



Transient Workers Count Too
DIGNITY OVERDUE

NEWSLETTER

WEEKLY
DAY OFF
FOR ALL

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Corruption? What, in Singapore?

Every year, Transparency International publishes a Corruption Perceptions Index, and every year, Singapore emerges as one of the best-rated countries in the world. In 2013, it ranked fifth out of 177 countries and territories – that’s quite an achievement, and it is no wonder that it is a record in which the government takes pride.

But the index is one of perceptions of how corrupt the public sector is; it does not cover corrupt practices in society at large, and it might be wondered how the compilers of the index might rate Singapore if it did. For while, in most walks of life, corruption is firmly rejected, when it comes to migrant workers, there are practices, all too common, that should rank as forms of corruption.

TWC2 has heard from many workers employed by sub-contractors in the construction industry that they are asked to pay their employers or foremen to have their contracts renewed (actually, it would normally be a matter of work permit renewal). “*Worse Off for Working?*”, our report on the costs of migration for Bangladeshi workers, released in 2012, found that 66 per cent either paid for contract renewal or had faced demands that they should pay. This is illegal, but it still happens, and not only in the construction sector.

Most migrant workers are promised better conditions than they actually receive. Recruiters in their home countries are responsible, in most cases, though it would seem that the agencies that use their services never dismiss them for their lies and deception. Now, it is a legal requirement for migrant workers to be presented with a copy of their In Principle Approvals, which state their expected salary, but some employers seem to use this as bait to obtain workers, and then they impose lower salaries on the workers once they arrive. Among those who come to TWC2 for assistance, we encounter workers who, when they arrive at the firm that will employ them, are told that they must sign blank pieces of paper, which are later produced with the blank space filled in with details of ‘payments’ that they never received.

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(Continued on Page 3)

TWC2 AGM 2014

TWC2’s 2014 Annual General Meeting will take place from 3-6pm on Sunday, March 23rd, at Kampong Glam Community Centre, off Beach Road. All members are welcome to attend.

To take part and vote, you need to have your membership up to date. Please renew now unless you have only just joined.

Heartbeat

Heartbeat is TWC2’s monthly gathering for volunteers and people interested in volunteering.

The next session is due on Wednesday, 12th March. If you are interested in attending, please let the TWC2 office know.

In this issue...

Page 2.....Events

Page 4.....Outreach 300: Making Sundays Go a Little Further

Page 5..... At Least 3000 Workers Assisted in 2013

Page 6.....Momentum for Itemised Payslips Builds

Page 8.....Good Precedents on Pay and Overtime

Events

December 23rd 2013: TWC2 president, Russell Heng, spoke at 'Foreign workers, justice and fairness', a public forum held in the aftermath of the riots in Little India. The forum was organised by the human rights group, Maruah, and attracted around 100 people, including media attendees. Besides Russell, the panel consisted of Braema Mathi (Maruah), Jolovan Wham (Workfare), Vincent Law (HealthServe) and was moderated by Siew Kum Hong.

January 8th and 9th: Because of the large number of people expressing an interest in offering their help with TWC2's work, 'Heartbeat', our monthly orientation session for volunteers, had to be split into two sessions in January, with 30 people coming to each one.

January 10th: Former president of TWC2, John Gee, spoke at 'It's More Than Meets the Eye', a conference at the National University of Singapore that focussed on labour trafficking.

January 13th-14th: Twenty Bangladeshi and Indian migrant workers spoke about their lives with just over 200 students from over 40 different countries. The students were 14- and 15-year-olds from an international school in Singapore, United World College of South East Asia, East Campus. Each year UWCSEA offers a writers' fortnight, and this year the Grade 9 students interviewed migrant workers as a primary source for feature articles they would write on the situation of migrant workers in Singapore.

Each day began with a brief presentation on TWC2 by Cuff Road volunteers to a sea of Grade 9 students in bright blue shirts. The presenter reminded the students that the reasons their families came to Singapore — for work and to provide a better future for their families — are the same reasons migrant workers from Bangladesh and India come to Singapore. We are all economic migrants. And yet, how markedly different our work experiences can be. Migrant workers routinely pay more than a year's wages to secure a job, salaries may be paid late or incompletely, workers are bonded to one employer, and their passports are retained by their employers. These issues highlight the level of disempowerment and potential for exploitation faced by migrant workers.

