



Universal Periodic Review 3rd Cycle Stakeholder Submission by Migrant Workers' Centre (MWC) Singapore

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About the Migrant Workers' Centre, Singapore

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. The MWC:

- Provides advisory and assistance to MWs seeking remedies against unfair employment practices;
- Provides shelter, meals and other social support to MWs awaiting employment dispute resolution for cases lodged with the authorities;
- Facilitates social acceptance and integration through outreach activities, community engagements, advocacy and public education and provides opportunities and platforms to promote social integration between migrant and local communities.
- Educates MWs on basic work rights through our various outreach channels, MW grassroots network and social media platforms.
- Advocates for fair resolution and assertion of MWs' rights.

(2517 words, excluding cover page)

1 Introduction

1.1 Majority of the 4,000 cases that MWC handled annually are salary claimed related issues. MWC's aggressive advocacy for improvements to MWS' employment protections, especially in favour of a more transparency in salary records keeping and for key employment terms to be conveyed in writing at the outset of the employment relationship, two new amendments had been made to the Employment Act and came into force on April 2016. These amendments require all employers to issue itemized payslips for their workers' own safekeeping and that key employment contractual terms governing items like pay and working hours be conveyed in writing to all employees within 14 days of the commencement of employment. A year-long moratorium (April 2016-March 2017) on enforcement against non-compliance of the new conditions was imposed at the outset to give employers time to make the necessary adjustments to their employment practices. Since April 2017, the MWC had referred all cases of non-compliance with the new conditions to the authorities for enforcement and redress.

1.2 The MWC will also continue to advocate for e-payment of salary as this will further prevent salary abuse with bank records providing undisputed documentary evidences in salary dispute resolution cases. Since April 2018, we have partnered local bank POSB to launch a banking cum membership program to encourage employers to open bank accounts via Ministry of Manpower (MOM) Work Permit Online system. There are currently more than 300k members recruited under this program. COVID-19 situation and the movement restriction measures at MWS' dormitories have accelerated recruitment to our Membership Program as the urgency for alternative online salary payment become apparent.

2 Legislative protections – in response to recommendations 79, 94, 131, 132, 133, 135, 136, 137, 138.

2.1 MWS in Singapore have the same rights as local workers under the Employment Act (EA), Workplace Safety and Health Act (WSHA), Work Injury Compensation Act (WICA), and Employment Agencies Act. Their employment rights are also protected under the Employment of Foreign Manpower Act (EFMA). The prevailing legislation also prohibit employers from withholding their foreign workers' passports, travel documents, and work permits

2.2 Prior to enactment of Foreign Employee Dormitories Act (FEDA) in 2015, MWC advocated aggressively for the aggregation of the many disparate rules applied to regulating the management of institutional housing for MWS, into a unified code. Upon the enactment of FEDA, the MWC continued to advocate for the Act to be extended to cover all MW dormitories regardless of size. MWC surfaced numerous cases to show worst cases of housing standards abuse tended to involve the smaller dorms. This led to the authorities extending the basic standards of FEDA to the smaller factory-converted dormitories (FCDs) in 2017, which requires FCD operators to provide workers with Wi-Fi, personal lockers, a way to provide feedback on their accommodation, isolation facilities for the sick or ill, and proper contingency plans for infectious disease management.

3 Education and awareness of their rights and responsibilities – in response to recommendations 132, 136.

3.1 From 1 December 2019, all first-time non-Malaysian MWS were required to attend a one-day Settling-in Programme (SIP). The MWC conducts the SIP on behalf of the MOM. The objective of the SIP is to familiarise MWS who are new to Singapore with our laws, as well as

cultural and social norms. Critically, the SIP also aims to inform MWs of their work rights, as well as avenues for recourse should their rights be infringed while working in Singapore. The program allows MWC to engage all new workers within two weeks of arrival in Singapore and has become a critical post arrival touch point for our outreach effort. More than 22,000 MWs have attended the SIP since October 2018.

