



Transient Workers Count Too  
DIGNITY OVERDUE

# NEWSLETTER

WEEKLY  
DAY OFF  
FOR ALL

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## Editorial

The last newsletter was almost all on the day off issue, and this one also has a strong emphasis on legal and regulatory issues.

They'll interest some readers more than others. Arguments over the law can be quite complicated and often involve going into a lot of detail, but they're important, and that's why TWC2 concerns itself with them.

Advocacy has always been a central part of TWC2's work. Our case has been stated many times: people concerned with the rights and wellbeing of migrant workers can put time and money in helping a fraction of the workers who need assistance (which we do), but in the long run, it is better to change policies, practices, attitudes and conditions that lead to the problems we see. If successful, this approach will radically reduce the number of workers needing help.

We think the success of this approach has been proved. On the issues of falls from high buildings, days off for domestic workers, non-payment of salaries, safe and decent transport for workers and trafficking – all issues we've taken up in the past and worked on – we've seen steps forward that have made a difference: those measures introduced on falls and transport were literally life savers that cut death rates.

In this issue, we deal with the amendment of the Employment of Foreign Manpower Act (EFMA), as well as the conditions in the work permits issued under it. In 2010, we made detailed proposals on the amendment of the Employment Agencies Act (EAA). We'll continue to work on advocacy of changes both in the law and of how it is enforced.

A set of proposals concerning pay issues was submitted to MOM last year: the intention is to get put into place better means for ensuring that workers get paid their full salary on time. We call for salary slips itemizing basic pay, overtime and deductions to be given to workers and for the salaries to be paid into bank accounts opened for workers in their own names, so that it is easier to counter illegal or arbitrary salary deductions. The article on banking options available for migrant workers shows progress chiefly for domestic workers in the past five years.

TWC2 is a small society that operates on a shoe-string, but it is effective, thanks to the dedication of its workers, members, volunteers and supporters.

## Next ExCo

**The next meeting of TWC2's Executive Committee is on Wednesday, 27<sup>th</sup> June, at 7.30pm. It will be held in the TWC2 office. Members are welcome to attend.**

**The agenda includes finances and fundraising, direct services, International Migrants' Day plans, and anti-trafficking work.**

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## Heartbeat

*Heartbeat is TWC2's monthly gathering for volunteers and people interested in volunteering. It normally takes place on the second Thursday of each month.*

*The next session is due on Thursday, 12<sup>th</sup> July. If you are interested in being there, please let the TWC2 office know.*

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## Could You Help?

\*TWC2 sometimes needs to find very short term shelter for workers: for example, if an abused domestic worker runs away from her employer, or a worker has just had an operation and needs a clean and restful place to stay for a few days in order to recover. We do not have a shelter, and this has sometimes left us in difficulties when a worker has needed our help. We'd like to hear from anyone who would be prepared to put a worker up for a few days, on an emergency basis, in their own residence.

\*In January, we appealed for donations of magazines and books in good condition that could be given to migrant women in a shelter with whom we are in contact. They are unable to work, have no money and often get bored. Some books and magazines were donated in response and two bags full have been handed over to the women.

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## Events

**23<sup>rd</sup> May:** TWC2 President Russell Heng was one of three speakers at 'Understanding the Maids', part of Hwa Chong Institution's International Understanding Week. The other speakers were Marissa de Guzman, Manager of Anti-Trafficking Operations at HOME and Veronica Gamez, Executive Director of aidha. Around 50 students took part and there was a lively question and answer session.

**24<sup>th</sup> May:** A group from the Economic Development Board came down to Sutha's Restaurant, part of our Cuff Road Project. TWC2 Treasurer Alex Au, met them there.

**25<sup>th</sup> June:** TWC2 met with members of the Filipino Family Network, to discuss further co-operation. Among the topics were health and safety of domestic workers, courses that the network would like to run (we're interested in finding volunteer teachers for fortnightly Mandarin and Hokkien classes) and plans for International Migrants Day.

**14<sup>th</sup> June:** Meeting of NGOs concerned with the issue of trafficking. This was the second meeting: the first was held on 28<sup>th</sup> March.

**26<sup>th</sup> June:** 'Covering Trafficking', a TWC2 briefing on the media and trafficking takes place: it looks at how the media handles the issue, and how it might be handled better to take account of trafficked people's needs and for improved public understanding.

## TWC2 Annual General Meeting

Reporting on yet another successful year helping 1,908 migrant workers, the Executive Committee of Transient Workers Count Too described an organisation that is in steady hands, very focused on its mission, at the Annual General Meeting held on March 25, 2012.

Of the 1,908 workers, 1,458 came through the Cuff Road Project helpdesk, while 450 reached us through our helpline.

President Russell Heng highlighted several areas where TWC2 would need to attend to. These included raising our professionalism and organisational efficiency. Constraints, such as in funding, would need to be addressed.