From TWC2's website: for the full story, see: <http://twc2.org.sg/2014/02/09/migrant-workers-at-writers-fortnight-at-united-world-college>

January 16th: A consultative meeting of some of the organisations active against trafficking (HOME, UN-Women, TWC2) was held at the HOME offices.

January 18th: Jalan Jalan Along the Southern Ridges - 38 workers and eight volunteers went on a walk along the Southern Ridges walkway in the latest 'Discover Singapore' activity. Two guides from Sembcorp conducted a tour from Henderson Bridge (Mount Faber) to Hort Park, providing an interesting commentary on the trees and structures along the way. The walk ended with a short quiz, games and dinner.

January 29th: This year, for the first time, TWC2 submitted recommendations for Singapore's national budget. They were prepared by a research team made up of Cheow Xinyi, Edwina Shaddick, John Gee and Max Ang.

TWC2's Recommendations for Singapore Budget 2014 argues that the goals of moderating demand for migrant workers and increasing productivity are undermined by a pattern of migrant worker employment that involves a fairly rapid turnover of workers. These goals, and the interests of migrant workers employed in Singapore, would be best served by policies aimed at retaining workers over a series of contract periods/work permit renewals. Workers need to achieve solid benefits from working in Singapore, so that they want to continue to be employed here. The proposals calls for greater possibilities of labour mobility once a worker has come to work in the country, as well as protection against arbitrary deportation, improper salary deductions and demands for kickbacks for contract renewal.

The call for the establishment of a migrant workers' welfare fund, made earlier in our submission on the amendment of the Employment Act and the Employment of Foreign Manpower Act, is reiterated here. The recommendations also propose a review of the levy system with a view to its eventual abolition.

While some of the recommendations may be seen as mainly matters of policy rather than spending, all have implications for long term financial planning.

February 1st: For its 18th outing, 'Discover Singapore', nine volunteers accompanied 59 migrant workers —Bangladeshi, Indian and Chinese- to the Istana Open House, held at Chinese New Year. Many of the men took the trouble to wear red for the occasion. They heard a little bit about Chinese New Year customs, and each was given a \$2 hong bao, donated by a well-wisher.

In the Istana, they were interested to see an exhibition of gifts sent by foreign countries, but some were disappointed to see none from their countries of origin. One Bangladeshi worker commented: *"So many items so many countries give to Singapore, but I think ours is the best one - we help build Singapore."*

February 4th: TWC2 President, Russell Heng, submitted a paper outlining TWC2's perspective on the Little India riot to the Commission of Inquiry, as part of the consultation process.

February 6th: "Social Visits and Special Passes: A Situational Analysis of Migrant Women Exploited in Singapore's Sex & Entertainment Industry", a research report by Dr Sallie Yea, was released at a presentation at the Singapore Council of Women's Organisations. Some 90 people attended, packing the room out.

"Social Visits and Special Passes" focusses on the experiences of Filipino and Indonesian women in the sex industry in Singapore. Many have been trafficked into sexual exploitation. Some of the statements by the women interviewed are quite harrowing, but the report is careful not to make this the be all and end all of its contents. It shows that the women interviewed came under a variety of conditions and, while all were exploited by their employers, this occurred through differing means and with differing degrees of intensity. The report surveys the present situation and goes on to make recommendations to support workers, NGOs, diplomatic missions and the government. It will be available online shortly.

Nicholas Lainez, a researcher at NUS on Vietnamese sex workers and Vanessa Ho, who volunteers with Project X, which does outreach to sex workers, also spoke. There were many questions and a lot of discussion afterwards.

February 12th: A course on case management was given at the TWC2 office. 21 people took part.

Corruption? What, in Singapore? (Continued from front page)

they impose lower salaries on the workers once they arrive. Among those who come to TWC2 for assistance, we encounter workers who, when they arrive at the firm that will employ them, are told that they must sign blank pieces of paper, which are later produced with the blank space filled in with details of 'payments' that they never received.

