action for Cooperation on Immigration Matters “to maximize the benefits of regional cooperation on immigration matters” and to assist in supporting ASEAN endeavors detailed in the ASEAN Vision 2020 and the Ha Noi Plan of Action (ASEAN 2012a); and (c) launching an ASEEAN Directory of Immigration Focal Points to facilitate networking among the immigration authorities, particularly



in terms of enforcement.

One such attempt to create a framework of cooperation to help protect the rights of migrant workers among the ASEAN countries is encapsulated in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. In the years leading up to 2007, not much had been achieved. In January of that year, however, there seemed to be a glimmer of hope when the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was adopted by member states (Human Rights in ASEAN 2020). The Declaration commits ASEAN member states to promoting, “decent, humane, productive, dignified and remunerative employment for migrant workers” and the development of an ASEAN Instrument on Migrant Worker Rights (ASEAN 2012b). In spite of the Declaration being pushed through, the instrument proved to be futile in achieving its objectives of having member states to work together to ensure safe labor migration channels for potential migrant workers, including migrant women workers. This may be gleaned from the preamble of the Declaration which states that: “the sovereignty of states in determining their own migration policy relating to migrant workers, including determining entry into their territory and under which conditions migrant workers may remain” (ASEAN 2012b); this statement in effect negates the potential of a regional approach on the part of member states to manage migration and migrant workers so as to fulfil the region’s commitments to promoting safe migration and protecting the rights of migrant workers.

In July of that same year, the ASEAN Committee to Implement the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) was established by the ASEAN Foreign Ministers. Comprising representatives from all ten member states, the Committee aimed to organize an annual forum on migrant workers; develop an ASEAN instrument on migrant worker rights; produce pre-departure information for ASEAN migrant workers; and partner with relevant international organizations to highlight safe migration campaigns and pre-departure literature to distribute to potential migrants (Kneebone 2017). From that meeting, ACMW agreed to convene a drafting team (ACMW-DT) to outline the rights

to be covered by the instrument. The drafting team comprised representatives from the labor receiving countries (Malaysia and Singapore) as well as labor sending countries (Philippines and Indonesia). Later on, in 2009, the Declaration on Migrant Worker Rights was reaffirmed in the ASEAN Socio-Cultural Community (ASCC) Blueprint that listed the protection and promotion of the rights of migrant workers as one of ASEAN's strategic objectives (section C.2).

It was also in April 2009 that the first ACMW-DT meeting was held in Thailand. Differences, however, arose between member states over the scope and nature of the instrument. In contrast the second meeting saw some progress made and an ACMW-DT work plan was developed (Human Rights in ASEAN 2020). As in the first meeting, the third meeting held in Kuala Lumpur in December 2009 saw discussions within the drafting team come to a standstill. Disagreements emerged between sending and receiving states over whether the instrument should be legally binding; cover undocumented or irregular migrant workers; and cover members of migrant workers' families, and migrant workers coming from countries outside the ASEAN region (Human Rights in ASEAN 2020; see also Santoso 2017). In 2010, all ten ASEAN member states became included in the ACMW-DT with the aim of opening discussions and "break[ing] the negotiation deadlock" (Human Rights in ASEAN 2020). In 2012, a "Zero Draft" of the instrument on migrant worker rights was adopted; and since then, negotiations tended to focus on building consensus among the ASEAN member states on each article of the draft (Human Rights in ASEAN 2020). Subsequent meetings were conducted in Brunei Darussalam in January 2013 and another in October of that same year. The tenth meeting was held on May 2014 in Siem Reap, Cambodia during which all the senior members of the member states expressed their commitment to implementing the Declaration and building consensus on the proposed draft.