During 2011, a major research project was undertaken on the costs and benefits of working in Singapore for Bangladeshi. Many were interviewed at the airport on departure. John Gee, who co-ordinated this project, expects the findings to be released soon.

Other parts of the report by the Executive Committee touched on progress on the advocacy front (the government had just announced that a weekly day off for domestic workers would soon be mandatory), regular engagement with partners and the revamp of our website last year.

Members approved the audited accounts for both 2010 and 2011 at this meeting. At the previous AGM, the audited accounts for 2010 were unfortunately not ready, and while they had been circulated to members as soon as they were ready a little after that AGM, it was felt that for proper order a vote should be taken at this AGM to approve it.

A series of constitutional amendments were also proposed and approved by votes. Most of the changes aimed to tidy up the language of the constitution, for example, to carefully distinguish between the Executive Committee and

the Audit Committee. Other changes spelt out more clearly the role of the Executive Committee in overseeing membership applications and subscription rates, raising the monthly spending limit to support the growing scope of services, the manner in which the Audit Committee is to be constituted and its role.

John Hamalian reached his term limit on the Audit Committee. Cheow Xin Yi was elected to fill the vacancy.

A final item on the agenda was the presentation of Certificates of Achievement and Certificates of Attendance to volunteers who went through our latest helpdesk training course.

This was followed by afternoon tea, giving members a chance to catch up with each other and share their views. Heavy rain cooled the afternoon and gave everyone an opportunity to linger and enjoy each other's company for longer. (Adapted from an article on the TWC2 website: [www.twc2.org.sg](http://www.twc2.org.sg) )



*Help desk training course participants, with trainers (l to r) John Gee, Debbie Fordyce, Russell Heng and Kenneth Soh.*

## **Proposals for TWC2 Activities in 2012-13**

1. Consolidate the gains of the day off campaign. This includes answering anti-day off arguments, publicising resources available to domestic workers, and seeking the closure of gaps in the new provisions that might still deny many workers a day off.
2. Due salary initiative: Seek the introduction of new measures to better ensure that workers are paid the salaries they are due, with no deductions from salaries promised in 'In Principle Approvals' and no improper deductions or illegal kickbacks. We will work for the reversal of the trend towards higher placement costs in cooperation with partners in countries of origin.
3. Capacity building for migrant workers: Continue efforts to strengthen the capacity of migrant worker networks to meet their members' and their fellow workers' needs, especially in providing advice, and social and educational areas.
4. Evaluate work safety issues and make recommendations on how standards can be raised to prevent accidents and reduce rates of death and injury.
5. Produce an advice booklet/online publication for employers of domestic workers on ethical employment practices.
6. TWC2 should aim to expand its membership and volunteer base. We need to improve our volunteer management, develop a pool of 'future leaders' for the society and find more participants for the work of our sub-committees.

## Employment of Foreign Manpower Act to Be Amended

In June 2011, TWC2 presented detailed proposals to the Ministry of Manpower on the amendment of the Employment of Foreign Manpower Act (EFMA), as well as to the work permit conditions, which fall under EFMA. A legal team brought together by TWC2 drew up the proposals.

The act will be amended within the next two months. MOM held an on-line public consultation in May. TWC2 Vice President, Noorashikin Abdul Rahman, sent a response in which she commented on the proposed amendments. In particular, she pointed to deficiencies in the proposals covering issues that we believed were tackled well in last year's TWC2 submission. The text of her reply follows:

### **TWC2's response to MOM's proposed amendments to EFMA.**

#### **Introduction**

TWC2 welcomes the initiative by MOM to revise the EFMA. The introduction of new laws to curb illegal importation of migrant workers, the practice of charging workers for employment costs and the practice of receiving monies for consideration of employment are especially welcomed. Likewise, we laud the proposal to enhance the penalties for employers who breach work pass conditions that cause direct harm to the welfare of workers such as defaulting on salary payments. These illegal acts have devastating consequences on the livelihoods and well-being of migrant workers. In addition to having direct negative impact on migrant workers' well-being, such illegal acts have negative consequences for Singaporeans in general, as they may be edged out of the job market by employers who are able to exploit migrant workers at will.

Indeed, stiffer penalties can be a strong deterrence, but TWC2 is of the view that stiffer penalties alone are not sufficient to stamp out these illegal acts. Current procedures in the work pass system make it possible for employers to commit some of these acts with ease and escape prosecution. We commented on this in our previous submission on the revision to EFMA as well as another submission entitled "Nine proposals to improve our work permit system". Below are our comments on the specific proposals and our counter proposals that are largely a reiteration of points we have made before:

#### **1. Illegal Importation of migrant workers**

The practice of making profits from bringing in new workers has become well established. Anecdotal evidence, as well as that from our own research into the position of Bangladeshi workers (*'Worse off for working? Kickbacks, intermediary fees and migrant construction workers in Singapore'* recently shared with MOM), suggests that the practice of kickbacks is widespread, even if it's illegal and hard to prove. Employment agents' and employers' self interest lies in "churn" and not retention of workers. The ease of cancelling a worker's work permit prematurely makes it easy for employers to bring in workers for the purpose of earning a profit through kickbacks or to have workers on standby so they can be more robust in responding to the needs of production. Anecdotal evidence also shows that the latter is also prevalent and workers who are not assigned to work will not be paid.

