



Universal Periodic Review – Singapore

Submission of the Migrant Workers' Centre (Jun 2015)

1 The Migrant Workers' Centre, Singapore

- 1.1 The Migrant Workers' Centre (MWC) is a non-profit, non-government organization started by the Singapore National Trades Union Congress (NTUC) and the Singapore National Employers Federation (SNEF) in 2009 to champion the well-being of migrant non-domestic workers on work permits (MWs) in Singapore. In 2013 & 2014, the MWC provided case representation throughout the various statutory dispute resolution processes, and/or emergency services such as housing, food and other kinds of upkeep, maintenance and relief to more than 4,000 distressed and aggrieved MWs annually.

- 1.2 The MWC's MW assistance network is comprised of 2 physical Walk-in Help Centres located in Serangoon Road (Little India) and the Geylang district, the two main congregation areas of Indian/Bangladeshi and PRC Chinese workers in Singapore respectively, these 3 nationalities being the largest MW populations in Singapore. The MWC also operates a rapid-deployment, mobile office (FREIDA or Forward Response Engagement and Intel Deployment Asset) which helps to extend the reach of the MWC for routine MW engagement and education activities as well as serve as a forward deployment position when responding to larger scale incidents or MW emergencies. Lastly, MWC operates the only 24 hour distress Helpline for non-domestic MWs in Singapore and with the collaboration of the Singapore Ministry of Manpower, will by Sep 2015, have ensured that every MW in Singapore possesses a work permit card-sleeve or holder, bearing the number to this Helpline, which he or she was given together with the issuance of his or her work permit card. While the MWC continues to engage and educate MWs on their work rights in Singapore, and where seek help when their rights are infringed, we are confident, given the breadth and scale of our assistance network, the ever increasing number of cases we see, and our unique ability to tap on the strong culture of tripartism and tripartite networks to seek out favourable resolutions for our constituents, that we are now the leading choice among MWs, as a voice and advocate for them.

- 1.3 The MWC set up its own charity in 2012, and in 2014, the Migrant Workers' Assistance Fund was granted IPC (Institution of Public Character) status. The implication of this is any donation to the fund now attracts tax relief for the donor under the state's national taxation laws. This is a key development and recognizes the value of the MWC's humanitarian assistance work to Singapore, and by extension, the Singaporean public. All of MWC's direct services to MWs, including housing assistance for stranded MWs awaiting settlement of claims or disputes, meals and other forms of upkeep or maintenance for MWs who are unable to cater for themselves, or any other humanitarian relief such as one-off token or ex gratia payments to injured MWs or the families of deceased MWs, is funded through the Migrant Workers' Assistance Fund. The MWC has thereby ensured the sustainability of its humanitarian efforts through continual engagement with Singaporeans, including employers of MWs, to involve them in the effort to improve the welfare and well-being of our MWs – and Singaporeans have not disappointed. The charity currently enjoys good health, with the MWC regularly engaging in fund-raising activities to maintain the fund's healthy position.
- 1.4 The MWC also runs festive celebrations, sporting and recreational activities, and integration-based courses to further the non-work related well-being of workers, as well as to increase their ability to better assimilate into the Singaporean community while they are living and working here. Of particular note are 2 very large scale events that the MWC runs annually in May and December to coincide with May Day or Labour Day, and International Migrants' Day. In the last 3 years, these events have typically attracted the participation of between 30,000 and 50,000 MWs and Singaporean locals.
- 1.5 Given its wealth of experience providing humanitarian, advisory, and case advocacy services to MWs with employment grievances since 2009, the MWC has naturally progressed to becoming an aggressive advocate for improvement in the protections afforded by state laws and processes to its constituents. In doing so, the MWC stays true to its mission and spirit of tripartism, which emphasizes rational, responsible and evidence-based advocacy. Through these public advocacy efforts and its involvement in providing feedback and consultation to the policy makers, the MWC has in the last few years played a key role in certain improvements that have seen implementation. An example of the above can be seen in recent changes to the Employment Agencies Act (EAA), to require proper documentation and issuance of payment records to MWs by agents, as well as the imposition of a limit to the amount of agency fees that Singaporean licensed agents can charge. With the MWC's feedback that many rogue or unlicensed agents had begun to take root within the intermediary system, the EAA

changes also tightened the licensing regime and increased the penalties for unlicensed operation of agency services to strengthen the deterrent effect of state legislation.

