

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Shadow Report for Singapore



**HUMANITARIAN ORGANIZATION FOR MIGRATION
ECONOMICS (HOME)
&
TRANSIENT WORKERS COUNT TOO (TWC2)**

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About HOME & TWC2

The Humanitarian Organization for Migration Economics (HOME; www.home.org.sg) is a non-governmental organization based in Singapore that serves the needs of the migrant community, especially low-waged migrant workers. Established in 2004 provides a number of services to thousands of migrant workers in need through the provision of shelter, legal assistance, training, and rehabilitation programmes. In the last five years, HOME has provided shelter to approximately 3,500 migrant domestic workers (MDWs) and employment/legal advice to an average of 700 workers per year in the construction/marine and services industries. Our findings and recommendations are based on our empirical research on migrant workers as well as our collective casework experience and casework statistics from over a decade of dealing with a large and persistent volume of cases.

Transient Workers Count Too (TWC2; www.twc2.org.sg) is a Singapore-registered charity that champions the fair treatment of blue-collar migrant workers and MDWs. It does advocacy work, conducts research, and provides a whole range of assistance to migrant workers who meet with workplace accidents or who are exploited by employers and labour agents.

Introduction

1. There are currently approximately 1.2 million foreign work pass holders in Singapore.¹ To manage the migrant worker population, the government has developed a tiered work visa system (known as the work pass system) which categorises employees in terms of their qualifications and salary earned.² The highest category, known as the “Employment Pass” (EP) is “for foreign professionals, managers and executives”. EP holders need to earn at least S\$4,500 a month and have “acceptable qualifications”. The S Pass, meanwhile, is for “mid-level skilled staff” who earn at least S\$2,500 a month and meet MOM’s assessment criteria.
2. Low-wage workers, or those who have been categorised as “semi-skilled”, are issued a “Work Permit” (WP); there is no minimum wage requirement; Singapore does not have a minimum wage for any of its workers. Low-wage work in Singapore is largely performed by migrant workers. Most recognise that they perform jobs which many locals shun yet which are integral to sustaining Singapore’s economy. This report focuses on the treatment of migrant WP holders, including migrant domestic workers (MDWs) vis-a-vis Singapore’s obligations under the International Convention for the Elimination of Racial Discrimination.
3. Article 1 of the Convention prohibits discrimination based on nationality, race, ethnicity, amongst others. Despite significant contributions made to Singapore’s households, infrastructure and our economy in general, low-wage migrant workers remain marginalised due to the insufficient protective mechanisms in place, discriminatory policies that disadvantage them based on their race and nationality as well as social measures that work to further segregate them from a wider Singaporean society.

¹ Ministry of Manpower, “Foreign workforce numbers”, <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers> (accessed 19 October 2021).

² Ministry of Manpower, “Work passes and permits”, <https://www.mom.gov.sg/passes-and-permits> (accessed 29 August 2021).

Article 6

Working conditions and access to remedies

Introduction:

4. Under the State's responsibility to condemn racial discrimination as outlined in Article 2, it is encouraged to review and prohibit legislation that enforces discrimination, as well as to enforce integrative structural changes to ensure each group's development and protection.
5. While these protective institutions exist, there are a number of challenges that limit a worker's ability to seek access to justice. Protective measures remain insufficient, inconsistently enforced and discriminatory while failing to address the social welfare of these non-citizens. Moreover, legislation that seeks to undermine their fundamental human rights remains in place.

A. Insufficient economic protections:

Inadequate coverage of the Employment of Foreign Manpower Act

6. The main labour law in Singapore is the Employment Act (EA), which governs basic working conditions in core areas, such as: limits on working hours, formulas for overtime, entitlement to rest days, public holiday pay and minimum standards on notice periods, annual leave as well as paid sick and hospitalisation leave. However, MDWs are excluded from the EA. The State rationalises MDWs' exclusion from the EA on the basis that the nature of domestic work is 'quite different from normal work'³, making conditions of work difficult to regulate. This exclusion leaves MDWs bereft of core labour rights protection. In response to criticism of this exclusion, the Singapore government tends to reiterate that MDWs are covered by the Employment of Foreign Manpower Act (EFMA). However, the limited protections and entitlements offered under EFMA are not equal to those provided under the EA.
7. The ambiguous language of EFMA provisions impacts the welfare of MDW. Presently the EFMA requires employers to provide 'acceptable' accommodation, 'adequate' food, 'adequate' rest, and 'reasonable' notice of repatriation.⁴ Failure to provide more concrete rights means MDWs' wellbeing and working conditions are largely dependent on employers and their interpretation of these regulations, exposing them to issues ranging from health complications to sexual violence. This is only further exacerbated by inconsistent enforcement, even when guidelines are issued. Moreover, this arrangement ignores the grave inequalities in bargaining powers between parties, and the limited ability of MDWs to contest the imposition of exploitative conditions.

³ Parliamentary Debates Singapore: Official Report, vol 85 at vol 998 (November 18, 2008).

⁴ Employment of Foreign Manpower Act (Chapter 91A), Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part 1, s(1), s(4), s(10a) ; Part II, s(12).

8. Other basic labour rights, such as public holidays, annual leave, sick leave and the right to redress for wrongful dismissals, are also denied to MDWs because of their exclusion from the EA, and the EFMA is silent on these issues. Even though the government amended EFMA in 2012 to mandate that MDWs receive a weekly rest day, employers are allowed to pay workers in lieu of the day off. This usually amounts to no more than SGD 20 - 30 (USD 15 - 20) per rest day, a fraction of the workers basic salary. Employers may deny a worker rest days for the entire duration of the contract (which is usually for 2 years), as long as she is paid compensation in lieu. The duration of the rest day is also usually decided by the employer and it is not mandated to be 24 hours. HOME frequently encounters MDWs who have to do chores before and after their hours of rest, without being compensated for this work. A recent mandate, to be effective from the end of 2022, announced by MOM requires employers to give MDWs a monthly rest day that cannot be recompensed.⁵ However, this overdue measure may be insufficient to guarantee basic workers' rights present in other international labor standards.⁶ Reports by HOME reveal that MDWs work extremely long hours (13 hours a day on average) and about 40% do not get any rest days in the week.⁷ There is a gaping need to bring domestic work within the scope of the EA, followed by strict enforcement of the EA's requirements with respect to working hours and rest days.

Insufficient regulations of nationality- and industry-based wage discrimination

9. There is no established minimum wage in Singapore for migrant workers or citizens, despite Singapore being one of the most expensive cities in the world. The MOM's stance for not setting a minimum or uniform wage for migrant workers is that "[w]hether wages should increase or decrease is best determined by market demand and supply for labour."⁸ Nonetheless, due to their lack of bargaining power, migrant workers in Singapore suffer from chronically low, depressed wages, even though recruitment fees continue to rise exponentially. Based on our experience assisting workers, we have found that many are paid between SGD 13 - 18 (USD 9 - 13) per day.
10. Moreover, migrant workers have been consistently excluded from the Ministry of Manpower's report on wages, which lends insight into the mean, median and percentile wages of low-wage workers from the various industries at a national level. A lack of this

⁵ Navene Elangovan, "Employers required to give maids at least 1 rest day a month from end-2022; day-off can't be compensated away: MOM", July 22 2021, Today Online <https://www.todayonline.com/singapore/employers-required-give-maids-least-1-rest-day-month-end-2022-cannot-be-compensated-away> (accessed 2 September 2021).

⁶ Article 10(2), C189

⁷ Anja Wessels, "*Home Sweet Home? Work, Life and Well-Being of Foreign Domestic Workers in Singapore*," 11. *Research Report*. 2015. *ResearchGate*, <https://doi.org/10.13140/2.1.4090.1922> (accessed 10 September 2021).

⁸ Ministry of Manpower, "Is there a prescribed minimum wage for foreign workers in Singapore?", <https://www.mom.gov.sg/faq/work-permit-for-foreign-worker/is-there-a-prescribed-minimum-wage-for-foreign-workers-in-singapore> (accessed 29 August 2021).

data has made advocacy for fair wages amongst these populations difficult. It has also made these groups far more susceptible to receiving exploitative wages.

11. Additionally, the distribution of the amount of wages across the various migrant worker sectors is highly discriminatory, varying across different nationalities. As it stands, Filipino workers earn the highest wages amongst the MDWs in Singapore, followed by their Indonesian counterparts, with Burmese and South Asian MDWs typically earning the lowest wages. The wages for MDWs largely follow standards set by their respective embassies - the Philippines embassy, Indonesian embassy, and Sri Lankan embassy have set recommended minimum wages for their citizens working as MDWs in Singapore at the monthly rate of SGD 570 (USD 409), SGD 550 (USD 395), and SGD 500 (USD 359) respectively. Within the construction and marine industries, Chinese workers earn around SGD 6 - 8 (USD 4 - 6) an hour, which is close to three times as much as their Bangladeshi counterparts who earn SGD 1.50 - 3 (USD 1 - 2) an hour. This variation is arbitrary, and seemingly driven by market forces.
12. Migrant workers continue to be excluded from the limited salary floors mandated from 2018 in specific sectors, for Singaporean and Permanent Resident workers, by Singapore's "Progressive Wage Model",⁹ despite recent expansion to more sectors.¹⁰ Thus the "Progressive Wage Model" is institutionalising and further widening the already severe pay inequalities between citizens and foreign nationals in low-wage sectors.¹¹ This overall lack of standardisation across different nationalities is inherently discriminatory.
13. Although South Asian migrant workers are largely resigned to entrenched wage discrimination, dissatisfaction remains. Wage discrimination remains a commonly-cited reason why experienced and qualified South Asian workers desire greater employment mobility than the extremely restrictive windows MOM currently allows. In 2012, Chinese migrant bus drivers who were discontented with the significant difference between their

⁹ Ministry of Manpower, "Who qualifies for the Progressive Wage Model for workers in the cleaning sector?",

<https://www.mom.gov.sg/fag/progressive-wage-model/who-qualifies-for-the-progressive-wage-model-for-workers-in-the-cleaning-sector> (accessed 13 March 2020).

¹⁰ Chew Hui Min, "Progressive wages to be extended to 8 in 10 lower-wage workers by 2023", 30 August 2021, *Channel News Asia*, <https://www.channelnewsasia.com/singapore/lower-wage-workers-progressive-wage-model-extended-2144651> (accessed 2 September 2021).

¹¹ Stephanie Chok, "Include Migrant Cleaners in Progressive Wage Model", HOME.org, Letter to the Press, 21 December 2016, <https://www.home.org.sg/letters-to-the-press/2018/8/16/include-migrant-cleaners-in-progressive-wage-model> (accessed March 13, 2020); Jaya Anil Kumar, "Extend Wage Increases for Cleaners to Migrant Workers", HOME.org, Letter to the Press, 10 June 2021, <https://www.home.org.sg/letters-to-the-press/2021/6/15/extend-wage-increases-for-cleaners-to-migrant-workers> (accessed 17 September 2021)

wages and that of their Malaysian counterparts went on strike.¹² Ultimately, there were no structural changes that were made in response to this incident. SMRT established feedback channels¹³ but declined to elaborate on how migrant workers fit into their wage model.¹⁴ Lim Swee Say, Singapore's former Secretary-General of the National Trades Union Congress at the time, claimed that the State is "[h]ighly uncomfortable with this idea of same job, equal pay"¹⁵, reiterating the rationale for discriminatory wages as workers' tenure and different skill sets in Singapore based on their nationalities.