The newsletter has carried reports on unethical practices by some professionals that are arguably corrupt. When doctors retained by companies give 'short MCs' to injured workers that keep the companies' accident records looking good while failing to give workers due time to recuperate (*See Editorial, TWC2 Newsletter, July-August 2013*), is that not a form of corruption? When lawyers or legal assistants encourage workers to pursue compensation cases that primarily benefit them rather than the workers, is that something consistent with the corruption-free reputation of which Singapore is proud? (*See Debbie Fordyce, "Cut Out the Legal Assistant", TWC2 Newsletter, November-December 2013*)

Surely practices such as these ought to be stamped out, through the action of government agencies and of professional bodies, where their members are implicated? Isn't it time to end a situation where high standards of conduct and honesty in financial matters prevail in most sectors, while, in the darker edges of society, acts of duplicity and dishonesty towards migrant workers, to profit from them or to keep the cost of their labour down, are an every day occurrence?

The Online Citizen (TOC, January 5th 2014) published a story about workers employed by a cleaning company that was performing work for Pasir Ris-Punggol GRC Town Council. Some faced demands for the payment of 'agent fees' – if they did not pay up, they would be sent home. The worker TOC first contacted was asked to pay \$5000. TOC writer Terry Xu says:

Arriving on site, this writer was greeted by a large group of workers who had stopped work for the day. Their faces were filled with anxiety. They were pretty quiet at first apart from a few who could speak English better. But when I asked more questions, they started to open up and shared their problems with me.

They have been working in the constituency for three years, and had paid a sum of \$10,500 when they first came over to Singapore. Subsequently they paid another sum of \$2,500 to extend their stay here for another one year. So according to them, they paid a total sum of \$13,000 to work for the period of three years.

They said they are being paid about S\$700 a month, work 7 days a week, with no rest on public holiday and have had no medical leave for three years.

So have they earned back their agent fees? "No, haven't," said the workers in unison.

TWC2's website has many stories about the unethical practices mentioned in this article. Among the most recent, see: <http://twc2.org.sg/2014/01/10/mom-catches-employer-charging-workers-for-permit-renewal/> This describes a case of illegal charging for work permit renewal.

<http://twc2.org.sg/2013/12/24/woolim-part-1-how-low-can-a-salary-go/> and <http://twc2.org.sg/2013/10/11/over-a-year-the-difference-between-18-and-25-adds-up-to-a-lot-of-money/> tell of workers being paid substantially less than stated in their IPAs.

<http://twc2.org.sg/2013/12/10/on-light-duty-with-stiff-arm-soman-told-to-operate-a-lathe/> recounts how one worker was told that he would have 61 days of rest on MC after suffering a dislocated shoulder in an accident. Instead, he was given four days' MC and three weeks on light duties after a private conversation between his boss and a doctor. His options: accept or go home.

<http://twc2.org.sg/2013/09/15/plasterer-will-not-get-satisfaction/> tells the story of an underpaid worker who says that his employer forged his pay records.

<http://twc2.org.sg/2013/07/30/the-temptation-of-release/> is the story of a worker whose employer had no job for him, but who let him do paid work provided the worker paid him money to cover his levy and a fee on top of that.

Outreach 300: Making Sundays Go a Little Further



If you are looking for something meaningful to occupy your Sundays, you may want to clear the 3rd Sunday of each month and lend a helping hand to the Outreach 300 team.

Started in October last year, Outreach 300's on the ground approach aims to introduce TWC2 to more work permit holders. Outreach 300 hopes to provide workers with information that will be useful should they, or someone they know, have the misfortune of being faced with injury, salary or lodging issues.

Making use of the fact that Sundays are usually off days for workers, the Outreach 300 team meet up to distribute flyers about TWC2 and the work it does.

For the Outreach 300 volunteers, no area is too far-flung. While volunteers head out to areas such as Little India and City Hall, where workers are known gather, volunteers also travel to more remote areas such as Tampines and Boon Lay. This helps ensure that the information being handed out also reaches workers who may not have the time or resources to travel too far away from their dorms.

Apart from spreading the word about TWC2, Outreach 300 volunteers also conduct mini surveys to help glean information from work permit holders. In fact, the name Outreach 300 came about partly because the group aims to survey a sample size of 300 workers.