- 1.6 With MWC's constant calls for stronger enforcement of state employment laws concerning MWs, the Employment of Foreign Manpower Act (EFMA) was also strengthened in recent years to strengthen its penalty framework, and to criminalize more serious employment offences to attract stronger custodial punishment. To more effectively respond to calls for better surveillance, detection, investigation and prosecution of offences against MWs, the EFMA was also improved to enhance the powers of investigators and make more expedient the investigative and prosecutorial processes.
- 1.7 The remainder of this submission will discuss in greater detail the current environment for MWs in Singapore, as well as key improvements to state legislation and MW protections for which the MWC is deeply involved in advocacy.

2 Current MW Environment & General Sentiment

- 2.1 The MWC together with the Singapore Ministry of Manpower, conducts the widest survey of MW well-being every 3 years beginning in 2011. Adopting a random interview methodology and ensuring that a population-representative sample is engaged for gender, nationality and age, survey participants are gathered through street intercepts in congregation areas, various large workplaces and within MW dormitories (the most popular form of MW accommodation in Singapore, with dormitories of various scales housing about half of the over 900,000 MWs here). The result is that from more than 3,000 MWs surveyed in 2011 and more than 3,500 MWs surveyed in 2014; very consistent findings have surfaced from both studies.
- 2.2 In summary, overall satisfaction levels among MWs working here remain very high, with close to 90% of MWs reflecting satisfaction with working, living and recreational and social conditions provided for them in Singapore. Contributing factors to the high satisfaction levels are cited as good salary, good prospects, good working conditions and treatment from employers, good enforcement and rule of law, familiar services and amenities and good communications services to lessen the impact of homesickness. The MWC is heartened by the sentiment reflected in the 2011 and 2014 MOM-MWC FW Survey findings but more importantly, holds strongly to the notion that this sentiment as the most reliable reflection of the MW environment must underpin or set the stage for any discussion on MW welfare, protection or rights.

- 2.3 The MWC's own case figures, in light of its now pervasive network of accessibility to advice and assistance, as well as its ongoing efforts to reach out to all MW here, would appear to reinforce the reality that the majority of MWs are treated fairly while working in Singapore, and that only a minority of MWs face mistreatment and injustice as a proportion of the total population of MWs in Singapore. Annual assistance figures have now stabilized over the last 2 years at slightly over 4,000 cases seen – the most among all MW advocate or NGO organisations in Singapore – out of the more than 900,000 overall population, or potential clients.
- 2.4 From among the grievances raised to the MWC by its clients, the most frequent are as follows in descending order: salary-related complaints; work injury compensation complaints; agency or agency fee related complaints; complaints concerning other, non-salary related employment conditions such as work safety protection or leave entitlement; and complaints concerning accommodation or living conditions. Often, MWs who seek out the assistance of the MWC present us with multiple issues from among those listed.

3 Abuses by Employment Intermediaries & Agency Debt

- 3.1 Since the MWC's inception, MWs have in their conversations with us mentioned the sacrifices they have had to make in order to travel to Singapore for work. Of these sacrifices, a consistent theme has been placement or agency fee monies that they have had to pay to recruiters or agents in their home countries. The agency fee charged to MWs is typically proportionate to the skill level of the worker – the lesser the skill level, the greater the fee charged. Typically, unskilled migrant workers from India, Bangladesh and China pay anywhere between SGD5,000 and SGD10,000 to agents to arrange for their employment in Singapore.
- 3.2 In recent years, Singapore state laws have been amended to regulate the practices and charges of local agents so that they are unable to collude with overseas counterparts (see para 1.5 above). While on the one hand the MWC has called for state authorities to step up enforcement of these new controls, information from our MW clients tells us that neither the requirement of placement fees nor the fee amounts being charged in their home countries have seen any considerable change.
- 3.3 In a bid to caution prospective MWs on the dangers of over-payment to local agents or recruiters, together with other critical information about employment rights and