In 2015, the AEC Blueprint was launched. The aim of the Blueprint was to (a) eliminate tariffs and facilitate trade; advance the services trade liberalization agenda; (b) liberalize and facilitate investment; (c) streamline and harmonize capital market regulatory

frameworks and platforms; (d) facilitate skilled labor mobility; (e) promote the development of regional frameworks in competition policy, consumer protection, and intellectual property rights; (f) promote connectivity; (g) narrow the development gap; and (h) strengthen ASEAN's relationship with its external parties (Association of Southeast Asian Nations 2015: 1). In a nutshell, the Blueprint "envisions a single market and single production base, [with the aim of] accelerating regional integration in the priority sectors, including facilitating movement of business persons, skilled labour, and talents" (ASEAN, 2008, para. 33, as cited in Olivier 2018: 5). In particular, the AEC facilitates the free flow of ASEAN professionals and skilled labor, allowing for "managed mobility or facilitated entry for the movement of natural persons engaged in trade in goods, services, and investments, according to the prevailing regulations of the receiving country" (ASEAN, 2008, para. 33, as cited in Olivier 2018: 5). However, it is "restrictive" since it covers the free/facilitated movement of professionals and skilled labor, emphasizing certain priority labor sectors while dismissing other employment categories, including low-skilled workers such as those employed in the domestic work sector. In short, only a small sub-group of migrants are covered in the AEC Blueprint in spite of the fact that unskilled or low-skilled workers form the majority of workers crossing transnational boundaries in search of waged work.

The most significant development for the unskilled or low-skilled labour category since then has been the ASEAN Consensus on the Promotion and Protection of the Rights of Migrant Workers, a document aimed at giving effect to the commitments of the Declaration and signed ten years after the adoption of the Declaration on the Promotion and Protection of the Rights of Migrant Workers in ASEAN in February 2007. The Consensus might be seen as an achievement in the dialogue among member states because it "delivers on the 2007 Declaration's paragraph 22 which called for the development of an ASEAN instrument to advance the principles of the Declaration" (Thuzar 2017). The Consensus is also significant for demanding that the ASEAN Secretary-General submit an annual report on the progress achieved in the implementation of the Declaration's commitments to the Summit through the ASEAN

Foreign Ministers. That the ASEAN Consensus differentiates a migrant worker from an undocumented worker is critical since member states are expected under the Consensus to extend social protection and other services such as legal, medical, and housing to migrant workers. The most striking downside of the Consensus, however, is that it is not legally binding and member states are not required to ratify the document for implementation, although Chapter 7 underscores the commitment of ASEAN member states to the Consensus to be “in accordance with national laws, regulations and policies” (Thuzar 2017). That aside, the Consensus may be said to be a step forward since member states are expected to agree on some protections for migrant workers, although “the major areas of disagreement between countries of origin and destination could not be satisfactorily resolved and that the final product is better described as a “compromise” rather than a “consensus”” (Harkins 2019: 4).

Of note are other regional attempts at discussing migrant worker issues at the ASEAN level: the ASEAN Forum on Migrant Labour (AFML), a regional tripartite platform to discuss issues faced by migrant workers from and within ASEAN, has provided another venue to facilitate the review, discussion, and exchange of good practices among governments, workers’ and employers’ organizations, and civil society stakeholders (International Labour Organization 1996-2020). The AFML, established under the framework of the ASEAN Senior Labour Officials, is a forerunner in the area of regional cooperation on migrant worker issues, allowing stakeholders to discuss progress in national-level implementation of the principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and to develop recommendations. There have been eleven AFML meetings thus far with the first held in Manila in 2008 and the most recent held in Singapore in October 2018, where member states discussed how digital technologies might facilitate fair migration to improve labor management systems and use digital services to help migrant workers (International Labour Organization 2018).

#### IV. Member State Responses to the ASEAN Consensus

Labor receiving countries like Singapore and Thailand readily admit that they cannot do without the deployment of migrant workers. Yet both countries have been resistant to fully agreeing to all the clauses of the Declaration, citing that they prefer the option of non-legal binding guidelines (Institute of Human Rights and Peace Studies 2014). This is not surprising since being legally bound to the clauses of the Declaration would not be in their favor despite their being heavily reliant on foreign labor to keep their economies going. Conversely, labor-sending countries in the ASEAN region have sent a strong message that they desire for a legally binding “agreement” among all member states to protect their citizenry from labor exploitation and abuses.