Migrant workers' barriers to obtaining legal redress

14. Legislative steps in 2015 to address the lack of evidence which stymies many migrant workers' salary claims have still not been implemented in reality. Many migrant workers with salary claims helped by HOME and TWC2 had not been given detailed itemised payslips as required by law.¹⁶ Yet, we are not aware of any enforcement or punitive action by MOM against their employers. Workers' claims are severely undermined by this lack of documentation. Furthermore, the length of the claim process (approximately 2 to 3 months' for compulsory mediation, plus 3 to 4 months' for the adjudication process) deter claimants from lodging their claims.
15. Should claims remain unresolved after compulsory mediation, they are escalated to the Employment Claims Tribunal (ECT) for adjudication. Being an adversarial judicial forum of adjudication, in contrast to the more inquisitorial administrative forum of the old Labour Court, the ECT does not weigh parties' differing regulatory responsibility to furnish evidence, such as the employers' theoretical obligations to contemporaneously issue itemised payslips. Lack of documentation of their wages' computation breakdown disadvantages low-wage migrant workers especially, because overtime wages are often a significant portion of their income, yet documentation of overtime hours is controlled by employers.
16. The mandatorily online filing procedure at the ECT is formal and labyrinthine, requiring considerable digital and English literacy, and access to suitable hardware, which most

¹² Christopher Tan, "102 SMRT bus drivers protest against pay", 27 November 2012, *The Straits Times*, <https://www.straitstimes.com/singapore/transport/102-smrt-bus-drivers-protest-against-pay> (accessed March 17, 2020).

¹³ This is in reference to SMRT's implementation of a 24-hour hotline and email helpful, as well as MWC's 'Dormitory Buddies Network'. There has been little information available about whether the information gathered through these systems has been used to push for larger systemic change.

¹⁴ Royston Sim, "SMRT bus drivers could earn \$1,000 more a month", 8 November 2013, *The Straits Times*, <https://www.straitstimes.com/singapore/smrt-bus-drivers-could-earn-1000-more-a-month> (accessed March 17, 2020).

¹⁵ Amelia Tan, 'Pay fair wages regardless of nationality', *The Straits Times*, 15 December 2021, <https://ifonlaysia.blogspot.com/2012/12/equal-pay-equal-job-notion-would.html> (accessed 3 October 2021); NTUC, *This Week*, 14 December 2012, <https://mwc.org.sg/wps/wcm/connect/d2f944804e6d49bdac93aec7b9d67807/NTUCTW+14+Dec.pdf?MO=D=AJPERES&CACHEID=d2f944804e6d49bdac93aec7b9d67807> (accessed 7 October 2021)

¹⁶ Employment (Employment Records, Key Employment Terms and Payslips) Regulations 2016, <https://sso.agc.gov.sg/SL/EmA1968-S148-2016?DocDate=20160401> (accessed 27 September 2021)

low-wage migrant workers lack. Most workers become completely dependent on the instructions of court or ministry officers; or, if available, the help of civil society organisations such as HOME and TWC2. Yet, some workers have reported that government officials discourage them from seeking help from civil society organisations. Workers become stripped of agency to take the case forward themselves, to choose their options and to decide exactly how to press on; since they understand the process only in very general terms. This is completely at odds with the systemic and structural assumptions of an adversarial adjudication model.

17. Not only are proceedings in English – which disempowers and disadvantages workers -- as the ECT has become more formalised and the procedures more heavily reliant on documentation over the few years of its operation, the process has tilted towards written submissions. At oral hearings, interpretation, however imperfect and inadequate, had been mostly available, but today, cases must be by electronically-filed written submissions (in English). This disproportionately burdens low-wage migrant workers, many of whom are not fluent in spoken English, and are also not able to draft prose for court documents.
18. When a judgment for owed salaries is ordered by the tribunal, many workers still do not receive their due wages. Because the Employment Claims Act regime takes the claim process out of the enforcement body, MOM, and into the adversarial process of a civil court, all the burden and cost of enforcement falls on the claimant, regardless of indigence. Our experience shows that workers face difficulties enforcing orders awarded in their favour, as they are required to front hundreds of dollars in administrative and enforcement expenses with no guarantee of success. In fact, most attempts by HOME's clients to enforce judgements for wages owed are unsuccessful.
19. We have also observed that some employers declare bankruptcy to avoid payment, only to set up a new company under another name to escape liability. In our observation, due to a combination of the foregoing factors, the vast majority of migrant workers claiming unpaid wages receive only part of their arrears, if at all. Therefore, there have been insufficient protective measures to ensure the just and adequate reparation of this vulnerable group in the national tribunal, as required within Article 6 of the Convention.

Inaction in regulating recruitment fees

20. Heavy debt incurred to pay recruitment fees, which are both extortionate and discriminatory by nationality, is among the crucial factors underlying migrant workers' vulnerability to exploitation¹⁷.

¹⁷ Moreover, s(34) of the UN CERD General recommendation 30 on discrimination against non-citizens explicitly encourages State Parties to “prevent and redress the serious problems commonly faced by non-citizen workers, in particular by non-citizen domestic workers, including debt bondage, passport retention (and) illegal confinement (...)”.

21. Currently, many MDWs are required to pay recruitment fees of around SGD 1,200 – 4,000 (approx USD 862 – 2,873) to employment agencies to be placed in a job in Singapore. Even though the Employment Agencies Act caps fee limits at 2 months of a worker’s pay, agencies in Singapore may charge up to 6 - 8 months of their salaries. The State justifies its inaction on enforcing the 2-month regulatory cap by saying that fees in excess of 2 months are sent to agencies in countries of origin, and they have no jurisdiction in that process. This presents a regulatory loophole which is commonly exploited by employment agencies in Singapore, who continue to charge MDWs exorbitant fees.
22. MDW recruitment fees are paid via a system in which their monthly salaries are deducted during the ‘loan repayment’ period. Based on anecdotal evidence and HOME’s internal analysis of recruitment costs for MDW, we found that Filipino MDWs, who are also paid the most, generally have the lowest recruitment costs while the Burmese domestic workers on an average have higher loan deduction and also the lowest salary per month. This has also encouraged employers to impose additional restrictions out of the fear that their employees may run away without fulfilling the loan repayment. These measures include denying MDWs their full complement of rest days and/or restricting their movement outside the house and use of mobile phones. Some MDWs may also feel compelled to remain in exploitative working conditions in order to pay off their debt. HOME has also found that Indonesian workers generally have the longest loan period facing salary deductions.
23. Bangladeshi workers in the construction, conservancy, process and marine industries are typically charged SGD 8,000 - 16,000 (approx USD 5,747 - 11,835), whereas Chinese workers are typically charged SGD 2,000 - 3,000 (approx USD 1,436 - 2,155). Under the current Employment Agencies Act (EAA) fees are meant to be kept at a maximum of two months fixed salary for a two-year employment contract¹⁸. In many cases, these fees are paid in the worker’s countries of origin to an agent there. Because of this, the State says that they are unable to regulate the situation as it is outside of their jurisdiction. But this ignores the fact that a substantial portion of these fees are remitted to agents and employers in Singapore in the form of kickbacks.¹⁹ Kickbacks have been outlawed under Singapore law,²⁰ but conviction rates remain lower than the incidence indicated by HOME’s experience assisting workers. Unlicensed agents operate within Singapore jurisdiction often with connivance of employers and licensed agents, who use them as intermediaries to collect kickbacks or illegally excessive fees.

¹⁸ Employment Agencies Act (Chapter 92), Employment Agencies Rules 2011, Employment Agencies Rules 2011, s(12)(1).

¹⁹ Rei Kurohi, ‘About 960 cases of kickback offences investigated annually by MOM’ *Straits Times*, 27 July 2021,

<https://www.straitstimes.com/singapore/politics/parliament-about-960-cases-of-kickback-offences-investigated-annually-by-mom> (accessed 6 September 2021)

²⁰ Section 22A, Employment of Foreign Manpower Act, <https://sso.agc.gov.sg/Act/EFMA1990?ProvIds=P1IV-#pr22A->, accessed 27 September 2021

Transportation issues

24. UN CERD General Recommendation 30 s(38) on discrimination against non-citizens under economic, cultural and social rights²¹ stipulates that no person should be denied rights to general public services based on citizenship, racial or national background. The Road Traffic Act²² currently contains an exception to the general prohibition against carrying passengers in goods vehicles. The exception allows employers to transport workers on the backs of lorries. This disproportionately affects migrant workers.²³ Recent fatal accidents highlight the hazards to life and limb migrant workers face on their daily commute.²⁴ This discriminatory legislative carve-out has been exacerbated by Covid-triggered regulations that prohibit migrant workers from taking public transport.

Recommendations:

25. Extend the Employment Act and WICA to MDWs so that basic labour rights for MDWs are regulated. The exclusion of MDWs from the Employment Act leaves them highly vulnerable to abuse. Current provisions under the EFMA are not equal to those under the EA and are too vaguely worded to offer reliable protection.
26. Publish disaggregated data on wages amongst migrant workers by industry sector and nationality.
27. Amend the ECA to mandate (not only permit) the consideration of non-compliance by the employer (such as not issuing payslip). And amend the appeal process to eliminate the need to seek approval to appeal. Low-wage workers should also be proactively allowed to seek redress free of charge in the event of an employment dispute.
28. Take measures to ensure workers whose employers default on satisfaction of court-ordered wage arrears have practically accessible recourse, by establishing MOM's responsibility to undertake and bear costs of enforcement. Workers who are unable to receive their salaries despite going through statutory redress mechanisms

²¹ UN Committee on the Elimination of Racial Discrimination (CERD), CERD General Recommendation XXX on Discrimination Against Non Citizens, 1 October 2002, available at: <https://www.refworld.org/docid/45139e084.html> (accessed 10 September 2021).

²² Road Traffic Act (Chapter 276), s(126) <https://sso.agc.gov.sg/Act/RTA1961#pr126-> (accessed 10 September 2021).

²³ Humanitarian Organization for Migration Economics, "Labour Day 2021: Workers' Safety Should Be Better Protected", 1 May 2021, <https://www.home.org/statements/2021/5/1/labour-day-2021-workers-safety-should-be-better-protected> (accessed 10 September 2021).

²⁴ Neo Chai Chin, "I felt like I was going to fall off": Lorry rides and the push to make it safer for workers", 22 July 2021, *Channel News Asia*, <https://www.channelnewsasia.com/cnainsider/transporting-migrant-workers-lorries-accidents-safety-singapore-2037751> (accessed 10 September 2021).

should be entitled to compensation from a government fund or a pooled-insurance fund among employers.