With Outreach 300 helping to conduct research on employed workers and the information obtained from Special Pass holders* at the Cuff Road Project,

TWC2 will be able to get a more holistic view on the issues faced by both groups.

Outreach 300 also provides a way for volunteers to get to know each other and to gain first hand experience in interacting with foreign workers.



Outreach 300 has planned for their next sessions to take place on Sunday, 16th March followed by Sunday, 20 April 2014. If you are interested in pitching in to help, please contact Karno at socialworker2@twc2.org

As special pass holders are **not allowed to work, they are able to share their experiences from when they were employed but are not in actuality currently working.*

Nicolette Stewart

Over 3000 Workers Assisted in 2013

TWC2 is compiling statistics for its 2013 Direct Services Report. We have records of at least 3062 workers assisted in 2013.

The first figures to be reported in full were for the work undertaken by TWC2's social workers during the year. They responded to 373 Helpline calls and handled 447 cases. Of this total of 820 workers, 144 were women, mostly domestic workers.

All the 447 cases mentioned above involve case management. As our 2012 Direct Services report explains:

Case management requires the most far-reaching commitment from our workers. It is undertaken if the worker needs extended

assistance, usually resulting from complicated issues or having to deal with very stubborn employers.

This means that those cases involved a great deal of work. It was undertaken by Kenneth Soh, our senior social worker, Raymond Ang (until August) and Mohd Nor Karno (from September)

Kenneth left TWC2 in January 2014 for another job, after three and a half years working with the society. He was much respected and liked by TWC2's staff, committee and those members who had any dealings with him. He was a good communicator with the wide range of workers who he helped, and they spoke well of him. We'll all miss him.

In 2012-13, Kenneth took a lead in expanding TWC2's outreach to Chinese workers, bringing together a team of Mandarin speakers and arranging regular sessions to speak with workers facing problems. As a result, the number of Chinese workers assisted rose from 59 in 2011 to 353 in 2012 and 362 in 2013.

The Cuff Road Project

2242 workers were assisted through The Cuff Road Project (TCRP); of these 1793 came to the project for the first time and 449 were already coming to it at the start of the year. The great majority of the workers were men who had suffered injuries and were either unable or (in the cases of men whose injury had healed but who were waiting for their cases to be settled) not allowed to work.

The workers received a variety of assistance, besides the food that was provided each day. This involved an enormous amount of work for the volunteers at TCRP, who continued to do a great job in assisting the workers.

In September, it looked as if money for the project was going to run out, and some cuts were considered. In the end, Sunday lunches were discontinued, as there are quite a few alternative sources for meals that day, and we were able to sustain the programme otherwise. Part of the problem was a mid-year surge in the number of workers coming to the project: from mid-April until the end of June, the average number of meals served each week was over 2,400. In 2014 as a whole, 96,986 meals were provided. This brought the total served since the project began in March 2008 to 467,720.

In a speech in Parliament on 20th January 2014, Acting Minister of Manpower Tan Chuan-jin said that the Ministry of Manpower (MOM) had assisted "approximately 7,000 foreign workers with difficulties" from January-November 2013. In response to a question about cooperation between MOM and NGOs working with migrant workers, he said, "my Ministry works closely with NGO partners who refer cases of mistreatment they come across to MOM officers. And they do so regularly. For example, last year, there were about 640 of such NGO-referred cases."

According to TWC2's own records, we contacted MOM in connection with 762 worker cases, which included 283 involving full casework and 123 from the TWC2 Helpline.

New Social Worker at TWC2

Following the departure of Kenneth Soh, Transient Workers Count Too is pleased to welcome Louis Ong as our newest social worker.

Louis has studied audio engineering and has largely worked as customer liaison officers with Starhub and NCS (National Computer Systems). He is currently in the final year of his social work degree course.



Momentum for Itemised Payslips Builds, but Further Steps Needed

TWC2 has long called for workers to be given with itemized payslips so that, on each pay day, they can see not only their total payment, but also how much of it is basic pay, how much for overtime work and what deductions have been made. This would help them to challenge any errors, underpayment or improper deductions straight away. At the end of 2011, this proposal was refined by coupling it with one for the establishment of bank accounts for all migrant workers into which their salaries would be paid, thus making it easier to track whether the amount of money stated in the payslips had actually been credited to the workers.