entitlements before departure for Singapore, and into their tenure here, the MWC produced a Pre-departure Video for the purpose of screening to as wide as possible an audience among departing MWs. Since Mar 2015, the 15 minute video, covering a range of important information, has been required viewing for all incoming MW construction workers via a Singapore-government enforced screening requirement at all its licensed or endorsed skills test centres in India, Bangladesh and PRC China, through which all Singapore-bound construction workers must pass. While the collaboration with Singapore's Building & Construction Authority has been a major success for the MWC in increasing the audience for the video, we continue to seek further collaborations and avenues through which to further the video's reach. The hope is that through education and increased awareness of the reality that is working in Singapore, MWs will be empowered to protect themselves against injustice and be better-positioned to seek and obtain recourse against those who infringe their rights before departing for Singapore and surrendering the ability to do so.

4 Salary Abuses in Singapore

- 4.1 More of the cases seen by the MWC reflect salary-related issues or complaints than any other employment issue and as such, since its inception in 2009, the MWC has been a strong advocate of better statutory protections to ensure that MWs are paid fairly, on time, and pursuant to what was agreed at the point of hiring.
- 4.2 A comparison of MWC's figures to all other NGO organisations instantly reflects how the Centre is arguably the leading MW salary-claims specialist in the field. Since 2011, the MWC has regularly released its statistics for public consultation in a bid to bring attention to the alarming trend of increasing salary disputes among MWs. Of particular concern to the MWC was the difficulty, given the tendency for all documentary evidence to typically be in sole possession of the employer, for MWs to evidence their claims of under-payment, short-payment, chronic delay in payment, or in some instances, even outright non-payment.
- 4.3 Following calls from the MWC for the government to address this basic inequity, the Singapore Ministry of Manpower had announced its intention in 2014 to make mandatory the issuance of salary pay-slips to all workers for their own record and safe-keeping by the first half of 2016. While this improvement will certainly make inroads towards giving MWs the power to track their own salaries and better level the playing field in salary dispute resolution, we will have to see what the true effect of the

improvement will be once it has seen implementation, as well as the degree to which the authorities will enforce the new regulation.

- 4.4 Even so, the MWC has not stopped its calls to further tighten the process of salary payment, especially in respect of MWs. To the MWC, timely issuance of salary vouchers will indeed help to cast light on calculation of the various components that make up an MW's pay, and also require employers to account for the deductions that are made to the same. Unfortunately, in an environment where it is not unusual for MWs to report not having been paid at all for consecutive months, the sad fact is that nothing short of mandatory electronic payment of salaries for MWs will truly address the malpractices currently taking place. The MWC is heartened by announcements in 2014 that the Singapore Ministry of Manpower is willing to explore compulsory electronic salary payment once mandatory pay-slips have come into force, and in private tripartite discussions, have continued to press our authorities for a timeline to implementation. While this has not yet been forthcoming, we are optimistic of making headway before the end of 2016.

5 Employment Mobility

- 5.1 Due to the way our employment and immigration rules are structured, MWs are 'bonded' to one employer when they come to Singapore to work. The authorities, in doing so, ensure that the employer, while responsible to see to the MW's treatment at the workplace, is also made responsible for all other non-work needs and requirements, including housing, maintenance and upkeep, and medical needs, among others. These responsibilities are non-delegable for the duration of an MW's stay and as such the traditional rule has been that MWs are prohibited to transfer from employer to employer without the express permission of their original employer or sponsor.
- 5.2 The MWC has since 2012, called on the authorities to liberalize the way in which this process, and the mobility of MWs as a result, has been strictly guarded. As a direct result of these efforts, and consistent with the desire to maintain and preserve a high quality migrant workforce, the Singapore authorities in 2014, not only extended the statutory maximum period of employment for MWs on work permits from 18 years to 22 years in several key industry sectors, but went a step further to allow experienced MWs with proven skills records to continue to stay and work in Singapore with different employers even if their work tenures with the original work permit employer had ended.