The proposal to impose a fine of up to \$6,000 and minimum jail sentence of 6 months and a maximum jail sentence of up to 24 months may work fine as deterrence. TWC2 is of the view that a penalty alone will not be adequate to stamp out this illegal practice and there need to be changes to the work permit system to control "churn" which has negative consequences for Singaporeans as well as migrant workers. Bearing these factors in mind, we have proposed for the following to be introduced under EFMA:

- 1.1 MOM should standardise all work permit durations to 24 months. Only in exceptional cases should MOM issue 12-month work permits.
- 1.2 Employers who terminate an employee before the expiry of a work permit's duration should pay a penalty for the remaining months of the original duration. Employees should be allowed to seek alternative employment and a clearing house for transfers should be set up.
- 1.3 Employers should be incentivised to take up transfer workers by receiving a credit towards their levy liabilities equivalent to the penalty the previous employer has had to pay, provided the new employer has offered the



same or better terms of employment as the previous employer. This credit should be given in monthly installments subject to the worker remaining in the employ of the new employer. Such a scheme would be revenue-neutral to the government.

- 1.4 MOM should require that a certain minimum percentage of any company's total work permits relate to employees taken from the pool of transfer workers. This could be 10 or 20 percent depending on the size of the pool.
- 1.5 MOM can give a special exemption from the penalty to any employer who can demonstrate that the employee grossly underperformed in his job, and was given due process, e.g. by way of warning letters and counselling over a period of at least three months. This special exemption is also available to any employer if the employee is convicted in a court of law for an offence committed while still employed by the employer, and which act was the proximate cause of the termination. Since convictions may take place some time after termination, the special exemption may take the form of reimbursement of levy penalties already paid.

Additionally, we also recommend that adequate notice should be given to workers for termination of employment, there should be a minimum notice of 21 days for cancellation of work permit to allow for workers to seek alternative employment and also, a removal of the need for the previous employer to agree to workers' transfer to a new employer. The specific details of these are as follows:

- 1.6 Amend EFMA Regulations (which currently say "The employer shall give the foreign employee reasonable notice of the foreign employee's repatriation") to stipulate that:
  - 1.7 For termination and resignation, there has to be a minimum 7-day notice period if under 12 months' service, a 14-day notice if more than 12 months' service, a 30-day notice if more than 5 years' service
  - 1.8 Employer shall settle all outstanding salaries and related payments no later than 7 days after the last day of service
  - 1.9 Employer shall give at least 21 days' notice of work permit cancellation and repatriation, but the earliest date of cancellation and repatriation shall not be less than 21 days after the date of final settlement unless the employee has specifically asked for an earlier date.

2) Breaches of work pass conditions involving harm or abuse to the foreign worker e.g. non-payment of salary.

We laud the new proposal to double the current penalties for the above. However, we are also concerned about mediation procedures over salary claims. We find that workers are disadvantaged because of a lack of documentary evidence. Often, workers are not issued salary slips and employers don't keep salary records as required under the Employment Act. We propose the following regulations should be made under EFMA to ensure a proper audit trail of salary payments:

- 2.1 Stipulate that employers should issue written or printed pay slips under the company letterhead or with the company stamp, that should detail:
  - the employee's name, WP and FIN number
  - the monthly basic salary
  - the overtime hours worked and overtime pay earned
  - the rest-day hours worked and rest-day pay earned
  - other allowances (if any) with purpose and amount clearly described
  - deductions (if any) with purpose and amount clearly described the total sum paid to employee
- 2.2 Stipulate that each pay slip should be generated in duplicate or more, with one copy given to the employee and at least one copy retained by the employer and subject to IRAS rules regarding document retention for tax audit purposes.
- 2.3 Stipulate that migrant workers should be required to open an account with a bank in Singapore.

2.4 Require all salaries and related payments from employers to employees to be paid into employees' nominated bank accounts.

2.5 Disallow employers from being joint parties to employees' bank accounts (a common practice), or to otherwise have access to them. Employers and their agents should be forbidden to retain employees' savings passbooks, bank statements or associated documents.

2.6. Include a regulatory presumption of unpaid wages arising from a failure to produce on request, salary records according to standard.

3) Employer's receipt of payments from foreign workers in consideration of employment and employer's recovery of employment costs from foreign workers.

TWC2 supports the introduction of these two new contraventions and a presumption clause that deems that any monies collected from migrant workers are as consideration for employment. We would also urge MOM to apply the presumption clause for monies collected for the purpose of recovering employment costs. We note that the proposed penalty for receiving kickbacks is higher at a maximum fine of \$30,000 and/or a jail sentence of 24 months while the maximum penalty for recovering employment costs is \$20,000 fine. We are of the view that both practices carry as much weight in edging Singaporeans out of the job market hence should be accorded the same maximum penalty.