29. Proactively enforce Employment Agency Act (EAA) regulations on recruitment fees. The widespread practice of employment agencies charging six to eight months of recruitment fees for migrant domestic workers needs to be abolished. Allowing employment agencies in Singapore to demand large amounts and then claim that such fees collected are for overseas partners without adequate verification allows for the persistent undermining of EAA regulations that were meant to protect migrant workers from significant debt burdens. The Ministry of Manpower should disallow employment agencies in Singapore from entering into “loan” agreements with MDWs under the guise of collecting inflated recruitment fees.
30. Shift towards a zero recruitment fees model. Debt-dependent migration is entrenched in low-paid labour migration regimes. Require all vendors bidding for government contracts to demonstrate ethical recruitment for all their workers.
31. Actively promote recruitment models and channels that leave no opening for unlicensed intermediaries.
32. Proactively investigate employers and agents in Singapore who receive kickbacks and illegal fees via overseas agents. Overseas agents often receive huge sums amounting to thousands of dollars from workers and substantial amounts are remitted to parties in Singapore with impunity.
33. Work with countries of origin and employers to provide an online platform for migrant workers to be matched with employers. This will provide an alternative to exorbitant recruitment fees and eliminate exploitative middlemen.
34. Guarantee a victim-centric approach, including the right to gender- and culturally-sensitive support services and decent work, as well as temporary residency status, in law.
35. Transport of migrant workers on goods lorries should be prohibited by deleting the discriminatory exception in Singapore’s law.

B. Insufficient protections under the Prevention of Human Trafficking Act:

36. In 2014, Singapore enacted the Prevention of Human Trafficking Act. However, support measures for victims of trafficking under this Act are discretionary and only provided on a case by case basis, as they still lack a legally-mandated right to protection measures. Amongst these absent but essential measures are:

- a. An immediate authorisation of temporary residency upon reporting to the authorities;
 - b. The right to not be prosecuted for legal infractions committed while trafficked, including immigration offences (which may result due to workers being deceived about the legality of the permits they are issued);
 - c. Informed consent to participation in investigations, protection and privacy;
 - d. Legal assistance at no cost;
 - e. The right to decent work opportunities, medical/psychological services and compensation.
37. Moreover, under this act, core indicators such as forced labour, exploitation, ‘abuse of vulnerability’, ‘coercion’, ‘deception’, are not defined and aligned with international standards such as the UNODC Model Law, thus inhibiting victim identification and the provision of holistic support for survivors of forced labour and trafficking.

Recommendations:

38. Amend the Prevention of Human Trafficking Act 2014 and ensure its full compliance with the UN’s Protocol to Prevent, Suppress and Punish Trafficking in Persons. While Singapore has enacted the Prevention of Human Trafficking Act, key terms need to be aligned with international standards.
39. Ratify the 2014 Protocol on Forced Labour and work towards applying the recommendations set out in the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). The 2014 Protocol is a legally-binding instrument that requires governments to adopt concrete measures of prevention, protection and remedy to suppress forced labour. Recommendation No. 203 provides practical guidance on how States can strengthen legislation on forced labour and supplements both the 2014 Protocol and Forced Labour Convention No. 29. The Singaporean government signed C029 in 1965 but has yet to ratify the 2014 protocol. We urge the government to ratify the 2014 Protocol and take concrete steps to apply the recommendations, including but not limited to:
- a. Ensuring effective victim protection and access to appropriate and effective remedies for survivors of forced labour;
 - b. Preventing and responding to risks of forced labour;
 - c. Protecting migrant workers from abusive and fraudulent recruitment and placement practices;
 - d. Addressing the root causes that heighten the risks of forced labour;
 - e. Regularly releasing detailed and disaggregated data on aspects related to forced labour; and
 - f. Respecting and promoting fundamental principles and rights at work and combating discriminatory practices that heighten vulnerability to forced labour.

40. Provide capacity-building programmes to law enforcement officers and other relevant front-line responders. There is a distinct lack of recognition of and discussion around trafficking, forced labour and its indicators. Capacity-building programmes are necessary to ensure that stakeholders who encounter migrant workers on a regular basis- and who are often the first responders in a crisis situation- are able to recognise the indicators of trafficking and where such situations may develop. Victim identification processes need to be strengthened with the deep involvement of CSOs working in this area, both locally and internationally.

Article 5

Lack of enjoyment of civil, economic, social and cultural rights

Introduction:

41. There are several fundamental civil, economic, social and cultural rights migrant workers are entitled to as outlined under Article 5 of the Convention that remain to be accorded to them in Singapore. However, with the insufficient structural protections currently in place, much of the onus for managing the rights of the migrant worker falls on their employer.

A. Security bond regulations:

42. Since 1986, employers have had to put up a one-time security bond of SGD 5,000 (approx USD 3,592) to the Singapore government in the form of an insurance/banker's guarantee for every non-Malaysian WP holder hired.²⁵ The bond may be forfeited if either the employer or the employee is deemed to have contravened the terms of the WP.
43. MDWs and female WP holders are especially targeted because of this bond, under which they are subject to six-monthly mandatory medical examinations that screen them for pregnancy and infectious diseases such as syphilis, HIV and tuberculosis. Employers are instructed that if the hired worker does not pass her medical screening, her WP must be cancelled and the worker is to be repatriated immediately. Employers are also allowed to obtain a copy of the report directly from the doctor without their worker's consent or regard for their right to privacy. If the worker is found to be pregnant, they face termination of work, deportation and difficulties re-entering Singapore for work in the future²⁶.
44. It is currently a breach of WP regulations for a female migrant worker to become pregnant and deliver a child in Singapore during the validity of her WP, unless she is already married to a Singaporean or permanent resident (PR). However, it is also a violation of WP conditions for a worker of any gender to marry a Singaporean citizen or PR without the permission of the Controller of Work Passes; this restriction applies even after the domestic worker's WP has expired, been cancelled or revoked.²⁷ This is in direct contravention of section 13 of General Recommendation 30 on discrimination against non-citizens, which states that there should be no discrimination as regards access to citizenship or naturalization. WP conditions also stipulate that permit holders "shall not be involved in any illegal, immoral or undesirable activities, including breaking

²⁵ Ministry of Manpower, "Security bond requirements for foreign worker", <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/security-bond> (accessed 17 March 2020)

²⁶ Employment of Foreign Manpower Regulations, Employment of Foreign Manpower Act (Chapter 91A), Fourth Schedule, Part VI, s(7).

²⁷ *Ibid.*, s(6).

up families in Singapore”.²⁸ This broadly-worded provision potentially criminalises female migrant workers, especially MDWs who become involved in intimate relationships with Singaporeans or PRs, and induces the moral policing of them.

45. As it is regarded as an employer’s responsibility to ensure migrant workers in general do not violate the terms of their WPs, these regulations incentivise employers to adopt stringent control measures to restrict and monitor their worker’s movements and activities. For MDWs particularly, this is most often practiced through the denial of rest days, the enforcement of unreasonable curfews on rest days or the confiscation and withholding of MDWs’ passports and other key documents. According to HOME’s research, as many as 70% of employers keep migrant workers’ passports. Therefore, the anxiety that employers experience over the potential loss of the security bond appears to contribute to unreasonable practices to control the worker’s behaviour.

Recommendations:

46. Reform the SGD 5,000 security bond requirement with a view to abolishing it completely. As it functions currently, the security bond results in many employers confiscating the passports, work permits and other identity documents and restricting the movements and social life of migrant workers, in particular MDWs. Rather, the security bond should be reformed to act as a protective measure. Forfeiture should be linked directly to specific employment violations committed by employers, not utilised as a means to allow employers to control a worker’s movements and engage in moral policing. In the longer term, the security bond should be abolished, with alternative regulatory mechanisms adopted to ensure fair and effective repatriation of migrant workers.

47. We support the recommendation from the UN CEDAW report in 2011²⁹ and the note made by the Country Rapporteur in the CERD List of themes in relation to the initial report of Singapore³⁰ that the State repeal the law requiring work permit holders, including MDWs, to be tested and subsequently deported and blacklisted on grounds of pregnancy. Rather, allow pregnant MDWs to continue their pregnancy in their home country before returning to Singapore to work.

48. Ensure the freedom of movement and communication for migrant workers. This includes strictly enforcing prohibition of “safekeeping” passports and other identifying documents and of confiscating the personal communication devices of migrant workers.

²⁸ Employment of Foreign Manpower Act, Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part VI, s(8).

²⁹ CEDAW, “Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Singapore”, 49th Session, 11–29 July 2011 (CEDAW/C/SGP/CO/4/Rev.1),

³⁰ CERD, “List of themes in relation to the initial report of Singapore”, 101st Session, 20 April - 08 May 2020 (CERD/C/SGP/Q/1)

49. The Work Permit condition that criminalises WP holders who are deemed to have been involved in any “illegal, immoral or undesirable activities, including breaking up families in Singapore” should be removed. It is a discriminatory provision that promotes the moral policing of migrant workers and incentivises employers to adopt measures to control migrant workers’ movements and activities.

B. Right to work:

Nationality-based discriminatory hiring

50. All MDWs have to be from an approved source country, namely, the Philippines, Indonesia, India, Sri Lanka, Hong Kong, Macau, South Korea, Hong Kong, Thailand and Malaysia.³¹ As at June 2021, there are 245, 600 MDWs in Singapore.³²
51. Likewise, there are approved source countries for other industry sectors, and foreign nationals from non-approved source countries are excluded from these sectors. Most WPs are issued for the construction, marine and process industries, where the most basic-skilled workers can only come from India, Sri Lanka, Thailand, Bangladesh, Myanmar, Philippines and the People’s Republic of China.³³ As at June 2021, there are about 304 200 construction, marine and process workers in Singapore.³⁴
52. MOM does not provide a reasoning behind allocating specific source countries to the various industries. Without this explanation, MOM’s source country restrictions appear discriminatory. For example, WP holders in the service industry, which involves work interacting with customers and clientele, may only come from Malaysia, East Asian countries, or China.³⁵ WP holders from South Asian or South-East Asian countries, such as those from Vietnam, Myanmar, Bangladesh and India, are not permitted to work in the

³¹ Ministry of Manpower, “Work Permit for FDW eligibility and requirements”, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements> (accessed 13 March 2020).

³² Ministry of Manpower, “Foreign workforce numbers”, <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers> (accessed 24 October 2021).

³³ Ministry of Manpower, “Construction sector: Work Permit requirements”, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/construction-sector-requirements> (accessed 13 March 2020).

³⁴ Ministry of Manpower, “Foreign workforce numbers”, <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers> (accessed 24 October 2021).

