



TRANSIENT WORKERS COUNT TOO

- Society Registration /Unique Entity Number T04SS0088C
- Charity Registration No 01971
- Full member of National Council of Social Service

5001 Beach Road #09-86
Golden Mile Complex
Singapore 199588
Phone: (65) 6247 7001
Fax: (65) 6396 0759
Email: info@twc2.org.sg
Website: <http://www.twc2.org.sg>
Facebook: www.facebook.com/transientworkerscount2

Statement for the UPR Pre-session,
by Alex Au, vice-president of
Transient Workers Count Too (TWC2)

State under review: Singapore
Issue of concern: Migrant workers
Date: March 2021

This statement highlights the three top issues of concern relating to migrant labour in Singapore. They are:

1. Recruitment cost and the debt burden on migrant workers;
2. Restrictions on changing jobs;
3. Severe confinement of migrant workers in dormitories.

The first two of these three top issues were raised by us in the national consultation of February 2020. The third issue only arose after the consultation.

We consider these three issues as fundamental because, besides being rights violations in themselves, they also create an imbalance of power between employers and migrant workers, from which cascades many other violations such as

- Contract substitution,
- Salary abuses,
- Various degrees of forced labour,
- Impaired access to justice,
- Impaired access to healthcare, etc.

Our view is that these other issues cannot be fully addressed without first addressing the top issues that harm the bargaining power of migrant workers.

On recruitment cost and debt, while Singapore has a licensing system for employment agencies, migrant workers still report having to pay unlicensed intermediaries in Singapore, and even bosses, to get their jobs. Enforcement of the law is weak and employers can choose to hire via unlicensed intermediaries with impunity. Fees charged can amount to well over two years' salary, and migrant workers typically find themselves burdened with debt and thus unable to resist unfair demands by employers, such as salary reduction or unsafe work, for fear of losing their jobs.

In the previous cycle, Peru, Mexico and Honduras indirectly spoke about the need to protect the rights of migrant workers. We would urge more specific and measurable recommendations this time:



- 1.1. a recommendation that Singapore overhauls its recruitment system by creating a digital job exchange. This should firstly improve transparency – so that prospective workers can see where the job vacancies are -- but more importantly, a new system should have two essential features that eliminate any role for unlicensed parties:
 - (a) only individual workers, employers with permission to employ migrant workers, and licensed employment agencies should have access to the exchange;
 - (b) it should be mandatory to hire via the exchange so that unethical parties have no way to circumvent the system.
- 1.2 a recommendation that, coupled with greater enforcement of laws banning excessive fees and kickbacks to employers or managers, Singapore carry out annually an anonymised survey of migrant workers, to monitor effectiveness of enforcement, and that by the next UPR cycle, no more than five percent of survey respondents in any industry sector should be reporting violations.

On the subject of job mobility, migrant workers are not allowed to look for another job unless the current employer has agreed to release the worker, with only rare exceptions to the rule.

While workers have a right to resign at any time, they have to be repatriated should they do so. They cannot stay on in Singapore to look for another job. In any case, looking for another job will mean high recruitment fees all over again. Workers feel trapped in the present system.

In the previous cycle, Germany recommended enabling workers to easily switch employers, but Singapore only noted this recommendation.

This cycle, we urge that this recommendation be reiterated. Specifically, we urge

- 2.1 a recommendation that any migrant worker whose job has ended for any reason, including resignation or injury, be given three months of extended residency to enable him or her to find a new job without being sent home.

On confinement, starting in April 2020, virtually all worker dormitories were put under quarantine due to Covid-19.

However, since the last quarter of 2020, there have hardly been Covid-19 cases among dorm residents; yet the controls over workers' movements have been mostly kept intact. These controls have even been codified into law, subjecting dorm-based migrant workers to what can be described as state-sanctioned internment.



Currently, a dorm-based worker – and there are about 320,000 of them, or 8% of Singapore’s workforce -- cannot leave his accommodation even during leisure hours unless he gets an exit pass from the government via a smartphone app, and even then, his permission to exit is limited to only three hours a week. Some workers are not able to get exit passes at all because employers and dormitory operators also add layers of control.

We urge a recommendation

- 3.1 that Singapore repeals all regulations on workers’ freedom of movement, and only apply safe-distancing measures similar to measures applied to other communities in Singapore, and in a non-discriminatory way.

Suggested advance questions related to the above top issues:

- 4.1 What is the timeline for Singapore to enact legislation requiring companies to audit themselves and their supply chains in order to prevent and eliminate forced labour and contemporary forms of slavery?
- 4.2 Does the Singapore government plan to require all bidders of government contracts to demonstrate clean supply chains through audits?
- 4.3 Does Singapore see a contradiction between its announced policy to vaccinate every migrant worker in the country, and current policy allowing employers to repatriate migrant workers at will?
- 4.4 Considering that Covid-19 incidence among dorm-based migrant workers has been virtually zero for several months, and given the many reports of emotional and mental distress among workers kept in confinement, what is Singapore’s real reason for depriving migrant workers of the right of freedom of movement?

Our UPR submission also raises **several other issues**. We urge the following recommendations:

On the issue of **contract substitution**,

- 5.1 Reform the system for issuance of In-Principle Approvals for Work Permits so that workers can see the applications (for work permits) being made in their name and signal agreement to the terms of employment, and to provide workers the same access to the system if salary terms are to be modified.



On the issue of **access to justice**,

- 5.2 Enforce laws requiring employers to issue detailed itemised payslips and enforce the policy of requiring salaries to be paid electronically. (Workers paid in cash are disadvantaged by lack of evidence when pressing salary claims).
- 5.3 Enforce Settlement Agreements and Orders from the Employment Claims Tribunal, so that workers do not merely win paper victories and yet be unable to collect on agreements and tribunal awards.
- 5.4 Establish an insolvency insurance scheme so that workers do not lose out through unpaid salaries when an employer becomes insolvent.

On the issue of **access to healthcare**,

- 5.5 Ensure that migrant workers can access healthcare directly using employer-provided insurance without having to seek permission and consent of, and payment-guarantees from employers each time they need to obtain treatment.

On the issue of **domestic workers**,

- 5.6 Eliminate the present system wherein employers can “buy back” domestic workers’ weekly rest days, so that domestic workers, given their weaker bargaining power, are not pressured to trade away their rest days.
- 5.7 Criminalise the taking away of workers’ mobile phones by employers and enforce the new law.

Thank you.