The practice of charging a migrant worker a sum of \$2,000 to \$4,000 for contract and work permit renewals is widespread. This fee is often recovered through deductions made on the monthly salary of workers. We strongly urge MOM to institute tighter regulations pertaining to the audit trail of salary payments (as outlined above) to deter employers from masking illegal collections of monies as authorized deductions. A proper audit trail would also enable investigators to determine if employers are guilty of illegal collection of monies through salary deductions.

4) Submission of forged educational certificates by foreign workers.

We disagree with the proposal to introduce a new EFMA regulation on the above offence. Agents and middlemen control the processes of migration and migrants are extremely reliant on them, given that migrants do not have adequate access to information on our laws and regulations nor do they have the linguistic ability to navigate our work pass application procedures. We have also noted that agents and middlemen exploit the ignorance of potential migrants and their keen interest to work overseas for profit. For cases of trafficking, syndicates also use forged documents to be able to bring migrants into the country and later coerce them into working illegally or deploy them illegally. Meting out stiff punishments to migrants and including a presumption clause to presume that the migrant workers had known that the educational qualification provided in their work pass application is false, is a step back on anti-trafficking measures. This would discourage trafficked victims from stepping forward out of fear of the harsh punishments.

5) Enhanced penalties for providing false information to the Controller of Work Passes, wrongful use or possession of forged work pass and foreign employee working without a valid work pass.

We disagree with the proposal for a blanket enhancement of penalties for the above offences. Migrants who are trafficked are mired in the above offences either because they are coerced by employers or syndicates or compelled to do so because of the debt they are saddled with. We urge that MOM should take a nuanced approach to these contraventions. Allowance should be made for employers or syndicates who mistreat migrant workers or seek profit for contraventions of the work permit conditions to potentially be dealt with more harshly. Our proposal (as spelled out in the original submission) is to apply the maximum penalties (including a jail sentence) for employers and syndicates who commit these offences and lessening the present maximum sentencing levels (reducing the fine and removing the proposed increment in jail sentence) for migrant workers so as to avoid the situations where workers have to go to jail as a result of being unable to pay the fine. The current processes of migration often render the migrant workers vulnerable to being deceived and coerced by syndicates and employers into committing illegal acts: thus, enhancing the penalties for migrant workers for such offences is unjust. Threatening victims with a jail sentence will mean that they are less likely to come out to the system to report on traffickers and can pose as a major setback back in our efforts to combat sex and labour trafficking in Singapore.

## 6) Differentiate EFMA regulatory breaches from criminal offences

We acknowledge the wisdom of doing so for the purpose of expediting prosecution and enforcement of laws. However, we feel that classifying all offences that are potentially committed by migrant workers as criminal offences and thus rendering appropriate a jail sentence is unjust. Such a move does not take into account the imbalance of power that exists between migrant workers and employers and middlemen and agents as outlined in points 4 & 5. For example, we find that it is ridiculous that the penalty for a migrant worker who fails to produce a work pass upon demand by an employment inspector is a maximum fine of \$10,000 and a jail sentence of a year when it is common for employers to hold on to work passes of employees and other personal documents such as passports, educational certificates, etc to prevent them from running away to escape exploitative working environments and sourcing for alternative employment.

A nuanced approach similar to point 5 should also be applied for certain contraventions that are considered as a breach of work permit conditions. For example, stiffer penalties should be meted out for employers who employ migrant workers otherwise than in accordance with the conditions of the work pass than those meted out to migrant workers who are found to have been performing work that is not in accordance with the conditions spelled out in their permits. As explained in points 4 & 5, migrant workers are vulnerable to being coerced to perform such acts or are compelled to perform them when employers and syndicates deceive them and brought them in by circumventing official procedures and regulations.

## 7) Minister for Manpower to appoint Commissioners for Foreign Manpower

We support this move but urge MOM to ensure that appointees are legally trained and spell out the benchmarks for qualifications, training and experience that such appointees should possess in order to qualify for appointments. Our experience in attending labour court proceedings show that Labour Commissioners who preside over disputes under the Employment Act have varying degrees of understanding, comprehension and knowledge of relevant laws and regulations.

## 8) Facilitate range of investigatory powers of enforcement officers

We support all the proposals to enhance the above but urge MOM to ensure that investigators are also legally trained in EFMA and EAA and make such training transparent for scrutiny. Our experience working with different investigative officers shows that there are varying levels of professionalism and knowledge displayed by enforcement officers. This is especially disturbing as the reports of these investigative officers form the basis of judgments and prosecutions.