- 5.3 Another area where the authorities have introduced greater flexibility and liberalization following calls from the MWC as well as other MW advocates, has been in cases where MWs have brought a legitimate statutory claim or complaint against their employer. The basis of this call for the MWC was that it was a necessary protection for victims of employment malpractices, before the implementation of which it would not have realistic to expect aggrieved MWs to come forward and seek recourse through the various statutory recovery processes, as MWs would typically be repatriated at the conclusion of their cases, regardless of the outcome. Having paid so much money to intermediaries to secure work in Singapore (as explored in para 3), it had always been the priority of MWs to protect their continued stay in Singapore above all else, at least until the agency fees had been recovered, with the MW being able to earn some further money in addition. Since 2014, wherever MWs have been able to bring legitimate grievances forward for investigation or resolution by the Singapore Ministry of Manpower, coupled with a recommendation and an assurance that the MW's care and upkeep would be seen to by an established NGO such as the MWC, the authorities have been very open to allowing MWs to stay on in Singapore at the conclusion of their cases to seek alternative employment. While there remain some practical challenges with merely allowing MWs to stay and source for their own alternative employment, the MWC is at present deeply involved in working with state authorities to further enhance and develop the 'Change of Employer' (COE) system for it to truly achieve its intended ends.
- 5.4 The MWC is also taking its advocacy beyond the 3 conditions under which employment mobility is now allowed, so that it may be extended regardless of the condition of the MW or objection by the original work permit employer, in certain key industry sectors where job demand from Singaporeans is low, and hence the need for MWs is expected to remain high. The argument of the MWC is that given the push for productivity in these sectors, the need for a quality, experienced workforce is strong, and allowing proven workers to stay on discourages churning in of MWs who are new, inexperienced, and typically more vulnerable exploitation and employment malpractices. The MWC is hopeful that this further liberalization of the curbs on MW mobility is currently undergoing serious consideration by our authorities and it will not be long before we see implementation.

6 Work Injury

- 6.1 The Work Injury Compensation (WICA) system in Singapore is a no-fault, insurance regime, which at its heart; attempts to encourage free and honest reporting of any work

related injury or illness to be processed via an insurance claim and which in turn, where medically verified, attracts an appropriate compensation for the injured party from the insurer.

- 6.2 Unfortunately, such an open system has resulted in misconstruing, misunderstanding and abuse by some employers and MWs; to the extent that genuine cases may eventually be prejudiced if new controls are emplaced to curb malpractices.
- 6.3 The MWC is currently working on bringing the tripartite partners together to develop a MW Employment and Management Best Practice Guide (Employers' Guide), which besides emphasizing basic employer responsibilities when hiring MWs, will also attempt to educate and change the mindsets of employers towards WICA. Essentially, it is a pre-condition to the granting of any work permit that the prospective employer must take out compulsory WICA insurance and since employers continue to pay the premiums for their MWs' for the duration of the employment, they stand to lose nothing by coming forward to make a claim for their workers in the event of illness or injury, other than possible future increases in premium. Simple as the logic may appear, it is unfortunate that the process has been subject to a great deal of misunderstanding and misuse, and in some instances even demonized among certain groups of employers. The MWC hopes for the Employers' Guide to be ready by 2016, and similar to the its strategy for its Pre-Departure Video (para 3.3), the Centre will work with the tripartite partners in government, the trade unions and among the employers, to seek as wide and as large an audience as possible for the Guide's dissemination.
- 6.4 Until then, the MWC has and will continue to be a key partner of the Singapore Ministry of Manpower, in the protection, housing and maintenance, and the care for MWs marginalized or abandoned by their employers for having filed a WICA claim.
- 6.5 The MWC's assistance to injury claimants is guaranteed up till MWs' injuries have stabilized enough for medical specialists to make a long term assessment of the permanent disability caused by the injury, which is the basis upon which the quantum of compensation is determined. However, in certain cases, WICA claims have been known to drag for periods of up to 1 year or more, with delays caused by non-cooperation or deliberate delay among the various parties concerned. Where this has been the case, and MWs concerned have sustained less severe injuries or have had their conditions stabilize to an extent enough to carry out less strenuous work, the MWC has worked with the Singapore Ministry of Manpower to arrange for temporary 'light' employment in a small number of cases, more so for the purposes of helping to enhance the

physiological and psychological well-being and recovery of the MW, than any other reason. The ability to continue to be active and viable, and continue working has been shown to make a great difference to a swift recovery, and in this instance, would also allow for the upkeep, maintenance and care of the MW to be taken on by another responsible employer. Still considered to be within the pilot stages, the MWC and the Ministry are still in the process of working out teething issues before it can be elevated to a bona fide temporary employment scheme and opened to the wider population of injury claimants. The MWC is hopeful here as well, that the Ministry will consider its recommendations to improve the temporary employment system for WICA claimants, so that it may address both the needs of injured workers as well as their prospective temporary employers adequately.