Despite Singapore’s heavy reliance on foreign domestic workers for their aged, migrant women continue to be “susceptible to being victims of forced labour, despite them being documented workers with legal rights such as paid medical insurance and a rest day each week” (Kok 2019). This group of workers continue to be governed by the Employment of Foreign Manpower Act which the Ministry of Manpower maintains to be a “comprehensive” legislation and, thereby explaining the satisfaction levels among 97 percent of the 1,000 migrant workers working in Singapore (Kok 2019). While the Employment of Foreign Manpower Act regulates the hiring of foreign workers and lists the obligations of employers, it does not set out other work conditions such as number of work hours. If there are attempts at regulating migration processes related to the legality of the status of these workers, most tend to be procedural, reinforcing the temporary nature of the sojourn of these women migrant workers in the country and the refusal on the part of the state to guarantee their rights (Devasahayam 2010).

Thailand’s approach to managing migration has been significantly different, especially since a sizable proportion of its migrant workers include undocumented migrants. Since the 1990s, Thailand’s government has been absorbed with managing migrant streams from neighboring Cambodia, Lao PDR, and Myanmar. Periodically, the Thai government requires employers to register illegal migrants

working for them. There have been nationality verification (NV) exercises such as the one carried out registering up to one million migrants between 2009 to 2010 (Migration News 2010). Notwithstanding criticism from advocates, the Thai government has continued its registry and verification policy of the nationalities of migrant workers, only to eventually replace them with legal migrants coming in under the terms of the MOU. Unfortunately, in September 2010, the Thai government announced a re-opening of registration for a million migrants because of a labor shortage. The verification process has also proved to be confusing to employers and migrant workers alike. Agents and brokers were also found to have charged exorbitant fees to facilitate registration (UN Women 2017). Moreover, it has been stipulated that domestic workers should only be working for the employers registered in their documents. If information is incorrect, the domestic worker is at risk of imprisonment or even deportation while the employer faces a fine. In 2018, Thailand faced the daunting task of registering all 3.8 million illegal migrant workers. Anusari Thapsuwan from the Ministry of Labor of Thailand requested everyone to participate as the Ministry did not want to “mak[e] troubles for employers and migrants workers. [Instead they claim that it is] making it easy for employers to employ legal workers, who can also work at any place in Thailand according to Thai laws” (Zhou 22 March 2018). In this case, the Thai government has been encouraging the registration of undocumented workers with the view to legalize them and place them “under the protection of Thai laws” (Zhou 22 March 2018).

To date, the ASEAN Consensus is the only regional approach with some promise for future negotiations among member states for a more binding agreement governing the migration of workers in the region. Prior to the Consensus, members states relied on bilateral labor agreements (BLAs), which are binding; and MOUs, which are nonbinding and less formal (Bacalla 2012). Both had fallen short of their promises since they do not necessarily protect migrant workers. A case may be seen from Indonesia’s 2006 MOU with Malaysia, which did not prevent the abuse of several domestic workers, and prompted the Indonesian government to halt the deployment of Indonesian domestic helpers to Malaysia in 2009. The

fact that it has taken years for some level of consensus to be reached reflects deeper political currents in the region that the “partnership spirit [of the ASEAN member states] is not fully developed” in all areas (Khoman 2012). That member states under the Consensus have chosen to adopt restrictive provisions in the way of being subjected to the laws of the labor destination countries as captured in Chapter 3 (ASEAN 2018: 11): “subject to national laws, regulations and policies of the Receiving states, migrant workers have the rights no less favourable than those applied to nationals of the Receiving States when they are committed to prison or placed in custody pending trial or while detained for any other reason,” suggests that ASEAN is at a stalemate with regards to labor migration. The lack of a palpable shift towards a firm protection of the rights of migrant workers in the region means that addressing the existing “protection gaps” may be the only recourse.