- 3.2 Since Covid-19, the MOM also developed and deployed the FWMOMCare mobile application, which transmits timely information directly to MWs, bypassing their employers who may not always pass on messages in a timely fashion. These could include information about their return to work (when the Covid-19 situation in the dormitories stabilised) as well as tips on keeping healthy.
- 3.3 Established in 2013, MWC's MW grassroots network (F.A.I.R. Ambassadors Network) was set up to provide real-time ground sensing ability and helps to smoothen the integration of newly arrived MWs by providing more experienced mentors to guide and help new workers assimilate into our society. They are also trained on basic employment rights legislation to enable them to reach out to the fellow MWs to help address employment issues early. The network of ambassadors which is 5,000 strong are recruited from MWs residing in all 43 Purpose Built Dormitories (PBDs) and has expanded to include those staying in the smaller FCDs. These ambassadors play an important role especially during COVID-19 period where they helped the MWC to disseminate important safety measure guidelines and advisories related to employment to MWs in the dormitories and at workplace.
- 3.4 The MWC has tapped on social media platforms like Facebook (FB) and WeChat to broadcast important information and latest advisories relating to MWs. The shutting down of 2G network in Singapore in 2017 and the mandate for the smaller dormitories in the same year to also provide free WIFI like the bigger dormitories had expedited the process to enable MWs to be connected with their friends and families via these online communication platforms. Using these platforms to disseminate information has further enhanced MWC's ability to outreach to wider group of audiences, especially those that are residing in private residential properties. During COVID-19, despite movement restriction measures, the MWC and our strategic partners are able to continue to outreach to the MWs to educate and provide entertainment to them via digital live shows broadcast on FB.

4 Well-being – in response to recommendations 133, 134, 136.

- 4.1 In Singapore, employers are responsible for their MWs' well-being, including ensuring acceptable accommodation, covering the expenses of their workers' medical treatment and purchasing in-patient medical insurance of at least S\$15,000 for semi-skilled and mid-level skilled FWs. In 2020, the medical expenses limit, and compensation limits for death and permanent incapacity under the WICA were increased as part of regular updates to keep pace with wage growth and healthcare costs. In addition, in the same year, the MOM signalled in the President's Addendum that an insurance programme will be developed to help to safeguard the health and wellness of Singapore's MWs by helping employers manage unexpectedly large medical expenses.
- 4.2 The MWC, together with Singapore-based venture philanthropy organisation LEAP201, had provided enhancement to MWs' protection by subsidizing and made available an affordable insurance scheme (Care4MigrantWorkers – C4M) to insure MWs against non-work related accidents resulting in death, or total and permanent disability as well as critical illnesses

from 1 January 2021. C4M is the first low-cost group term life insurance designed for MWs in Singapore and this will enhance the current insurance protection that is mandated under the law.

- 4.3 The Covid-19 pandemic shined a spotlight on the accommodation standards for and mental well-being of MWs in Singapore. The communal living arrangements in the dormitories led to a higher risk of transmission. To improve accommodation standards, the Government is piloting an improved set of accommodation standards at the new Quick Build Dormitories, such as increased living space (from $\geq 4.5\text{sqm}$ per resident, including shared facilities, to $\geq 6\text{sqm}$ per resident, excluding shared facilities). The pilot will also seek to uplift the capabilities of dormitory operators and make adjustments to the daily living habits of the dormitory residents. The current dormitory standards and statutes were designed and enacted to support MWs during a non-COVID situation and have proven to work adequately well. The COVID-19 situation presented an unprecedented pandemic that has caught everyone off guard, not only in Singapore, but all around the world. In light of the COVID-19 outbreak in dormitories, the rules and regulations on dormitories need to be reviewed and overhauled into the new post-COVID-19 norm. While the discussion continues to evolve on how to design and operate dormitories, effort to educate MWs on practicing greater personal and sanitation hygiene can also help to prepare and prevent future pandemic outbreak in dormitories.
- 4.4 During the height of the crisis, many MWs living in dormitories were on movement restrictions to reduce the spread of Covid-19 and could not leave their dormitories to go to work or for leisure. In the past few months, MWC 24-Hr helpline has experienced a 3-4-fold increase and many of the calls involved MWs who are facing emotional stress and anguish. These psychological and emotional stresses are the result of the extended periods of uncertainty and isolation faced by some of our MWs. The MWC has ramped up our capacity and resources to assist distressed migrant workers, by tapping on our ambassador network to reach out to affected workers and offer friendship, support and encouragement through a listening ear or help to surface issues or concerns they may have.
- 4.5 To better protect migrant workers especially those staying in the smaller dormitories which may not have as many facilities compared to the bigger ones, the MWC has worked with partners to support the setup of medical tele kiosks in some 120 FCDs with 2,000 MWs to complement the current WhatsApp (WA) video teleconsultations via the FWMOM CARE App to improve accessibility to care. MWs can seek online medical consultations with doctors and their medications will be delivered to their residences.
- 5 Access to vocational training – in response to recommendations 135.**
- 5.1 In most employment dispute cases, the marginalized MWs tend to be those who are unskilled or least skilled in their trade. The MWC advocates for better skills for better productivity and employment conditions. Improving the skills profile of migrant workforce overtime can help MWs attain better pay and improve their employment mobility without paying hefty agency fee. MWs in Singapore can enjoy the opportunity to upgrade their skills and improve their career prospects. Many acquire new skills and formal certification of competency in a trade. MWs who are NTUC union members are also entitled to subsidised training (NTUC Education Trust Fund or NETF).
- 6 Employment mobility & avenues to recourse – in response to recommendations 79, 134.**