³⁵ Ministry of Manpower, “Services sector: Work Permit requirements”, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/services-sector-requirements> (accessed 13 March 2020).

services sector and can only work in construction, marine, process and agriculture sectors. Bangladeshi workers are also employed in public housing estate cleaning.³⁶

53. The Household Services Scheme, which was piloted in 2017 and made permanent on 1 September 2017, allows companies to hire workers to carry out part-time cleaning services. The HSS allows companies to hire female workers from India, Myanmar, Sri Lanka, or Thailand, in addition to existing source countries in the services sector.³⁷

Switching employers

54. The inability to switch employers, which infringes on the right to work and free choice of employment guaranteed in Article 5 s(e)(i), constitutes another area of potential exploitation of migrant workers. Before the onset of COVID-19, only migrant workers employed in certain industries, namely construction and domestic work, under specific conditions are allowed to request to change their employers (only with the consent of the existing employer). MDWs must obtain their employers' consent in order to change employers, even at the end of their employment contracts. Construction workers are allowed to change employers without consent only within a 19-day period near the end of their work permit expiry, otherwise, employers' consent is needed (from early 2020, this has been extended to certain other sectors as a temporary measure). Employers are able to dismiss and repatriate without giving prior notice, making these workers vulnerable to job loss at any time. We note that many employers choose to repatriate their workers rather than permit them to switch jobs. A migrant worker's deportability and the constraints on labour mobility are fundamental factors that cause them to endure unsatisfactory work conditions rather than report abuses and violations. No similar rules impact employees who are citizens or Permanent Residents.
55. If a migrant worker chooses to lodge a complaint against their employer and start an investigation, they will be allowed to switch employers only under very specific conditions subject to the individual assessment of the authorities. Potential witnesses assisting in investigations may be allowed to seek employment under the Temporary Job Scheme (TJS). In some other instances where there have been violations but investigations are not pending, the workers are allowed to switch employers under the Change of Employer (COE) scheme. However, these concessions are entirely discretionary given only to victims of selected offences, such as physical and sexual abuse, deployment to work in other sectors or employers illegally, serious salary arrears and taking of kickbacks by employers. Decisions to refuse COE are often opaque in reasoning. Complaints about unfair dismissal, unsafe working conditions, discrimination at the work place, excessive

³⁶ See 'Guideline for Prior Approval (PA) to Recruit Non-Traditional Source (NTS) Workers for Conservancy Schemes', https://www.mom.gov.sg/-/media/mom/documents/services-forms/passes/wp_appln_for_nts_workers.pdf (accessed 18 August 2021)

³⁷ Ministry of Manpower, "What is the Household Services Scheme", <https://www.mom.gov.sg/faq/work-permit-for-foreign-worker/what-is-household-services-scheme> (accessed 6 September 2021)

hours, no rest days and being deceived about working conditions are typically insufficient grounds for changing employers under both the TJS and COE. Permission to seek employment under TJS and COE is on a case by case basis. A worker who is denied re-employment opportunity is repatriated and not allowed to appeal the decision in a court, tribunal or before an independent committee.

56. Workers who are allowed to change employers under the COE scheme are usually given only a short window of between two to four weeks to find a willing employer. During this short window, they are vulnerable to recruiters who demand upfront fees or kickbacks (for workers in the construction, process, agriculture, conservancy, services and marine industries).

Online feedback system for workers

57. The Ministry of Manpower maintains an online 'feedback' system (otherwise known as a 'reference channel') in which employers are able to share unsubstantiated negative feedback about a Work Permit holder after they have ended their employment. The Work Permit holder will not know this has occurred until a prospective employer or recruitment agent makes a new application. At that point, the prospective employer will be alerted to the fact that the Work Permit holder's ex-employer has left a 'personal reference'—usually a complaint. The employment agent or prospective employer making the application will be provided with the contact details of the former employer, who can then make unverified allegations about the Work Permit holder, thereby jeopardizing their chances of being hired. While a prospective employer can still insist on hiring the Work Permit holder despite the complaint, it is unlikely that employment agents and employers will continue with the application.
58. This ability of employers to potentially ruin Work Permit holder's chances of returning to Singapore to work makes the threat of 'blacklisting' a powerful tool, one that employers and agents regularly and effectively wield to threaten and coerce workers into not making claims against them or into agreeing to unfavourable terms of employment. There is no equivalent system for Work Permit holders to leave feedback on their employers or employment agencies. There is no equivalent system for other work passes or for Singaporean and PR employees to leave such comments.

C. Administration of justice

59. According to the UN CERD General Recommendation 30 s(18) under Administration of Justice, non-citizens must be able to enjoy the same standards of protection and recognition afforded to citizens before the law. Many migrant workers who are accused of committing offences continue to be barred from seeking employment during investigations and prosecutions. This is separate from whether or not they are able to find willing employers. The Ministry of Manpower (MOM) would not process work pass applications without written confirmation that the investigating agency has no objection

to the worker seeking employment. Furthermore, there seems to be distinctions between different groups: For non-domestic migrant workers, there has been progress over the past few years: currently, the investigating officer or agency may consider granting permission to seek employment. For MDWs, those assisting investigations as complainants or victims of offences are generally allowed to seek employment. However, MDWs alleged to have committed offences are generally prohibited from seeking employment - permission has been given only in very limited cases. In all such cases, permission to seek employment is not proactively offered; on the contrary, workers are usually simply told they may not work once their permits have been cancelled and they are remaining on the investigation agency-issued pass.

60. At the end of investigations, individuals who are not charged with offences may receive a warning letter, in lieu of prosecution. Such warnings have been ruled as not amounting to conviction or criminal record. However, low-wage migrant workers who are issued warning letters are usually barred from employment in Singapore. In many cases, workers thus banned are not even issued warning letters: the very fact of having been under investigation triggers disbarment, and they only learn of it when their subsequent work pass application gets rejected on grounds of “an adverse record”.
61. The disparity in treatment is possible as EFMA gives the Controller of Work Passes wide power in allowing which work pass applications may be approved; he may “debar any person from applying for or being issued with a work pass for such fixed period of time.”³⁸ Decisions of the Controller are exempt from judicial review.³⁹

Recommendations:

62. Take measures to combat wage discrimination by nationality, including legislative and educational measures ensure that workers are paid according to the principle of equal pay for equal work.
63. Statutorily entrench freedom of employment mobility – whether limited by criteria or conditions. Currently, seeking new employment depends too much on the authorities’ discretion as to whether the worker has a credible “valid” complaint within the eligible categories.
64. Require, facilitate and incentivise employers to hire workers seeking re-employment within Singapore, rather than from abroad.
65. For MDWs, we should move towards establishing the right for MDWs to switch employers freely, with clearly defined notice periods that employers and MDWs are to abide by. As a start, MDWs who have finished their contracts should be allowed to

³⁸ Section 7(4)(d), EFMA

³⁹ Section 7(6), EFMA

look for alternative employment without their employers' consent. This will effectively help them to negotiate their salary commensurate with their experience and skill sets.

66. Abolish the online reference channel which allows employers to leave unsubstantiated and unverified feedback about a worker. This system is inherently one-sided and further skews the power imbalance between workers and their employers/agents. This then deters workers from filing claims of abuse and exploitation against employers/agents. Prospective employers who wish to conduct reference checks should ask workers for employer references rather than relying on the State to facilitate the process in a manner that both severely disadvantages workers while failing to hold employers accountable for their accusations.
67. Allow accused migrant workers to work while investigations are ongoing. Migrant workers who have been issued warning letters should be allowed to seek employment upon the conclusion of investigations.

C. Right to sufficient healthcare:

68. Although employers of migrant workers are required to purchase and maintain medical insurance of at least SGD 15,000 (USD 10,775) per 12-month period of the foreign employee's employment,⁴⁰ this amount has proven to be insufficient in terms of both coverage and amount and remains largely contingent on the employer's wishes.
69. As this plan applies only to in-patient care and day surgery, fees for out-patient treatment (including dental care) are not covered by their insurance. Migrant workers are often forced to pay for their medical fees upfront, and face difficulties in claiming them back from their employers. In addition, the minimum coverage of SGD 15,000 (USD 10,775) is often insufficient for workers who require surgery or hospitalisation for more serious illnesses.
70. As a result of the insufficient coverage and amount of this insurance plan, we regularly encounter migrant workers who are denied medical treatment when they are sick as employers are reluctant to pay for medical bills. In the case of more serious illnesses, migrant workers often end up being discharged before they are fully recovered, and repatriated to prevent medical bills from escalating. HOME's research revealed that only about half (54%) of surveyed workers received adequate medical attention and less than half (43%) adequate dental attention by their employer. In addition, 13% of those

⁴⁰ Employment of Foreign Manpower Act, Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part II, s(2).

surveyed were not allowed to see a doctor for necessary treatment by their employers, and 30% were not allowed to see a dentist.⁴¹

71. Many insurance policies exclude coverage for mental health issues, pre-existing medical conditions, sexually transmitted diseases, issues relating to pregnancy and childbirth, attempted suicide, amongst others. All in all, these restrictions have resulted in migrant workers being unable to access a reasonable standard of medical care.
72. The lack of healthcare subsidies for migrant workers has placed the cost and upkeep of the migrant worker's healthcare solely on the employers, who are incentivised to act in their best economic interest only. Moreover as subsidised medical costs are usually a fraction of the unsubsidised costs, employers are reluctant to pay what seems an exorbitant amount for their workers. These subsidies were removed in 2007, with former Health Minister Khaw Boon Wan claiming that "it is unfair for Singaporeans to subsidise"⁴² the healthcare of foreign workers. As a result, employers choose to repatriate workers rather than to provide for their medical needs. Workers who then choose to file a complaint to the MOM are still terminated and repatriated unless a doctor certifies that they are not fit to fly. As a result many workers do not seek medical treatment out of fear of losing their livelihoods and resign themselves to deteriorating standards of health.
73. It is currently mandatory for employers to purchase personal accident insurance (PAI) for their domestic worker employees. From 1 October 2017, the personal accident insurance at least SGD 60,000 (USD 43,102)⁴³. However, as MDWs are not eligible for medical subsidies at public hospitals, medical fees can escalate if a catastrophic illness or accident occurs, which may result in the MDW being discharged prematurely or not receiving the full mantle of required healthcare treatment.
74. MDWs are also currently excluded from the Work Injury Compensation Act (WICA), which is a no-fault system that awards lump sum compensation to workers who sustain injuries at the workplace that result in permanent incapacity. WICA also provides for claims related to medical leave wages (including hospital leave) and medical expenses⁴⁴. When a work injury results in the death of a worker covered under WICA, family

⁴¹ Humanitarian Organization for Migration Economics, "Home Sweet Home? Work, Life and Well-Being of Foreign Domestic Workers in Singapore", October 6, 2015, https://www.home.org.sg/s/Report_Home-sweet-home_work-life-and-well-being-of-foreign-domestic-workers-in-Singapore-3gs8.pdf (accessed March 13, 2020).

⁴² Lee Hui Chieh, "Foreigners' medical subsidies to be cut", 11 December 2006, *The Straits Times* (accessed 17 March 2020).

⁴³ Kenneth Cheng, "Foreign domestic workers to be better insured against accidents from Oct", 7 May 2017, *TODAY Online*, <https://www.todayonline.com/singapore/greater-personal-accident-insurance-protection-domestic-workers-oct> (accessed 13 March 2020).