Since the adoption of the ASEAN Consensus, Transient Workers Count Too (TWC2), a non-governmental organization in Singapore working on migrant worker issues, maintained that regardless of the Consensus, migrant labor abuses would persist because of the gaps between the ASEAN Forum on Migrant Labor and Singapore’s national laws, especially since the Consensus is not legally binding. Instead, the organization has proposed an action plan to bridge the laws of the state and the clauses laid out in the Consensus to ensure worker rights are guarded within Singapore (Transient Workers Count Too 2018). Thailand, unlike Singapore, admits hundreds of thousands of undocumented workers. While the ASEAN Consensus might be said to be a vast improvement from previous negotiations on the protection of migrant workers, the Consensus fails to extend rights to a “sizeable population of undocumented migrant workers” in the country, leaving them vulnerable to a wide array of labor abuses in spite of the critical role they play in the Thai economy (Harkins 2019: 4).

## **V. Conclusion**

Migration flows across the ASEAN countries are only expected to persist with the AEC desiring a constant supply of cheap disposable labor in both Singapore and Thailand. Under the ASEAN Consensus, a renegotiation of the relationship between polities, territorial scale, and the regional economy has resulted in states insisting on separation because of the pressure to take responsibility for the rights and entitlements of other nationals apart from their own. In this sense, we can speak of “borders ... in motion” (Konrad 2015: 1) as the laws and policies of one nation begin to be applied to citizens of another marked by movements and flows between national boundaries, lending to a contestation of borders as political entities make compromises (cf. Madsen 2011). As rightly pointed out by Konrad, citing various other scholars, borders in their own right may be “conceptualized as shifting..., actively re-ordering space... and relocating political, economic and social relations” (2015: 4).

As the paper has demonstrated, the decisions made by the respective governments of Singapore and Thailand with regard to their migration policy in receiving low-skilled workers to fill the eldercare sector are reflective of a broader trend “in this increasingly mobile world [where] constant motion occurs above, below, through and beyond the lines that separate polities, states, cultures and societies ....” (Konrad 2016: 18). In light of the ASEAN as an economic community, it may be said that member states are “spaces of places [which] have [turned into] spaces of flows,” whether be it capital, labor, technology, or knowledge (Castells 1996, as cited in Konrad 2015: 4). Following the argument of Hirst and Thompson (1999), that in a globalized world the primary movers in the international economy are clearly still national economies, the same may be said of an integrated regional economy as encapsulated in the AEC and its attempts to protect migrant workers. The ASEAN Consensus, which obliges labor receiving states to extend their own labor laws to migrant workers, spells a miniscule change in the landscape of the relationships between national and regional (political) entities. In fact, the national political entity is seen to triumph over the collective in spite of



labor-receiving states finding themselves being pulled in the directions of accommodation and resistance when it comes to providing migrant worker protections. Probing deeper, given that migrant policies at the national level will continue to hold more weight than they did in the past, and with very few constraints imposed by international or regional binding agreements, it is more likely that there will not be significant changes in terms of protections received by migrant workers.

## References

- Aguilar, Filomeno. 2009. Labour Migration and Ties of Relatedness: Diasporic Houses and Investments in Memory in a Rural Philippine Village. *Thesis Eleven*, 98(1): 88-114.
- Association of Southeast Asian Nations (ASEAN) 2008. *ASEAN Economic Community Blueprint*.
- \_\_\_\_\_. 2012a. ASEAN Plan of Action for Cooperation on Immigration Matters. October 15. [https://asean.org/?static\\_post=asean-plan-of-action-for-cooperation-on-immigration-matters](https://asean.org/?static_post=asean-plan-of-action-for-cooperation-on-immigration-matters). (Accessed January 21, 2020).
- \_\_\_\_\_. 2012b. ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. May 10. [https://asean.org/?static\\_post=asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers](https://asean.org/?static_post=asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers). (Accessed January 21, 2020)
- \_\_\_\_\_. 2015. *ASEAN Economic Community Blueprint 2025*. Jakarta: ASEAN Secretariat.
- \_\_\_\_\_. 2018. *ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers*. Jakarta: The ASEAN Secretariat.
- Bacalla, Tess. 2012. ASEAN locks horns on migrant workers' rights. 10 September. <https://sg.news.yahoo.com/blogs/the-inbox/asean-locks-horns-migrant-workers-rights-140936036.html>. (Accessed January 16, 2020).
- Caouette, Therese, Rosalia Sciortino, Philip Guest and Alan Feinstein. 2006. *Labor Migration in the Greater Mekong Sub-Region*. New York: The Rockefeller Foundation.