## **Aung San Suu Kyi on Burmese Migrant Workers**

**(From her statement to the 101<sup>st</sup> International Labour Conference, Geneva, 14<sup>th</sup> June 2012)**

More than 80 per cent of migrant workers in Thailand are from Burma. It was presented to me that in spite of the 2003 MOU and the 2009 nationality verification process to change irregular workers status to legal status through issuing of Burmese passports, migrant workers are still facing frequent and significant rights violations because neither Burma nor Thailand has adopted a rights-based approach to managing migration, as exemplified in numerous ILO conventions, and most importantly, in the comprehensive 1990 UN Convention on the Rights of Migrant Workers and their Families. Both countries continue to have no clear migration policy, and migration management body, and neither country has taken a lead in ensuring the finalization of the stalled ASEAN framework on migrant workers.

I understand that representatives of the State Enterprise, Workers' Relations and Confederation will be making a detailed submission on the plight of migrant workers in Thailand to this Conference. I would merely like to point out here that concerns related to migrant workers should receive similar consideration to those related to labour issues in our own country.

So many of the migrant workers I met in Thailand told me, "we want to go home". All of us have a responsibility to make that home one to which they can come back in peace and in security.



## Migrant Workers: Current Bank Account Options

On 2<sup>nd</sup> October 2006, the Ministry of Manpower announced that, as of November 1<sup>st</sup> that year, '(Foreign Domestic Workers) can ask for their salaries to be paid into their bank accounts in Singapore'. This became a work permit condition for employers – including for employers of other migrant workers besides domestic helpers. The MOM announcement said that 'FDWs who have been paid promptly by their employers can choose to keep their current arrangements.'

At the time, we welcomed the statement, but pointed out that many domestic workers were not allowed time off, and some could not go out, so they would not be able to set up bank accounts or make use of them easily. The main stumbling block for most workers, though, was that local banks required a minimum deposit of \$500 to open a bank account. Workers would have difficulties getting this together in the best of circumstances, given the need of their families for their earnings, but the great majority also faced the problem, when they arrived, of facing months of paying off their placement costs (now around eight or nine months for domestic workers, and over a year for most male work permit holders).

We wrote to the Singapore banks about the difficulties faced by the workers, saying:

*We consider that it would be to the advantage of the workers to have these obstacles significantly reduced, perhaps by a waiver of certain charges for a specified period, or a variation on the conditions for opening an account that would remove the necessity to find \$500 at the beginning of employment in Singapore.*

We asked if they were making any changes in response to the MOM announcement. OUB acknowledged the letter; no bank replied to the questions raised.

So Imran Price, then TWC2 Treasurer, went from bank to bank, asking how to open an account for his (imaginary) domestic worker. He found that none of the large foreign banks from workers' home countries were keen to open accounts for their citizens in Singapore, unless they already had considerable assets here. Their services, including remittances, were directed mainly at serving corporate customers.

*The three large Singapore banks are more focused on the retail market here but all of them have a minimum initial deposit requirement of at least S\$500 and in some cases much more and charge either a flat monthly fee of fee of S\$2 per month or a S\$2 fee if the average monthly balance falls below S\$500.*

*When I approached DBS about opening an account for my "FDW", they recommended a POSB Passbook Savings Account, which has the same requirements, ie. a minimum initial deposit of at least S\$500 and a fee of S\$2 per month if the average monthly balance falls below S\$500. This is clearly not very helpful as far as most FDWs are concerned. But at least the interest on their savings would not be taxable.*

*POSB also offers what they call a "Save-as-you-earn" account or "SAYE" for short which does not have a minimum initial deposit requirement but has a minimum monthly fixed deposit of \$20 per month if my FDW was willing to set aside at least that amount in savings each month from her earnings. As her employer, I could arrange for a monthly GIRO payment to such an account.*

*Further investigation revealed that Maybank offers an Islamic banking account that requires a minimum balance of only \$200.*

*So out of the Singaporean banks, DBS/POSB has a bit more flexibility than any of the other banks that I visited. Maybank's terms may well appeal to some workers. (From the July-August 2007 TWC2 Members' Newsletter)*

A member has reviewed the current options for migrant workers and finds there has been some improvement. She contributed this summary:

### **OPENING a bank account here for foreigners**

POSB, which is part of DBS, has four types of basic accounts for foreigners. It also has the largest ATM network of over 1,000 machines in Singapore, making the network the most convenient in terms of banking access. The bank charges fees when the balance falls below a certain amount, and to encourage ATM usage, it charges a fee for cash withdrawals at branches except for the higher value savings and FDW (Foreign Domestic Worker) accounts. For some of the accounts, there is a \$20 charge if the account is closed within 6 months. The four accounts are:



[POSB eSavings \(For S Pass and EP holders\)](#)

[POSB Savings \(For all foreigners\)](#)

[POSB FDW Savings Account](#)

[POSB Work Permit Account](#)

The eSavings is an all-in-one account where you can credit your salary, apply for GIRO or pay bills with it. It comes bundled with a debit card, internet banking and eStatement. It charges a \$2 fall-below fee if the average daily balance falls below S\$1,000, \$2 ATM withdrawal fee if the customer makes more than 4 ATM cash withdrawals in the month, \$2 fee will apply for each cash withdrawal at any DBS/POSB branch and \$20 early account closure fee if the account is closed within 6 months.