⁴⁴ Ministry of Manpower, "Types of compensation under WICA", <https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/types-of-compensation> (accessed 13 March 2020).

members and dependents may also claim compensation, with the compensation ranging from SGD 76,000 - 225,000 (approx USD 56,000 - 166,000)⁴⁵.

75. Being excluded from WICA also means that MDWs who sustain serious injuries at the workplace - that is, the households where they work, or in the course of their work - that result in disability or death are not able to claim beyond the personal accident insurance limit of S\$60,000 (USD 43,102)⁴⁶, an amount significantly lower than what is guaranteed by WICA. Personal accident insurance benefits provide less in terms of compensation, cover fewer types of injuries, and offer inconsistent coverage as this relies on the criteria of the assigned insurance company.
76. As for non-domestic migrant workers, even though they are covered by WICA, they still face barriers in their access to healthcare. When the injured workers themselves report the injuries due to their employers' negligent or malfeasant breach of their legal obligation to do so, both HOME and TWC2 note delays in establishing the "validity" (ie, having arisen out of and in the course of employment) of the workers' claims. Until the validity is established, the employer typically refuses to pay for treatment and medical leave wages, thus forcing the injured worker to pay out of pocket or to remain untreated.
77. Even though non-domestic migrant workers benefit from WICA, access to medical care envisioned by the law remains difficult. While the law requires employers, through their mandatory insurance, to pay for treatment, in practice, the lack of direct billing mechanisms between hospitals and insurers means that employers can and deny injured workers necessary medical care. MOM does little to intervene to assist workers get the needed medical care except in the most urgent cases.
78. Given there are no employment protections granted under WICA, injured workers face the risk of having their work permits cancelled. This situation places workers under great financial pressure. TWC2 notes that protracted investigation of whether an injury was "valid" was the case in more than 20% of the claims they oversaw, despite the fact that over 70% of these cases are ultimately ruled as work-related⁴⁷. The current Act grants validating powers to insurers who still do not have the statutory investigating powers that MOM officers have, ultimately failing to address one of the fundamental issues with the previous Act.
79. Under the Act, workers may be compensated while on hospitalisation leave, medical leave, or still working on certified "light duty". Workers are not eligible for compensation if

⁴⁵Ministry of Manpower, 'Changes to Work Injury Compensation Act in 2020', <https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/changes-to-wica-in-2020> (accessed 4 October 2021)

⁴⁶ Employment of Foreign Manpower Act, Employment of Foreign Manpower (Work Passes) Regulations 2012, First Schedule, Part II, s(2)(a)(ii).

⁴⁷ Transient Workers Count Too, "New work injury law leaves old gap unaddressed", 13 October 2019, <http://twc2.org.sg/2019/10/13/new-work-injury-law-leaves-old-gap-unaddressed/> (accessed 17 March 2020).

the light duty is issued after the termination of the work permit, since they are then legally barred from working. This discriminates against low-wage migrant workers who, due to the higher foreign workers' levies imposed by the Government, are the likeliest to have their work permits cancelled soon after injury.

80. In June 2021, the government invited tenders for a new parallel primary healthcare system for migrant workers in dormitories, which will likely be heavily reliant on private healthcare providers. advocacy groups have noted the possible lack of private sector regulation and further segregation of migrant workers under a regime that fails to address pre-existing barriers to healthcare access.⁴⁸

Recommendations:

81. Extend subsidies of medical treatment at all public hospitals and clinics to migrant workers. Since they make substantial contributions to the economy and community, their basic health needs should be affordable and accessible.
82. Review the current hospitalisation insurance policy to ensure that migrant workers have higher minimum mandatory hospitalisation health insurance coverage.
83. Include MDWs under the WICA so that they are entitled to the compensation and benefits that are equal to other low-wage employees in Singapore.
84. Ensure that all injured workers covered by the WICA, especially those in the construction and marine industries, have access to timely treatment regardless of the status of their work injury claims, and prevent employers from terminating and repatriating these workers against their will
85. Allow migrant workers who are awaiting resolution of their work injury compensation claims, but who are no longer on sick leave, the right to seek new employment if they have been terminated. Expand the industry sectors they can work in so that they can find jobs that are more tolerant of their injuries or disabilities.
86. Take measures to ensure that workers awaiting work injury and salary related claims have access to sufficient and nutritious food, and decent accommodation.
87. A much needed development is direct billing between medical institutions and insurers. There should be no scope for the employer to gatekeep the worker's access to treatment.

⁴⁸ Aysha Farwin and Michelle Law, "Healthcare for migrant workers: More than just easy access to medical centres", 20 July 2021, *The Straits Times*, <https://www.straitstimes.com/opinion/healthcare-for-migrant-workers-more-than-just-easy-access-to-medical-centres-0> (accessed 10 September 2021).

D. Regulatory loopholes in the provision of housing and food:

88. UN CERD General Recommendation 30 on discrimination against non-citizens⁴⁹ calls for the equal enjoyment of the right to adequate housing for non-citizens. However, the inadequate regulation in housing for both MDW and other worker dormitories has resulted in a lowered standard of living for foreign migrant workers. The outbreak of Covid-19 cases in April 2020 in the worker's dormitories exhibits the repercussions of poor quality of accommodation and living conditions. This will be elaborated on below.
89. Conditions in the dormitories provided to migrant workers in Singapore vary greatly. The Foreign Employee Dormitories Act (FEDA) was implemented to ensure a higher quality of living in purpose-built dormitories, usually targeted at workers from the construction, process and marine industries; however, this form of housing accommodates less than half of the current non-domestic migrant workers population in Singapore. The remaining population of non-domestic workers is housed in poorly regulated housing, wherein many are subject to overcrowded, unhygienic and poorly-ventilated living quarters, as revealed by several recent court cases investigating the dormitories that fall under this Act⁵⁰.
90. Moreover, under the FEDA, these dormitories are designated as public spaces. As a result of this, these spaces are subject to regulations that include restricting the entry and exit of these workers to their living spaces, given the Commissioner overseeing these dormitories "has reasonable ground to believe"⁵¹ that the residents will be affected by public health outbreaks or public disorder. This provision both infringes on their personal space and reinforces the stereotype that migrant workers are more inclined towards riotous behavior.
91. As regards MDWs who are required to live with their employers, they are especially prone to confinement, isolation and abuse, with limited opportunities to exercise freedom of movement. HOME's research has indicated that at least 73% of MDWs have experienced restrictions on communication and at least 74% have experienced restrictions on movement by their employer or members of the employer's family.⁵²

⁴⁹ Paragraph 32

⁵⁰ Shaffiq Alkhatib, "Two men and their company first to be convicted over offences under Foreign Employee Dormitories Act", 6 March 2020, *The Straits Times*, <https://www.straitstimes.com/singapore/courts-crime/two-men-and-their-company-first-to-be-convicted-over-offences-under-foreign> (accessed 13 March 2020).

⁵¹ Foreign Employee Dormitories Act 2015, Part II, s(13)(4)(d).

⁵² Humanitarian Organization for Migration Economics, "Home Sweet Home? Work, Life and Well-Being of Foreign Domestic Workers in Singapore", October 6, 2015, https://www.home.org.sg/s/Report_Home-sweet-home_work-life-and-well-being-of-foreign-domestic-workers-in-Singapore-3gs8.pdf (accessed 13 March 2020).

92. The regulations stipulating accommodation standards for MDWs are vague and insufficiently enforced. EFMA only requires an employer to provide ‘acceptable accommodation’ to the MDW. Although MOM has set out guidelines on recommended living conditions for MDWs, these guidelines are not enforceable. A TWC2 survey on the living conditions of 429 MDWs conducted in 2016 revealed that 40 percent had to share their sleeping space with a member of their employer’s family while five percent shared a room with a male teenager/adult of the employer’s family. About 10 percent of the respondents indicated that they sleep in small windowless spaces such as the store room or bomb shelter or in open public spaces such as the living room or the kitchen. Twenty percent of the respondents were not provided with a bed and given only a mattress while about five respondents stated that they slept on the hard floor. One in three respondents did not have access to a locker, drawer or wardrobe that they could lock while one in four of those who were provided with such a facility did not have sole access to it.⁵³
93. In addition to this, the EFMA only requires employers to provide ‘adequate’ food. While the MOM issues advisories for employers on what a typical daily food intake for an MDW should consist of,⁵⁴ such advisories do not have the force of the law, which makes the ruling unclear and compliance inconsistent. HOME regularly encounters MDWs who do not have enough to eat. In 2014, it was reported that as many as 8 in 10 workers who sought help from HOME do not have access to sufficient food⁵⁵. During a series of focus groups conducted by HOME in early 2017, MDWs complained of inadequate food in terms of quantity as well as quality: some were only allowed to eat instant noodles and/or bread, others only leftovers, and almost all said they were not allowed to have fruit (potentially due to its cost). Many said they were not allowed to snack in between meals and would drink water to stave off their hunger pangs⁵⁶. Some Muslim MDWs related that their employers did not consider their religious beliefs and would mix pork (considered non-*halal*) with most of the dishes, leaving them with only rice and leftover vegetables.

⁵³ Transient Workers Count Too, “Foreign domestic workers’ living conditions survey”, June 2016, http://twc2.org.sg/wp-content/uploads/2016/07/FDW-Report_Final.pdf (accessed 13 March 2020).

⁵⁴ Here is MOM’s example of a day’s food intake for a female engaged in moderate activity: breakfast—four slices of bread with spread; lunch—one bowl of rice and a three-quarter cup of cooked vegetables and a palm-sized amount of meat (fish/poultry/beef/lamb) and fruit; dinner—one bowl of rice and a three-quarter cup of cooked vegetables and a palm-sized amount of meat (fish/poultry/beef/lamb) and fruit. See Ministry of Manpower, “Rest Days and Well-Being for Foreign Domestic Worker”, <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/rest-days-and-well-being> (accessed 17 March 2020).

⁵⁵ Chang May Choon, “More foreign domestic workers say they do not get enough to eat”, 25 October 2014, *The Straits Times*, <https://www.straitstimes.com/singapore/more-foreign-domestic-workers-say-they-do-not-get-enough-to-eat> (accessed 17 March 2020).

⁵⁶ HOME conducted six focus groups with approximately 30 MDW residents living in HOME’s shelter in March and April 2017. The MDWs were from the Philippines, Indonesia and Myanmar. During the focus groups, the MDWs discussed their living and working conditions, and inadequate food surfaced as a key issue.

94. The quality of food provided to construction and marine sector workers within their dormitories remains largely unregulated.⁵⁷ A study conducted by CARE and Healthserve revealed 86.2% of 500 respondents said that the food provided to workers by the caterers within the dormitories makes them sick⁵⁸, with common complaints of a lack of protein, expired ingredients and spoiled food”. Several organisations have noted that men lose significant amounts of weight after arriving in Singapore, attributing this to the insufficient and substandard food provided to them⁵⁹.
95. Although employers have a statutory obligation to provide upkeep for workers who remain in Singapore for pending injury and salary claims after their work permits are cancelled, HOME (and TWC2) still encounter workers who are not provided reliable adequate food upkeep, and bear their own upkeep expenses despite having no income. Workers with ongoing police investigations are even less protected: with such cases HOME sees workers not being provided upkeep at all.