- Castells, Manuel. 1996. *The Information Age: Economy, Society, and Culture*. Volume 1: The Rise of the Network Society. Oxford: Blackwell.
- Chia Siow Yue. 2011. Foreign Labor in Singapore: Trends, Policies, Impacts, and Challenges. PIDS Discussion Paper Series, No. 2011-24. Makati City: Philippine Institute for Development Studies (PIDS).
- Chin, Christine B.N. 2003. Visible Bodies, Invisible Work: State Practices toward Migrant Women Domestic Workers in Malaysia. *Asian and Pacific Migration Journal*, 12 (1-2): 49-73.
- Das, Sanchita Basu. 2018. Commentary: The Rebirth of the ASEAN Miracle Growth Model. *ChannelNewsAsia*, November 4.
- Devasahayam, Theresa W. 2010. Placement and/or Protection? Singapore's Labour Policies and Practices for Temporary Women Migrant Workers. *Journal of the Asia Pacific Economy*, 15(1): 45-58.
- \_\_\_\_\_. 2013. Making the Most of Remittances: Obligations, Aspirations, and Precarity among Indonesian Women Migrants in Singapore. *Diversities*, 15(1): 21-36.
- \_\_\_\_\_. 2014. Population Aging and the Family: The Southeast Asian Context. *Histories of Health in Southeast Asia: Perspectives on the Long Twentieth Century*. Tim Harper and Sunil S. Amrith, ed. Bloomington, Indiana: Indiana University Press.
- \_\_\_\_\_. 2018. Farming and Food Security: The Role of Remittances among Indonesian Women Migrants, *Ensuring a Square Meal: Women and Food Security in Southeast Asia*. Theresa W. Devasahayam, ed. Singapore: World Scientific.
- Freire, Tiago. 2013. How the 1978 changes to the foreign domestic workers law in Singapore increased the female labour supply. MPRA (Munich Personal RePEc Archive) Paper No. 44448.
- Gavrilov, Leonid A. and Patrick Heuveline. 2003. 'Aging of Population'. *The Encyclopedia of Population*, ed. Paul Demeny and Geoffrey McNicoll. New York: Macmillan.
- Harkins, Benjamin, ed. 2019. *Thailand Migration Report 2019*. Bangkok: United Nations Thematic Working Group on