The proposal was submitted to the Ministry of Manpower (MOM) and subsequently promoted through media releases, interviews and further proposals to government:

From TWC2 media release, “MOM Needs to Be More Proactive than Reactive over Salary Complaints by Foreign Workers, 8th February 2012:

- 1. It should be made mandatory for employers of foreign workers to provide a pay slip to each employee monthly showing detailed calculations of pay, overtime, allowances and deductions. This arms the employee with documentary proof as to whether he has been paid correctly, and whether illegal deductions have been levied.*
- 2. It should be made mandatory for salaries to be paid through a bank account. This provides an audit trail as to how much was paid and when.*

From “Proposals for the Amendment of the Employment Act”, 10th January 2013:

We note that the question of issuing pay slips is raised in the consultation paper, and welcome this initiative, but the foregoing comments on the issue of accessibility of records to a worker apply equally to the proposal that employers should be obliged to give written pay slips to employees ‘on request’. A worker submitting a request for a pay slip would immediately draw attention to himself and might lead an employer to suspect that he might wish to raise a complaint. Knowing this, many workers would be deterred from submitting such a request. Therefore, making the issuing of itemized pay slips mandatory would be preferable, as all workers would then be on an equal footing in having that information to hand.

From “Proposals-Second Phase Review of the Employment Act and the Employment of Foreign Manpower Act”, October 2013

5.02 Mandatory pay slips should include itemised calculations and copies of timesheets (EA)

At this stage, details of the proposed changes to the EA announced by MOM on 14 March 2013 regarding mandatory pay slips do not appear to be publicly available. We strongly urge MOM to ensure that the new provisions include a requirement that payslips include itemised calculations of how the final pay figure has been calculated (eg separate calculation of basic hours worked, overtime hours worked, rest day and public holiday hours worked, each multiplied by applicable pay rates) as well as other relevant amounts (including details of any deductions, allowances, loan repayments and leave taken). Pay slips should also be accompanied by copies of the worker’s time sheets. All of this information is crucial for enabling the employee to check whether the amount paid has been accurately calculated and such information should be given to workers on each pay day as a matter of course (rather than only on request).

5.03 Mandatory electronic payment of workers’ salaries into a bank account controlled exclusively by the employee and related issues (EA)

TWC2 believes that the commitments made by MOM in relation to introducing mandatory pay slips need to be complemented by adding a new requirement in the EA and EFMA that salaries must be paid by electronic transfer into a Singapore-based bank account in the name of the employee and controlled exclusively by the employee (thereby giving both parties free and easy access to a record of payments made by the employer to the employee). Too often salary disputes turn on evidentiary matters such as whether the worker’s signature on a pay slip is genuine. Electronic transfers into a bank account will provide objective evidence of payments that have been made, which will greatly reduce the frequency of salary disputes and help in the speedy resolution of any disputes which may arise.

.....

When the Employment Act was presented for amendment in Parliament, it was announced that the introduction of mandatory payslips was to be “deferred”. Some MPs expressed their regrets at the delay. TWC2 issued a statement on 19th November in which we took issue with the claim that the introduction of itemized payslips would impose an onerous burden on employers:

For employers to say that this raises costs is simply not credible; the minister should not have given weight to such an argument. Employers anyway have to calculate salaries including overtime each month for each employee; it is not as if this exercise does not have to be done at present. Issuing a payslip is simply an act of giving the employee a copy of the calculation.

Moreover, this can be outsourced for as little as a few dollars per employee per month, representing less than 0.5 percent of a typical work permit employee's total cost, if a company does not wish to keep a payroll clerk on its own payroll.

On 13th January, MOM announced that a ruling on compulsory itemized payslips “could” come into force within the next two years. A six page document, drawn up by MOM in cooperation with the National Trades Union Congress and the Singapore National Employers Federation and providing guidelines on itemized payslips for employers, has been posted on MOM’s website.

Interviewed by ‘The Straits Times’, TWC2 Vice President, Alex Au, said that the move was “long overdue” and warned that some employers might exploit a loophole in the system by paying workers a different amount than was stated on their payslips.