7 Accommodation

7.1 The issue of housing for the large population of MWs in Singapore has always been a sensitive one given the land scarcity in Singapore. Our regulations require that roughly half out of the over 900,000 MWs in Singapore be housed in customized, dormitory housing facilities where tailored commercial, social and recreational services and amenities can and should be provided in close proximity. The MWC has been an outspoken advocate for dormitory standards in Singapore and has championed extensively not only for better housing standards with greater sanitary, safety and security features, but also for a greater choice of services and amenities which should be located on-site within dormitory developments. Unfortunately, only larger, newer, purpose-built facilities, typically housing more than 1,000 MWs are able to provide the highest livability standards while effectively affording the services and amenities that we deem necessary. The complication is that the building of these larger premises has been outpaced in recent years by the growth in Singapore's MW population. The current 50 purpose-built facilities at capacity only house slightly over 200,000 MWs, and this leaves room for smaller, less professional operations, often straddling the borderline in terms of housing standards to exist.

7.2 The government has acted quickly to address the shortage, with 10 new mega-dormitories already approved and to be built by 2016, together possessing the capacity to house a further 100,000 MWs, but even with such speed in development, it will take till beyond 2016 to adequately house all the 450,000 or so MWs that require so, in the newer, larger purpose-built dormitories. Given the situation requires the continued relevance of smaller premises, the MWC has also been an outspoken critic of some of these worse-run operations, and through information obtained through our assistance

network, have been known to proactively detect and expose rogue operators who cut corners and provide MWs with lesser standards than is required by state regulations. The MWC has also campaigned tirelessly for stronger and stricter enforcement by the authorities, to prosecute rogue or unlicensed operators swiftly and severely, in order that a clear message of deterrence can be sent.

- 7.3 In early 2015, the government introduced a new law, the Foreign Employee Dormitories Act (FEDB), which in anticipation of a MW housing environment completely dominated by purpose-built dormitories, made the rules of operation of these dormitories more onerous with stricter rules concerning public order, safety and security. The MWC was the first NGO organization to respond and provide feedback, voicing a fear that in an environment where small operations would continue to exist for the foreseeable future, the new law might increase the cost of purpose-built dormitories and thereby make the smaller dormitories, which are known to operate at lesser standards, cheaper by comparison and more attractive to employers. The MWC sought and obtained the assurance of the government, that foremost on its agenda remained the pre-existing regulations on basic livability and safety standards within all dormitories, and, citing Centre's own case experience with smaller dormitories, that enforcement of these basic standards would continue to be strengthened across the board without distinction by dormitory size or type. The MWC continues to monitor the progress of enforcement of housing standards in MW housing, and will not hesitate to seek further assurances from the authorities should this be needed.

8 Conclusion

- 8.1 Having continued to advocate for better protections and standards for MWs in Singapore since 2009, the MWC has noted the Singapore authorities to have become particularly receptive to our calls and recommendations in these last 3 years. Changes already implemented have already begun to bear fruit in improving the well-being of MWs but there remains much more work to be done.
- 8.2 MWC advocacy continues to be underpinned by calls to the government, as well as to employers towards building a quality, skilled MW workforce which while possessing obvious benefits to maintaining the competitive and productivity advantage of Singapore and its businesses, will also engender a knowledgeable and savvy MW population, which although well-treated, is keenly aware of its rights and entitlements, and consequently far less vulnerable to employment malpractices or other injustices.

8.3 The MWC will continue to emphasize rational practicality, anchored by its own case evidence, in its approach to advocacy, bearing in mind that success or failure on our part will certainly bear a great deal more significance for our constituents.

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