The Savings account is similar to the eSavings one in terms of banking services. The main difference is the higher minimum average daily balance where if it falls below \$5,000, there is a \$2 fee, but there is no ATM fee and no cash withdrawal fee at the branch either.

The FDW savings account is meant for foreign domestic workers. Here the employer has to be a bank customer and must agree to credit the salary into the account monthly from a DBS account before the FDW is eligible to open her account. It comes with an ATM card. The account does not require an initial deposit and charges no fees at all. Quarterly statements are provided.

The work permit account has to be opened by the employer who is a corporate customer of the bank. The employer applies to open the worker's account, insurance bond and medical insurance for the worker at the same time. There is no initial deposit requirement for the worker and this is the account where the employer pays the monthly salary.

The account holder gets a passbook and ATM card. There is a \$2 fall-below fee if the average daily balance in the account is below \$500 for the month. A \$2 monthly ATM withdrawal fee applies if there are more than 4 ATM cash withdrawals in the month and a \$2 fee applies for each cash withdrawal of \$2,000 or less, at any DBS/POSB branch. A \$20 early account closure fee applies if the account is closed within 6 months. Replacements of ATM card or passbook are chargeable at \$5 and \$15 respectively.

## Tackling Falls

*This is a longer, slightly updated version of an article by TWC2's immediate past president, John Gee, which appeared in 'Straits Times' on 25<sup>th</sup> April.*

Nine reported deaths of domestic workers in falls from high buildings so far this year (up to mid-June) have raised the issue of what can be done to make these workers safer.

It is not a new issue. When TWC2 was first established in 2003, researchers found that around 90 domestic workers had been killed in falls over the previous four years. One fact that immediately stood out was that the overwhelming majority were Indonesians. Figures released by the Ministry of Manpower (MOM) confirmed that from 1999 until June 2003, 99 workers had died in falls, and 89 of them were Indonesians.

An explanation commonly advanced, then as now, was that these were village women unused to working in high rise buildings, and they were therefore more accident prone, but something about this didn't seem to add up. Hong Kong employed many domestic workers from a similar background and also has a big proportion of high rise buildings, but the number of workers dying in falls there was rather lower than in Singapore: what could the explanation be? Almost all Filipina domestic workers came from villages, so why did relatively few of them fall compared to Indonesians?

In the Hong Kong case, one difference was that domestic workers had days off by right, so that no worker was likely to kill herself or die trying to escape from an employer's residence, but there also seemed to be less inclination by employers to tell workers to clean the outside of windows.

The national origin of most of the workers who fall seemed to be significant because it pointed to different standards of treatment of workers by employers. Domestic workers were employed at 'going rates' that were higher for Filipinas than for Indonesians. Filipinas were seen as being better trained and better English speakers, but also as more assertive and likely to stand up for their rights: employers would complain about them 'talking back' and there was a growing expectation that they would insist on having days off. Many agencies marketed Indonesians as being more 'docile' and obedient, just as they now market Myanmar workers, which, to employers so minded, seems like an invitation to take advantage of them to the full.

The consequence has been that Indonesians tended to be disproportionately employed in households that found it hard to pay their way and therefore tried to employ domestic workers at as low a rate as possible. The stresses that such families were under were in some cases expressed in the way they treated their workers, leading to them becoming depressed, demoralised, resentful, isolated and sometimes hungry too. Thus the more vulnerable workers were placed where their vulnerabilities would most likely expose them to harm. They would find it hard to object to instructions that put them at risk.

Some kill themselves by jumping from their employers' flats. It is often hard to be sure what made them so desperate, but scattered testimony from acquaintances, notes left behind, or survivors of falls point to at least some of these women having been treated in ways that left them feeling unable to go on living in the conditions they faced, often including confinement day in, day out, with unsympathetic, demanding and occasionally violent employers.

This also appears to explain cases of women falling while trying to escape from their employers' flats. Anyone able to leave freely through the front door and take a lift down would certainly do so rather than risk a climb down the outside of a tall building, and it can only be concluded that these women did not have that choice. Suicides and hazardous escapes are the tip of an iceberg of misery and mistreatment.

After the high rate of deaths in falls was first highlighted in 2003, the MOM embarked on a systematic initiative to advise both employers and workers about good safety practices in high rise homes. In February 2004, all employers of domestic workers were sent a letter on their responsibility to do all they could to ensure the safety of their workers: they shouldn't ask or allow the workers to clean the outside of windows in ways that would put them at risk, and they should advise them on the safe hanging of laundry: the worker should not lean out, overload any pole, and should hang heavier items close to the wall bracket. An illustrated pamphlet that employers were urged to go through with their workers was enclosed and this advice became part of the compulsory safety awareness course for new workers launched in April 2004, as well as of the orientation programme for first-time employers. The message has been re-iterated from time to time in bulletins mailed out to domestic workers since then and through other channels.