- Migration in Thailand.
- Help Age. 2015. Global AgeWatch Index 2015: Thailand. <https://www.helpage.org/global-agematch/population-ageing-data/country-ageing-ata/?country=Thailand>. (Accessed April 20, 2019).
- \_\_\_\_\_. (n.d.). Ageing Population in Thailand. <http://ageingasia.org/ageing-population-thailand/>. (Accessed April 20, 2019).
- Hirst, Paul and Grahame Thompson. 1999. *Globalization in Question: The International Economy and the Possibilities of Governance*. Cambridge: Polity Press.
- Huang, Shirlena and Brenda S.A. Yeoh. 2007. Emotional Labour and Transnational Domestic Work: The Moving Geographies of 'Maid Abuse' in Singapore. *Mobilities*, 2(2): 195-217.
- Huelser, Sarah and Adam Heal. 2014. Moving Freely? Labour Mobility in ASEAN. *Asia-Pacific Research and Training Network on Trade*, Policy Brief, No. 40.
- Hugo, Graeme. 2012. International Labour Migration and Migration Policies in Southeast Asia. *Asian Journal of Social Science*, 40(4): 392-418.
- Human Rights in ASEAN. 2020. ASEAN Committee on Migrant Workers. <https://humanrightsinasean.info/mechanism/asean-committee-on-migrant-workers/> (Accessed January 21, 2020).
- Institute of Human Rights and Peace Studies. 2014. *The Study on the Labour Migration and Possible Protection Mechanism(s) in ASEAN*. Nonthaburi: Law Reform Commission of Thailand (LACT).
- International Labour Organization. 1996-2020. The ASEAN forum on migrant labour. [https://www.ilo.org/asia/WCMS\\_214213/lang-en/index.htm](https://www.ilo.org/asia/WCMS_214213/lang-en/index.htm). (Accessed January 21, 2020).
- \_\_\_\_\_. 2014. *Travel Smart - Work Smart: A Guide for Migrant Workers in Thailand*. 6th ed. Bangkok: International Labour Organization.
- \_\_\_\_\_. 2018. ASEAN forum adopts recommendations on the use of digital technologies for a fair labour migration. [https://www.ilo.org/asia/media-centre/news/WCMS\\_648846/lang-en/index.htm](https://www.ilo.org/asia/media-centre/news/WCMS_648846/lang-en/index.htm). (Accessed April 28, 2019).
- Iwamoto, Kentaro. 2019. Trade war hits SE Asia, growth down for first time in 3 years. *Nikkei Asian Review*, February 18.

- Kaur, Amarjit. 2010a. Labour Migration in Southeast Asia: Migration Policies, Labour Exploitation and Regulation. *Journal of the Asia Pacific Economy*, 15(1): 6-19.
- \_\_\_\_\_. 2010b. Labour Migration Trends and Policy Challenges in Southeast Asia. *Policy and Society*, 29(4): 385-97.
- Khoman, Thanat. 2012. ASEAN Conception and Evolution. July 9. [https://asean.org/?static\\_post=asean-conception-and-evolution-by-thanat-khoman](https://asean.org/?static_post=asean-conception-and-evolution-by-thanat-khoman). (Accessed April 25, 2019).
- Kneebone, Susan. 2017. *Comparative Regional Protection Frameworks for Refugees*. Abingdon, Oxon: Routledge.
- Koh, Chiu Yee, Charmian Goh, Kellynn Wee and Brenda SA Yeoh. 2017. Drivers of migration policy reform: The day off policy for migrant domestic workers in Singapore. *Global Social Policy*, 17(2): 188-205.
- Kok, Xinghui. 2019. Singapore's foreign domestic workers vulnerable to forced labour, report finds. *South China Morning Post*, January 16.
- Konrad, Victor. 2015. Toward a Theory of Borders in Motion. *Journal of Borderlands Studies*, 30(1):1-17.
- \_\_\_\_\_. 2016. Continental East-West and Global North-South? Re-imagining (B)orders in Globalization. *International Studies*, 50(1-2): 16-34.
- Krishnakumar, Ambika, Lutchie Narine, Amara Soonthorndhada and Kanchana Thianlai. 2015. Family Stressors, Home Demands and Responsibilities, Coping Resources, Social Connectedness, and Thai Older Adult Health Problems: Examining Gender Variations. *Journal of Aging and Health*, 27(2): 257-83.
- Lephilibert, Natthanicha and Boonwara S. Chenphuengpaw. 2019. Respect Domestic Workers' Rights. *Bangkok Post*, June 12. <https://www.bangkokpost.com/opinion/opinion/1693580/respect-domestic-workers-rights>. (Accessed August 9, 2019).
- Madsen, Kenneth D. 2011. Barriers of the US-Mexico Border as Landscapes of Domestic Political Compromise. *Cultural Geographies*, 18(4): 547-556.
- Migration News*. 2010. Southeast Asia. October, Vol. 17, No. 4. [http://migration.ucdavis.edu/mn/more.php?id=3642\\_0\\_3\\_0](http://migration.ucdavis.edu/mn/more.php?id=3642_0_3_0). (Accessed April 22, 2019).