Recommendations:

96. Enforce stricter penalties for employers who allow abusive working and living conditions. This includes inadequate food, poor housing and hazardous working conditions. Set clear standards on these aspects as current EFMA regulations lack specificity.
97. Enact clear legal standards to ensure that migrant workers have proper accommodation and that MDWs in particular have sufficient privacy. Surveillance cameras in the areas where they sleep should be banned. Harmonise the wellbeing standards of migrant workers in other sectors, especially the construction and marine industries, so that they are entitled to the welfare standards set out in the Foreign Employees Dormitories Act.

E. Civil and political rights:

Right to participate fully in trade unions

98. As set out under Article 5 s(e)(ii) of the Convention, non-citizens are entitled to form and join trade unions. However, under the Trade Unions Act, no person who is not a citizen

⁵⁷ Many migrant workers in dormitories have to rely on catered food. Decisions as to what kinds or quality of food are supplied to them are taken out of their hands even though they typically suffer salary deductions to pay for the food supplied.

⁵⁸ Mohan J. Dutta, “Food Insecurity and Health of Bangladesh Workers in Singapore: A Culture-Centered Study”, 2015, *National University of Singapore*.

⁵⁹ Kelly Ng, “Foreign workers ‘served unappetising, stale food’”, 19 March 2015, *TODAY Singapore*, <https://www.todayonline.com/singapore/poor-nutrition-foreign-workers-catered-meals-study> (accessed 17 March 2020).

of Singapore can be an employee, officer or a trustee of a trade union⁶⁰, unless prior approval from the Minister has been obtained. In comparison, no such restrictions are placed on Singaporean citizens provided they do not have a criminal record⁶¹.

Right to assemble

99. Migrant workers are not accorded the right to freedom of assembly and speech as stipulated in Article 5 s(d)(viii) and s(d)(ix). Singaporeans are permitted to hold public assemblies at a designated space known as Speaker's Corner, without having to apply for a permit. However, foreigners including WP holders, are not allowed to participate in, speak, or organise such assemblies without a permit.⁶²
100. All of these restrictions keep migrant workers from being able to advocate for or express their needs/rights as regards their labour standards, amongst other things.

Recommendation:

101. Allow migrant workers to form their own associations and trade unions so they are empowered and can represent their own interests, to advocate for themselves.

F. Insufficient protections against expulsion and deportation of migrant workers:

102. Under the EFMA, the Controller of Work Passes has the power to refuse any work pass application.⁶³ This also means that the Controller has the power to vary, suspend, and revoke a work pass, and also to debar a person from being issued with a work pass. Appeals to the Minister for such cases are final, and no judicial review is allowed, save for cases of non-compliance of procedural requirements under EFMA. This lack of due process denies these migrant workers of their right to the effective protections guaranteed to them when arbitrary decisions are made by the State to deport them.
103. In addition, the Immigration Act makes it an offence for anyone whose work permit has been cancelled to remain unlawfully in Singapore,⁶⁴ and is liable to be removed.⁶⁵ The person in question may appeal his expulsion to the Minister of Home Affairs, but has to leave the country pending the result of his or her appeal.

Recommendation:

⁶⁰ Trade Unions Act (Chapter 333), Part V, s(31)(4).

⁶¹ *Ibid.*, s(31)(2).

⁶² Public Order Act (Chapter 257A), Public Order (Unrestricted Area) Order 2016, s(3)(1)(a).

⁶³ Employment of Foreign Manpower Act (Chapter 91A), Part II, s(7)(2)(b).

⁶⁴ Immigration Act (Chapter 133), Part III, s(15).

⁶⁵ *Ibid.*, Part V, s(33).

104. Allow the decisions of the Controller in applications for work passes to be judicially reviewed, to improve transparency surrounding the issuance of work passes.

Article 3

Persisting social discrimination

A. Segregating migrant workers from Singaporean population

105. Article 5 of CERD and s(32) of the General Recommendation 30 on Discrimination Against Non-Citizens recommends that state parties should aim to avoid segregation between citizens and non-citizens within a country. While Singapore has enacted several policies to promote social integration amongst citizens, these policies have not extended to non-citizens. In particular, the housing options provided to migrant low waged workers seem to reinforce social segregation into quasi-ethnic enclaves.
106. Dormitories that are listed on the Ministry of Manpower's website⁶⁶ show that a vast majority of the dormitories are located away from the main residential and commercial areas of Singapore (as seen in image 1 below), thus minimising interaction with and segregating them from the resident Singapore population.

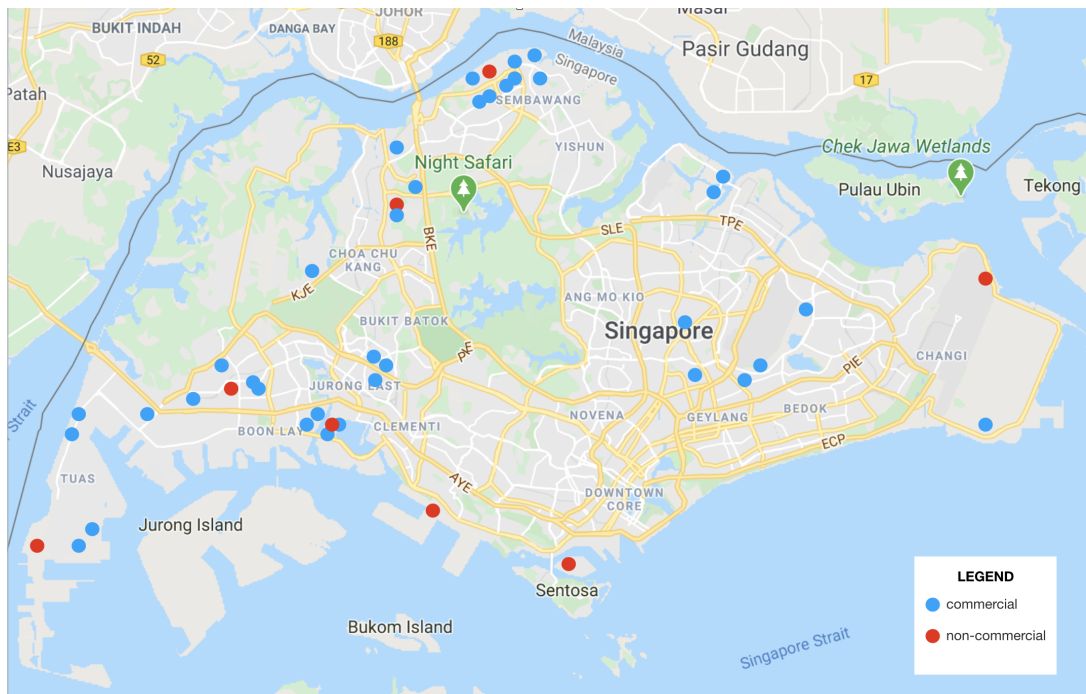


Image 1: A visual representation of the geographical spread of non-domestic workers dormitories as listed on the Ministry of Manpower's website (last referenced 9/3/2020)

⁶⁶ Ministry of Manpower, "List of foreign worker dormitories", <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/housing/foreign-worker-dormitories/> (accessed March 13, 2020).

107. In addition, many private clubs and condominiums⁶⁷ within Singapore have been known to enact restrictions that explicitly ban migrant workers from entering, even if invited by members and residents as their guests⁶⁸. There have been several reports of MDWs being disallowed from using the facilities of the condominium they reside in, however, statutory redress for such discrimination is not available.⁶⁹ These policies are expressly discriminatory and only serve to reinforce negative prejudices against non-residents.
108. Recreation centres (RCs), which offer migrant workers a place to congregate and rest during time off work, are also placed in the outskirts of the city. With the current restrictions tightly in place to curb Covid-19 transmissions, the only locations migrant workers can access for social and leisure purposes are the 8 RCs that are situated on the borders of the city or in areas with little public amenities (this will be elaborated on below). These RCs are mostly surrounded by dormitories, hardware stores and industrial facilities, while being spatially isolated from residential communities and commercial areas.

B. Marginalisation of South Asian migrant workers

109. CERD Article 4 s(c) explicitly states that public institutions and authorities should not promote or incite racial discrimination. CERD recommendations have also stated that the State should counter any stigmatisation of migrant groups by politicians and officials. However, there have been instances where the State has perpetuated racial stereotyping and the marginalisation of low-wage migrant workers.
110. On 8 December 2013, an accident occurred at Little India, a location in Singapore where non-domestic workers originating from India, predominantly from the construction industry, congregate on their day off. The accident led to Singapore's first riot in 44 years.
111. Alcohol was cited as a key contributor to the riot by the State in the wake of the riot. In Singaporean society, the stereotype that ethnic Indians are prone to alcoholic behaviour is deeply entrenched. In the aftermath of the riot, the Liquor Control Act was passed.⁷⁰ Geylang and Little India (which have a high concentration of non-domestic migrant workers), were designated as Liquor Control Zones - places with a "higher risk of public

⁶⁷ TWC2, "House rules designed to ensure maids know their place", 13 February 2013, *TWC2.org.sg*, <https://twc2.org.sg/2013/02/13/house-rules-designed-to-ensure-maids-know-their-place/> (accessed 17 March 2020).

⁶⁸ Cynthia Choo, "Domestic worker denied entry at SCC: Private clubs' rules are 'discriminatory', 'archaic', some say", 28 November 2018, *TODAY Online*, <https://www.todayonline.com/singapore/domestic-worker-denied-entry-scc-private-clubs-rules-discriminatory-archaic> (accessed 13 March 2020).

⁶⁹ Andrew Koay, 'Thomson Rd condo forbids maids from using facilities, threatens non-complying residents with 'period ban'', *Mothership*, 7 February 2021, <https://mothership.sg/2021/02/thomson-condominium-ban-maid/> (accessed 20 August 2021)

⁷⁰ Liquor Control (Supply and Consumption) Act 2015, Part 4, s(15)(1).

disorder associated with excessive drinking”.⁷¹ Under this Act, all sale of take-away liquor (and public drinking) was limited, and in Liquor Control Zones, can only take place between 7am and 10.30pm from Mondays to Fridays, and between 7am to 7pm on Saturdays, Sundays and public holidays.⁷² A person found committing an offence in the Liquor Control Zones also may face punishments up to 1.5 times of that which has been prescribed.⁷³ These measures stigmatised male Indian migrant workers as having a propensity for excessive alcohol consumption and subjected them to greater marginalisation and disenfranchisement.