The safety message was reinforced by punitive action when in February 2006, for the first time, an employer was sentenced to two weeks' imprisonment for jeopardising her worker's life by telling her to climb out of a window onto a ledge in order to hang out washing. The worker fell and was killed.

These measures seem to have made some difference: despite an alarming total of 15 lives lost in 2011, the overall death rate in falls is significantly down on earlier levels (24 in the five years 2006-2010\* compared to 99 in the four and a half years 1999-June 2003) although the number of domestic workers working in Singapore has grown from 140,000 in 2003 to 206,000 in 2012 - a rise of nearly 50 per cent. So part of the answer to the continuing toll in lives and injuries is to do more of the same - but to see how it can be made more effective.

This might include re-examining how safety is taught, so that workers and new employers are asked about what they have learned on safety awareness courses to make sure that it has really sunk in. How the safety message is expressed might be considered too: workers may be pushed to risk their lives by their employers, but it should also be recognised that a worker who takes pride in doing her job well may feel that she ought to clean the outside of windows regardless of circumstances, and she needs to know that she should not risk her life for any reason. Educational initiatives might be focused on those who seem statistically more vulnerable: Indonesians and now, Myanmar workers.

Punitive measures could be increased for employers who either instruct workers to take actions that put them at risk or do not advise them properly on this. Although it should not be regarded as a punishment, an obligation to pay compensation to the family of a worker who fell, including payment for loss of potential earnings, might provide a powerful incentive to do everything possible to ensure that workers are not put at risk.

When workers first arrive in Singapore, they generally face eight or nine months of salary deductions, while most employers recover the cost of the workers' placement. During this time, workers are especially vulnerable as they don't want to risk annoying their employers and being sent home, with no earnings to show for all their time here, so they are more likely to do all that they think is asked of them. Some fear that if they make a complaint to the MOM, their employer will cancel their work permit and send them home. This fear needs to be removed to counter abusive behaviour in general. Domestic workers need to be assured that they can refuse to do work that puts their health at risk or breaks Singapore law without finding themselves on the next plane home. This means being told in no uncertain terms that they can make a report to MOM and be protected from being sent home, if necessary being allowed to find another employer at no extra cost; sending a worker out of Singapore to prevent her from pursuing a complaint should be treated as a serious offence.

The factor of non-accidental falls is one more reason why it is important for domestic workers to get a weekly day off. Women who can seek help and advice would be less likely to kill themselves; women who could leave their employers' home once a week and never come back if they found it intolerable would be less likely to be mistreated in the first place and would have a genuine alternative to risking their lives climbing out of a window.

Deaths and injuries of domestic workers can be reduced further. Enhanced education and protective measures are one route, and the institution of a regular day off, if not allowed to be evaded, will prove another.

\*45 also fell and survived.

This issue has had a lot of coverage in the media this year and many members of the public have called for action to ensure the safety of workers in high-rises. On June 6<sup>th</sup>, the Ministry of Manpower announced that with immediate effect, employers of domestic workers *'shall not allow them to clean the exteriors of windows except where two conditions are met:*

*a. The employer or an adult representative of the employer is physically present to supervise the FDW; and*

*b. Window grilles have been installed and are locked at all times during the cleaning process.*

*The new rules will apply to all homes, except for windows that are at the ground level or along common corridors.*

## Latest TWC2 Direct Services Report Out

At least 2187 migrant workers benefited from TWC2's direct service work in 2010 and 2120 in 2011, says TWC2's latest Help Desk Report. These figures are for workers who received assistance over and above the provision of food through the Cuff Road Project. The project served an average of 1,600 meals per week in 2010 and 1,636 per week in 2011. The beneficiaries were nearly all Bangladeshi and Indian men, with a small number of Sri Lankans (48 in 2011).

Most of the men who asked for help came through the Cuff Road Project, apart from a small but growing number of Chinese workers (42 in 2011); most of the women workers (70 in 2010, 102 in 2011), mainly domestic workers, contacted us through the TWC2 helpline.

The main issues raised by male workers concerned work injury compensation and salary questions; for the women workers, transfer problems were the largest single issue.

The Help Desk report covers 2010-2011, and has been distributed to the media, sponsors, fellow NGOs working with migrant workers and other bodies, including the Ministry of Manpower. We should have a copy available online shortly.

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## Singapore Signs up to ILO Workplace Safety and Health Standards

It was reported on 12<sup>th</sup> June that Singapore has adopted the International Labour Organisation's Promotional Framework for Occupational Safety and Health Convention. Many of those working in unsafe and unhealthy conditions in Singapore are migrant workers. Fatal accidents are highest in the construction sector, where most workers are male migrants.

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## STATEMENT FOR INTERNATIONAL DOMESTIC WORKERS' DAY: 16 June 2012

Ratify and Implement ILO Convention 189 on Decent Work for Domestic Workers Now!