- Ministry of Manpower. 2019. Foreign workforce numbers. Last updated March 14. <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>. (Accessed April 29, 2019).
- Olivier, Marius. 2018. *Social Protection for Migrant Workers in ASEAN: Developments, Challenges, and Prospects*. Geneva: International Labour Organization.
- Piper, Nicola and Robyn Iredale. 2003. 'Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of All Migrant Workers: The Asia Pacific Perspective', APMRN Working Paper No. 14, Australian National University.
- Piper, Nicola. 2008. Feminisation of Migration and the Social Dimensions of Development: The Asian Case. *Third World Quarterly*, 29(7): 1287-1303.
- Rattanapan, Athitaya. 2015. Migrant Domestic Workers in Thailand: Employment Situation and Comparative Study on Regulations. Mekong Institute Research Working Paper Series, PAPER NO. 6/2015.
- Santoso, Anisa. 2017. *Migrant Workers and ASEAN: A Two Level State and Regional Analysis*. Abingdon, Oxon: Routledge.
- Sim, Amy. 2003. Organising Discontent: NGOs for Southeast Asian Migrant Workers in Hong Kong. *Asian Journal of Social Science*, 31(3): 478-510.
- Situation of the Thai Elderly 2017*. 2017. Nonthaburi: Foundation of Thai Gerontology Research and Development Institute.
- Suci, Stannia C., Alla Asmara and Sri Mulatsih. 2015. The Impact of Globalization on Economic Growth in ASEAN. *International Journal of Administrative Science & Organization*, 22(2): 79-87.
- Thuzar, Moe. 2017. The ASEAN "Consensus" on Migrant Workers: not Ideal but a Basis to Continue Working. November 16. <https://www.iseas.edu.sg/medias/commentaries/item/6589-the-asean-consensus-on-migrant-workers-not-ideal-but-a-basis-to-continue-working-by-moe-thuzar>. (Accessed April 2, 2019).
- Toyota, Mika. 2005. 'Burmese' Housemaids as Undocumented Workers in Thailand. *Asian Women as Transnational*

- Domestic Workers in Asia*, Shirlena Huang, Brenda S. A. Yeoh, and Noor Abdul Rahman, eds. Singapore: Marshall Cavendish.
- Transient Workers Count Too. 2018. ASEAN Consensus on Migrant Labour: Gaps between Reality and Singapore's Commitments. January 24. <http://twc2.org.sg/2018/01/24/asean-consensus-on-migrant-labour-gaps-between-reality-and-singapores-commitments/>. (Accessed April 29, 2019).
- UN Women. 2017. *Myanmar Domestic Workers – Driving Development at Home and Abroad*. Study on the Impact of Protection Politic for Myanmar Migrant Domestic Workers in Thailand and Singapore: Strengthening protection through the Myanmar National Strategic Plan for the Advancement of Women (2013-22), CEDAW and the SDGs. Myanmar: UN Women.
- Yeoh, Brenda S.A. and Shirlena Huang. 2010. Foreign Domestic Workers and Home-Based Care for Elders in Singapore. *Journal of Aging & Social Policy*, 22: 69-88.
- Yeoh, Brenda S.A., Shirlena Huang and Theresa W. Devasahayam. 2004. Diasporic Subjects in the Nation: Foreign Domestic Workers, the Reach of the Law and Civil Society in Singapore. *Asian Studies Review*, 28(1): 7-23.
- Youngs, Gillian. 2008. Complex Hegemony and Twenty-First Century Globalization. *Globalization: Theory and Practice*. Eleonore Kofman and Gillian Youngs, eds. New York: Continuum.
- Zhou, Xin. 2018. Feature: Thailand determined to register, legalize all 3.8 million foreign migrant workers. *Xinhua*, March 22. [http://www.xinhuanet.com/english/2018-03/22/c\\_137056923.htm](http://www.xinhuanet.com/english/2018-03/22/c_137056923.htm). (Accessed April 25, 2019).

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