112. Racial stereotyping did not stop with the passing of the Liquor Control Act. In 2015, the Singapore Civil Defence Force, the Singapore Police Force, amongst others, conducted an emergency exercise simulating a riot at a non-domestic workers’ dormitory.⁷⁴ South Asian non-domestic workers were recruited to participate in a staged riot to demonstrate how the Singapore police and Singapore Civil Defence Force should react in riot situations. Such acts encouraged stereotyping of South Asian male workers as being more prone to riots, and effectively allowed public authorities to promote racial stereotypes.
113. In 2016, Ms Denise Phua, a politician with the ruling People’s Action Party, stated in Parliament that the crowds in Little India were “[w]alking time bombs and public disorder incidents waiting to happen.”⁷⁵ These comments were made in the same speech wherein she announced the establishment of a high-level task force to mitigate the risks of large crowds returning post-riot, and fencing around the communal areas of residents in Little India, “[s]o that the old and the young get to use the space meant for them.”⁷⁶
114. To this day, there remains a heavy presence of auxiliary police within Little India, and barricades have been erected within the residential zones to discourage the movement of migrant workers into these zones. The extent of this reinforcement can tend to further

⁷¹ Lim Yi Han, “Stricter rules in Geylang and Little India as alcohol laws kick in”, 31 March 2015, *The Straits Times*,

<https://www.straitstimes.com/singapore/stricter-rules-in-geylang-and-little-india-as-alcohol-laws-kick-in> (accessed 13 March 2020).

⁷² Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015), Liquor Control (Supply and Consumption) (Restriction on Consumption) Regulations 2015, Part 1, s(2).

⁷³ Liquor Control (Supply and Consumption) Act 2015, Part 4, s(16).

⁷⁴ “Simulated dormitory riot reinforced racist stereotypes of migrant workers, says NGO”, 12 November 2014, *Today Online*,

<https://www.todayonline.com/singapore/simulated-dormitory-riot-reinforced-racist-stereotypes-migrant-workers-says-ngo> (accessed 13 March 2020).

⁷⁵ “MP Denise Phua apologises for describing large crowds at Little India as ‘walking time bombs’”, 8 April 2016, *Today Online*,

<https://www.todayonline.com/singapore/mp-denise-phua-apologises-describing-large-crowds-little-india-walking-time-bombs> (accessed 13 March 2020).

⁷⁶ *Ibid.*

exacerbate the distrust and negative stereotypes held of the migrant populations amongst the Singaporean public.⁷⁷



Image 2: A poster in Little India warning individuals against causing hurt to others (picture taken 23 October 2021).

Recommendations:

115. Establish cultural education programming aimed at teaching Singaporean citizens about the lives of non-residents to promote understanding and remove suspicion. Educate the public on the lives and cultural background of migrant workers. Encourage the Singaporean public to view non-residents with greater empathy and appreciation. Living and recreation spaces for migrant workers should be moved closer to the spaces occupied by the rest of the population to prevent segregation of migrant workers.
116. Take measures to prevent the social discrimination of migrant workers: in particular, the practice of heightened police presence in areas where migrant workers congregate should be stopped and migrant domestic workers should not be barred from entering private clubs or using facilities in the condominiums where they live in because of their status.

⁷⁷ In an incident in October 2021, workers at a dormitory voiced their concerns over poor living conditions and access to timely medical help, with workers alleging delays in transporting positive Covid-19 cases to recovery facilities. Riot police, and armoured police officers and vehicles were seen present at the dormitory: David Sun and Dominic Low, 'Workers at Jurong dorm allege neglect, frustrated with lack of medical care for Covid-19', *Straits Times*, 14 October 2021, <https://www.straitstimes.com/singapore/health/workers-at-jurong-dorm-allege-neglect-frustrated-with-lack-of-medical-care-for> (accessed 19 October 2021)

Addendum on Covid-19

1. Half the migrant workers in dormitories had been COVID-infected as at December 2020:⁷⁸ the vast majority of Singapore's cases. But, as explained below, the far more devastating impact on the workers has been their physical confinement, as their freedom of movement has been curtailed for one and a half years.
2. The cramped, overcrowded dormitory conditions that many migrant workers were housed in, with 16-40 men in a room, and where basic amenities like toilets and kitchens are shared by dozens or even hundreds, create "a perfect storm for massive rapid infection",⁷⁹ and making it difficult to safe-distance. Conditions are even worse in the Factory Converted Dormitories (FCD), which, not designed for human habitation, often lack ventilation. The structure of labour deployment in Singapore's construction industry, where large projects rely heavily on subcontracted labour and workers are "supplied" between various sites, likely exacerbated contagion.

A. Restrictions on freedom of movement

3. On 5 April 2020, dormitories began to be gazetted "isolation areas".⁸⁰ "Essential" migrant workers, in environmental services, key infrastructure or critical supply chains, were moved to alternate locations. On 20 April 2020, a 4-week Stay-Home Notice (SHN) was imposed on all WP holders and S-Pass holders in the construction industry.⁸¹ On 21 April 2020, by ministerial fiat, all migrant workers in dormitories were prohibited from leaving their premises.⁸² Gazetting individual dormitories became moot: workers as a population were discriminated against based on their work pass.
4. On 2 June 2020, the *Employment of Foreign Manpower (Work Passes) Regulations* was amended to confine workers in their accommodation and to enable their employers and

⁷⁸ Lim Min Zhang, "47 per cent of migrant workers in S'pore dorms have had a Covid-19 infection, say Manpower and Health Ministries", 15 December 2020, *The Straits Times*, <https://www.straitstimes.com/singapore/47-per-cent-of-migrant-workers-in-dorms-have-had-a-covid-19-infection-say-manpower-and> (accessed 2 October 2021).

⁷⁹ Kimberly Lim and Kok Xinghui, "Singapore's cramped migrant worker dorms a 'perfect storm' for rising coronavirus infections", 6 April 2020, *South China Morning Post*, <https://www.scmp.com/week-asia/health-environment/article/3078684/singapores-cramped-migrant-worker-dorms-perfect-storm>

⁸⁰ Ang Hwee Min and Rachel Phua, "IN FOCUS: The long, challenging journey to bring COVID-19 under control in migrant worker dormitories", 12 September 2020, *Channel News Asia*, <https://www.channelnewsasia.com/singapore/in-focus-covid19-singapore-migrant-worker-dormitories-lock-down-699861> (accessed September 15, 2021).

⁸¹ Ministry of Manpower, "Precautionary stay-home notices for work permit and S pass holders in construction sector", 18 April 2020, <https://www.mom.gov.sg/newsroom/press-releases/2020/0418-precautionary-stay-home-notices-for-work-permit-and-s-pass-holders-in-construction-sector> (accessed September 15, 2021).

⁸² Janice Lim, "Foreign workers in dorms barred from leaving premises under tighter measures to curb Covid-19 spread", 21 April 2020, *Today Online*, <https://www.todayonline.com/singapore/foreign-workers-dormitories-will-not-be-allowed-leave-premises-josephine-teo> (accessed September 15, 2021).

dormitory operators to confine them. Exceptions are only for pre-approved medical and other essential appointments, or if specifically permitted by the authorities on an individual basis, or if directed to evacuate.⁸³ This applies to all premises housing 7 or more workers.

5. These restrictions remain in force till today, with only superficial semantic changes. Punishments for migrant workers breaching them are as harsh as revocation of their work pass and permanent disbarment from employment in Singapore.⁸⁴ Unscrupulous employers also threaten to report workers for leaving the dormitories when they seek help for injuries, unpaid wages, or lack of food. This effectively cuts them off from assistance, especially in the smaller dorms where there is no MOM team stationed.
6. On a daily basis, workers are allowed out of the dormitories only to be transported to work and back. For other “essential errands” (medical appointments, passport renewal, employer-required training, national elections voting), the workers must request their employers to submit an electronic request to MOM to leave. If approved, the workers may only go via employer-provided transport . They are not allowed to take public transport.⁸⁵
7. Since October 2020, on staggered rest days determined by their employers, workers are allowed (with permission applied in advance) 3-hour exits from their accommodation: only to fixed, designated “recreation centres”.⁸⁶ With 8 RCs serving one-third of a million workers in far-flung locations all over Singapore, travelling time alone makes this unfeasible for many. Highly restrictive slots at fixed RCs do not meet workers’ basic human needs to socialise with meaningful autonomy. They cannot meet anyone designated to a different RC. Furthermore, despite a rigorous regime of mandatory fortnightly or weekly swab-testing, workers are required to undergo testing at the entrance of the RC to be allowed entry. Many workers end up staying in their dorm rooms as the RCs have little attraction weighed against these onerous restrictions and conditions.
8. As stated in the preceding paragraph, migrant workers are subject to a rigorous mandatory Covid testing, fortnightly or weekly. To our knowledge, all who were offered

⁸³ *Employment of Foreign Manpower (Work Passes) Regulations* Fourth Schedule Part VI cl 9 and 11A, read with Part III, cl 2C—2D. Cf *Employment of Foreign Manpower (Work Passes) Regulations* Fourth Schedule Part III cl 2C, prior to the semantic amendments of 14 September 2020.

⁸⁴ Humanitarian Organization for Migration Economics, “Concerns related to migrant workers during the ongoing Covid-19 outbreak”, 26 March 2020, <https://www.home.org.sg/statements/2020/3/26/concerns-related-to-migrant-workers-during-the-ongoing-covid-19-outbreak> (accessed September 10, 2021).

⁸⁵ Building and Construction Authority, “COVID-Safe Worker Accommodation and Transport”, <https://www1.bca.gov.sg/COVID-19/faqs/construction-sector/covid-safe-worker-accommodation-transport> (accessed October 3, 2021); Ministry of Manpower, “FAQs on essential errands for migrant workers”, <https://www.mom.gov.sg/covid-19/frequently-asked-questions/essential-errands> (accessed October 3, 2021).

⁸⁶ SM Naheswari and Tessa Oh, “The Big Read: Grappling with isolation, migrant workers in dorms long for a return to the wider community”, 17 July 2021, *Channel News Asia*, <https://www.channelnewsasia.com/singapore/big-read-grappling-isolation-migrant-workers-dorms-long-return-wider-community-2082326> (accessed September 10, 2021).

vaccination gladly took it. Over 97% of dormitory residents are currently vaccinated.⁸⁷ Yet notwithstanding well-publicised officially-blessed excursions and entertainments, they have been confined for 18 months. In September 2021, MOM announced that up to 500 migrant workers would be selected weekly for a month, to be allowed to visit predetermined locations for six hours.⁸⁸ These numbers represented only 0.6% of the approximately 300,000 workers in dormitories every week, and at the end of the pilot, only approximately 700 migrant workers took part.⁸⁹ From 30 October 2021, this scheme will be expanded to cover 3000 workers weekly, with each visit lasting eight hours.⁹⁰ Even for these workers, it does not give back their rights - this programme is dorm-specific such that residents from different dormitories cannot mix freely. This effectively disallows workers from meeting with their relatives and friends from different dormitories, and thus offers no real social value. There is still no clear plan, timeline or even criteria for restoring basic freedom of movement for hundreds of thousands of low-wage migrant workers.