- 6.1 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 Government, 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.
- 6.2 As some businesses were greatly affected by Covid-19, and had to let go of some of their workers, the Government introduced a temporary scheme to allow companies to transfer their excess workers to other sectors. This relaxes the current rule that only allows transfers within the respective sectors. This allows the MWs a chance to continue their employment in Singapore. In addition, MWs who have valid claims against their employers are also allowed to change employers without obtaining consent from their existing employer. By broadening the scope to allow for change of employers (COE), skilled MWs can be retained. As these workers have been in Singapore for a period of time, they would be more familiar with the local culture and language and tend also to be better skilled. MWC believes that there would be greater value to allowing workers of higher skills profiles to remain in Singapore (if this is their wish) and have advocated from before Covid-19 – and more so now – for these workers to be given help to change or transfer employment to new employers who are in need of their skills by facilitating COE, as opposed to bringing in new MWs who may not be as skilled or experienced.
- 6.3 The MWC recognized the assurance that a MW needs to readily come forward to report his case is the ability to find new employment with the breakdown or cessation of the existing one. The unwillingness to come forward is due to the fear of repatriation especially those who have yet to recuperate the loan amount paid to employment/recruitment agents back home. Even though COE is allowed in certain situations, displaced MWs may not have the network or assistance to search for new jobs. The MWC has actively engaged the tripartite partners towards securing new employment for MWs who are faced with salary claim cases, working closely with Aptiv8 (a local employment agency with online job seeking platform), associations, unions and employer networks to facilitate employment transfer opportunities for them. We will continue our effort to engage the authorities to further enhance and strengthen the existing employment transfer system especially for the group of MWs who are here for less than 6 months so as to provide them greater reassurance in this area.
- 7 Other developments or relevant issues not addressed during previous reviews**
- 7.1 While ensuring MWs' employment rights are not infringed or abused, it is equally important to address their recreation and social needs for total well-being. MWC, NTUC and Unions have continued to extend recreational/social welfare activities such as May Day gatherings, International Migrants Day celebrations, sporting activities, excursions and concerts to MWs. Various agencies, religious bodies and NGOs/grassroots organizations in Singapore have also initiated similar efforts, in recognizing the contributions of MWs. In the last quarter of 2019, the MWC has furthered its effort to promote social well-being of migrant workers with the launch of the Migrant Workers' Centre Recreation Club (MWCRC@Soon Lee). The new MWCRC houses essential services required by the migrant community and is designed to be a safe and conducive space where MWs can go about performing grocery shopping, telecommunication, banking, remittance and also sporting and other social and recreational activating in close proximity to where they live.

8 Conclusion

- 8.1 The MWC notes how Singaporean authorities have been receptive to our calls and recommendations over the years; resulting in a slew of improvements to the MW welfare and protection landscape. In fact, some of these improvements have already begun to bear fruit in improving the well-being of MWs. Still, there remains more that can be done within the area, especially in the aftermath of COVID-19, which has revealed new areas which require attention and improvement.
- 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 is not only well-treated, but also keenly aware of their 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 would bear a great deal more significance for our constituents.