Today, as we commemorate the first anniversary of the adoption of ILO Convention 189 (C189) on Decent Work for Domestic Workers, we call on ILO Member States to immediately ratify and implement C189 as a demonstration of their global commitment made at the 100th Session of the International Labour Conference on 16 June 2011.

Ratifying C189 is important, urgent and a priority! Wide ratifications of C189 would benefit an estimated 100 million domestic workers around the world who for long have been unrecognized, neglected, and forgotten.

We commend Uruguay for being the first country to ratify C189. We are optimistic that this step forward will encourage the rest of the world to follow in particular the Philippines which also committed to be among the first countries to ratify the Convention.

We call on States, employers, recruiters, civil society, religious groups, and the general public to become instruments of change and reinvent their views on domestic work. Specifically, we raise our call to the following:

- Governments to ratify C189 and follow through on their ethical and legal obligations to extend to both local and migrant domestic workers the same rights as those of other workers.
- Governments are urged to provide an enabling environment that will facilitate respect for rights, provide ample protection and promote holistic development of domestic workers.
- Governments to include domestic workers in national labour laws and enact provisions that address the specific needs and concerns of domestic workers especially child domestic workers and migrant domestic workers.
- Governments to repeal policies that disproportionately discriminate and criminalize domestic workers and effectively enforce existing policies that seek to promote the rights and welfare of domestic workers.
- Governments, employers and the general public to recognize the contribution of domestic workers to the development of societies where they work and treat them with respect and dignity.
- Recruiters to stop the exploitation of migrant domestic workers through collection of exorbitant recruitment fees which lead domestic workers into forced labor and debt bondage.
- Trade unions and labour rights advocates to show their concrete support by assisting domestic workers to exercise their right to association and to join or form a trade union
- For trade unions to expand solidarity with migrant domestic workers across borders.
- Religious groups to take an active role in promoting public consciousness with respect to the culture of inequalities and stereotypes that work against domestic workers particularly women domestic workers.
- Religious groups to continue with their role of providing refuge and comfort for domestic workers who have been exploited and abused.
- Domestic workers to organize, speak for themselves and mobilize support for the ratification and implementation of C189.

Domestic Work is Work! Domestic Workers are Workers! Domestic Work is Not Slavery!

Ratify C189!

Signed by:

ACTFORM- Sri Lanka, AFL-CIO, Ain O Salish Kendro (ASK)- Bangladesh, Alliance of Progressive Labor (APL- Philippines), Association for Community Development – Bangladesh, Association of Major Religious Superiors of the Philippines- Migrants Center- Philippines, ATIKHA- Philippines, Bangladesh Institute of Labor Studies-Bangladesh. Batis Center for Women- Philippines, Cambodia Legal Education Center (CLEC) – Cambodia, Caritas Lebanon Migrant Center (CLMC)- Lebanon, Center for Indian Migrant Studies (CIMS)- India, Center for Labour and Social Studies (CLASS) – Nepal, Center for Migrant Advocacy (CMA) – Philippines, Coalition for Migrants Rights (CMR)- Hongkong, Federasi Serikat Pekerja Metal Indonesia (FSPMI)- Indonesia, Federation of Free Workers (FFW)– Philippines, German Commission for Justice and Peace- Germany, Global Network- Asia, Helpers for Domestic Helpers (HDH)- Hongkong, Hongkong Confederation of Trade Unions (HKCTU) – Hongkong, Hope Workers Center (HWC)- Taiwan, Hsinchu Migrants and Immigrants Services Center (HMISC), Humanitarian Organization for Migration Economics (HOME)- Singapore, Human Rights and Development Foundation (HRDF)- Thailand, Institute of Social Development (ISD) - Sri Lanka, International Domestic Workers Network (IDWN), JALA PRT- Indonesia, KAKAMMPI- Philippines, Kanlungan Centre Foundation- Philippines, Konfederasi Serikat Pekerja Indonesia (KSPI)-Indonesia, Labor Education and Research Network (LEARN) – Philippines, Labour Education Foundation (LEF) – Pakistan, Legal Support for Children and Women (LSCW)- Cambodia, Migrant Care- Indonesia, Migrant Forum in Asia, Migrant Forum India – India, National Domestic Workers Movement- India, POURAKHI- Nepal, Pravasi Nepali Coordination Committee (PNCC)- Nepal, Self Employed Women's Association (SEWA-Academy) – India, Serikat Buruh Migran Indonesia (SBMI)- Indonesia, Solidarity Center, Sr. Immaculate De Alwis, ACTFORM- Sri Lanka, SUMAPI- Philippines, Transient Workers Count Too- Singapore, Unlad Kabayan Migrant Services Foundation, Inc. – Philippines, Visayan Forum Foundation Incorporated- Philippines, WARBE Development Foundation – Bangladesh, Youth Action Nepal (YOAC) - Nepal