B. Humanitarian Impact

9. When the initial wave of lockdowns came into force in April 2020, with migrant workers completely banned from going out even to purchase food, workers in smaller FCDs and private accommodation were left to the mercy of their employers for supply of daily necessities. They were overlooked in the government-provided support for the larger dormitories. A humanitarian crisis ensued, with many workers left without adequate food,⁹¹ housing and medical care. Physical confinement aside, their very low salaries,

⁸⁷ Isabelle Liew 'Beds set aside for foreign workers with Covid-19, over 97% of dormitory residents vaccinated', *The Straits Times*, 21 October 2021, <https://www.straitstimes.com/singapore/community/beds-set-aside-for-foreign-workers-recovering-from-covid-19-more-than-97-of> (accessed 23 October 2021)

⁸⁸ Ministry of Manpower, 'Easing of movement restrictions for migrant workers', 9 September 2021, <https://www.mom.gov.sg/newsroom/press-releases/2021/0909-easing-of-movement-restrictions-for-migrant-workers> (accessed 14 September 2021)

⁸⁹ Ministry of Manpower, 'Expansion of Community Visit Programme and More Convenient Access to Recreation Centres for Vaccinated Migrant Workers', 22 October 2021, <https://www.mom.gov.sg/newsroom/press-releases/2021/1022-expansion-of-comm-visit-and-easing-of-measures-for-rc-visit-for-vaccinated-workers> (accessed 23 October 2021)

⁹⁰ Ibid.

⁹¹ It is also worth mentioning that access to adequate, quality food was an issue when the dormitories first went into lockdown in April 2020. Many migrant workers went from being able to cook for themselves, to having food catered for them. Many complained about being given food that was culturally incompatible or unpalatable to them, or undercooked and stale: Osmond Chia, 'MOM working to improve food for quarantined migrant workers', *The New Paper*, 9 April 2020, <https://www.tnp.sg/news/singapore/mom-working-improve-food-quarantined-foreign-workers> (accessed 6 October 2021). Eventually, the situation did improve, with the State acknowledging that meals provided to migrant workers was not up to standard: Low Youjin and Navene Elangovan, "Some workers still unhappy about food at dorms; MOM says it is continually improving the quality", 2 May 2020, *Today Online*, <https://www.todayonline.com/singapore/some-workers-still-unhappy-about-food-dorms-mom-says-it-continually-improving-quality>; Jolene Ang and Tan Tam Mei, "Over 10m meals served to foreign workers confined to dorms", 2 May 2020, *The Straits Times*, <https://www.straitstimes.com/singapore/over-10m-meals-served-to-foreign-workers-confined-to-dorms> (accessed 10 September 2021).

normally remitted to their families, left them with no safety net when work stopped. Many relied on NGOs such as HOME and TWC2 to provide basic upkeep: food, medical expenses, telecommunications, and in some instances emergency shelter.

10. In May 2020, housing issues worsened when the authorities started enforcing safe distancing and occupancy limits on migrant workers in private accommodation. Many had to vacate their residence with one day's grace period. Some ended up in the street for days, at the mercy of landlords who seized the opportunity for profiteering. Anecdotally, HOME observed that rental in private workers' quarters increased by almost 100% over a couple of months in this period: and has not come down since.
11. Workers' mental health became far worse-affected after lockdown was lifted for the rest of Singapore in June 2020. Migrant workers saw life returning to normal for everyone else; yet no end in sight for them. Mid 2020 saw a spate of suicides and attempts among workers in dormitories.⁹² One and a half years on, besides the physical confinement which workers liken to "jail", being so disempowered and forced to rely entirely on employers, dorm operators and authorities for their day-to-day needs has had an inestimable impact on their mental health.
12. The worst-off are workers on Special Pass, whose work permits have been cancelled amidst ongoing work injury or salary claims. These workers are unable to go out for work. It is difficult to overstate the impact of their prolonged confinement. Some workers even become willing to forgo proper comprehensive treatment, despite serious injury, because they cannot tolerate the confinement, and just want to get the case over with. Injured workers have always been required by law to stay at the accommodation provided by their employers. Many injured workers who fled the dormitories during early 2020's initial outbreak were deported when caught staying outside. HOME and TWC2 still see injured workers who miss medical appointments because their employers neglect them, and they are not allowed to travel on their own.

C. Wage Security

13. Many workers told TWC2 and HOME that their employers unilaterally reduced or did not pay their salaries at all during the lockdown. Despite clear legislation that workers should be paid wages regardless whether work is assigned,⁹³ government advisories indicated, ambiguously, that employers were entitled to reduce wages by "mutual consent"; that lockdown should be treated as consumption of leave; or that workers should be paid the balance, if any, of the levy rebates (cash assistance disbursed to employers of construction, marine and process sector migrant workers) after deducting their upkeep

⁹² John Geddie and Aradhana Aravindan, "Spate of suicides among migrant workers in Singapore raises concern", 5 August 2020, *Reuters*, <https://www.reuters.com/article/us-health-coronavirus-singapore-migrants-idUSKCN2510QP> (accessed 10 September 2021).

⁹³ *Employment of Foreign Manpower (Work Passes) Regulations* Fourth Schedule Part III cl 4.

expenses.

14. Employers exploited this to pocket the government rebates, claiming the money had gone into the workers' food and accommodation even when the rebate was more than enough, or the workers' costs were being borne by other parties. Several workers told HOME and TWC2 that they were rejected by the authorities from claiming their wages during lockdown, on grounds that they had not worked: despite the clear statutory provisions to the contrary.

D. Lack of employment mobility

15. Section 33 of UN CERD General Recommendation 30 on discrimination against non-citizens require appropriate measures against discriminatory barriers to employment. Pre-Covid, the very limited exceptions to the bar on WP holders' reemployment, without first exiting Singapore, largely hinged on their current employer's consent (see above). Unfortunately, MOM's temporary measures to address the Covid-induced labour shortage due to border controls, including the recent stopgap of a post-cancellation reemployment window,⁹⁴ still deny the workers autonomy.
16. During and after the lockdown, thousands of laid-off workers were sent back. Work resumed unevenly in the construction, marine and process industries. Some companies faced a manpower crunch amid project deadlines; others, unable to resume work, were repatriating unneeded workers. Despite this, MOM still required the former employer's consent for transfers—even if that employer already terminated the worker. Many such workers, unable to obtain this written consent, were repatriated. This undoubtedly contributed to the labour shortage, which by May 2021 was estimated at about 30-40%.
17. Many workers seeking new employment are terminated prematurely and immediately repatriated. Many others are forced to continue with their employers. Those who refused renewal were sent home, even months before their WP expiry, to cut off their access to the transfer window for alternate employment. Till now, despite the labour shortage, workers are still being repatriated, with little intervention from MOM, rather than allowed autonomy to transfer.
18. Employers exploit the workers' fear of being repatriated with little prospect of returning to work in Singapore, given current border controls, to force their acquiescence to unsafe or unfair conditions, excessive overtime hours (due to the labour shortage), and unreasonably low salary. Many workers, facing non-payment, excessive working hours, or dangerous conditions, tell HOME that ordinarily they would complain, but now have no

⁹⁴ 'New measures to facilitate retention and hiring of work permit holders in the construction, marine shipyard and process sectors', 13 August 2021, <https://www.mom.gov.sg/newsroom/press-releases/2021/0813-new-measures-to-facilitate-retention-and-hiring-of-wph-in-the-cmp-sectors> (accessed 20 August 2021)

choice because they cannot risk losing their job.

19. Job mobility also became especially difficult for MDWs during this time. MDWs may only change employers with their current employers' permission. Last year, MOM amended the Employment of Foreign Manpower Act to allow employment agencies to take over responsibility for MDWs whose employers wish to transfer them.⁹⁵ This was to encourage employers to transfer their MDWs without having to incur levy and other upkeep costs. However, the changes retain the right for employers to terminate their MDWs, with no regard to the MDW's choice as to whether or not she wishes to leave the household. Similarly, a measure introduced in September 2021 encouraging employers to share quarantine and other costs for transfer MDWs still vests the power of transfer in the employer, and not in the worker.⁹⁶
20. In May 2021, Singapore banned all entry from 'high-risk' source countries of domestic workers such as Indonesia, Philippines, and India. As a result, HOME encountered many cases of MDWs whose contracts had come to an end and were not given the chance to transfer employers, due to the difficulty in getting replacements. They were either forced to renew their contracts with their employers, or face possible repatriation, or were asked to cover their quarantine costs before being given permission to transfer.⁹⁷

Recommendations:

21. Current plans for the new dormitories allow for a maximum of 12 beds per room, up from the previously proposed cap of 10 people.⁹⁸ Dormitory rooms should however be far less crowded. Ensure the residential infrastructures have adequate toilets and

⁹⁵ Joanna Seow, "New rules make transfer of domestic helpers easier amid Covid-19 travel restrictions" *Straits Times*, 16 May 2020, <https://www.straitstimes.com/singapore/manpower/new-mom-rules-make-transfer-of-domestic-helpers-easier> (accessed 20 August 2021).

⁹⁶ Ministry of Manpower, 'Sharing of Stay-Home Notice and Related Covid-19 Tests Costs between Employers of Transferred Migrant Domestic Workers', 8 September 2021, <https://www.mom.gov.sg/newsroom/press-releases/2021/0908-sharing-of-covid-related-tests-costs-for-transferred-mdws>, accessed 5 October 2021

⁹⁷ Wong Yang, 'More maids in Singapore being denied transfers amid pandemic: NGOs, agencies', *Straits Times*, 25 July 2021

⁹⁸ Ministry of Manpower, 'Joint MND-MOM media release on new dormitories with improved standards for migrant workers', 1 June 2020, <https://www.mom.gov.sg/newsroom/press-releases/2020/0601-joint-mnd-mom-media-release-on-new-dormitories-with-improved-standards-for-migrant-workers> (accessed 14 September 2021); Ministry of Manpower, 'Improved Standards for New Migrant Worker Dormitories to strengthen public health resilience and enhance liveability', 17 September 2021, <https://www.mom.gov.sg/newsroom/press-releases/2021/0917-improved-standards-for-new-migrant-worker-dormitories> (accessed 20 September 2021)

showers. Ensure availability of basic cleaning supplies, running water and adequate waste disposal. Migrant worker levies can be utilised to offset costs as a result of revised standards.

22. Allow migrant workers who have lost their jobs a reasonable opportunity for re-employment before repatriation. The recent announcement of a post-cancellation re-employment window will only work if MOM seriously ensures that the re-employment process will not put the power and discretion in the ex-employers' hands but rather, afford reasonable autonomy and input to the worker.
23. All MDWs should be granted the right to change employers, with clearly defined notice periods. Allowing transfers would be beneficial to all stakeholders. Particularly, MDWs should be allowed to transfer employers at the end of their work permits, within a stipulated window before their work permits expire.
24. Provide specific plans and timelines for the approximately 300,000 workers in dormitories to be given back freedom of movement according to the same criteria as everyone else.