He said, “It would be good if the MOM also required employers to pay through Giro so that what is stated in itemized payslips is actually what is paid.” (Joanna Seow, “Payslips could be made mandatory in two years”, 14th January 2014)

On 14th January, a media statement was released setting out in full our reaction to the latest moves:

Additional Steps Needed Beyond Making Itemised Payslips Mandatory

On 13 January 2014, the Ministry of Manpower issued a media statement “[Tripartite Guidelines on Issuance of Itemised Payslips](#)”.

Transient Workers Count Too (TWC2) have been highlighting for years the need to make itemised payslips mandatory, as an essential step in combating salary abuses, a common problem faced by migrant workers. We were disappointed last November when the Ministry of Manpower (MOM) reversed its position and chose not to go ahead with making it mandatory, saying that small employers face difficulty in complying. MOM has now indicated, in its statement of 13 January 2014, its intent to implement this rule within two years.

TWC2 would prefer that an earlier date for compliance be given to medium and larger companies, e.g. employers of more than 20 workers, e.g. within six months. Such companies should already have the resources to issue itemised payslips.

However, we wish to reiterate that itemised payslips alone will not be sufficient and that the problem of incorrect and underpayment of salaries will persist if additional measures are not also taken. Some of the ways by which employers unjustly treat foreign workers salary-wise are:

1. The calculations on the payslip are correct, but the cash stuffed in the envelope is a lower amount; the worker is told to sign in acknowledgement that he has received the full amount otherwise he will lose his job and be instantly repatriated.

To address this problem, several additional measures need to be taken:

(a) It should also be mandatory for employers to pay salaries through bank giro or with a bank cheque, so that an audit trail is available showing the actual amount paid.

(b) The present system tying a Work Permit holder to an employer has to be changed, since it invests power in the employer to threaten immediate repatriation. TWC2 has argued that Work Permit holders, leaving one job for whatever reason (whether terminated by employer, or resigning of his own accord, but excluding situations of criminal conviction) should be allowed up to 60 days to find another job (subject to the new employer having entitlement to employ foreign workers).

2. The calculations on the payslips are correct, except that a deduction for repayment of a previous “advance loan” is shown. This deduction lowers the nett salary for the month. The worker protests that he had not taken any advance loan, but it is easy for the employer to create a Payment Voucher with a forged signature to show that he had. Proving forgery is difficult, time-consuming and costly in terms of police and forensic resources, and it may not always lead to a conclusive determination.

To address this problem, TWC2 has argued that advance loans should likewise be paid through bank electronic transfer or bank cheque, and such a provision should be written into legislation or by-laws. Any handing over of cash should be presumed to be a gift with no enforceable right of repayment, and not a loan. Any deduction from salary ostensibly for repayment of “advance loan” should not be valid unless backed up by an audit trail of bank cheque or electronic transfer.

3. The calculations on the payslip are correct, and the total correct salary is paid by bank giro, but the employer demands that the worker withdraws a specified sum from an ATM and hand this cash amount back to him or his designated agent.

TWC2 recognises that this can be hard to police. Existing provisions banning kickbacks are already in place, but it needs active enforcement and greater publicity for prosecutions as deterrent.

Simultaneously, removing the linkage between employer and the work permit holder’s right to a job — as described in 1(b) above — would also help. When a worker no longer fears repatriation because he has an opportunity to seek another job if he is unhappy with his existing employer, he is more able to resist such demands for kickbacks.

As the above examples show – all based on actual experiences reported by many migrant workers to TWC2 – there remain many ways by which employers can underpay their workers if they are determined to do so, effectively circumventing a requirement for itemised payslips.

MOM should remain highly conscious of the distinction between what is shown in theory on the payslip as payable and what is actually paid. One must be careful not to be lulled into thinking that the figure on the payslip represents reality.

We urge MOM to enact and implement the additional measures we have outlined above to close these foreseeable loopholes.

Good Precedents Set on Pay and Overtime

In January, the High Court ruled that a boutique supervisor had to be paid in full for 96 hours of overtime that she performed before leaving her employer.

Ms Cynthia Monteverde, a Philippines citizen, worked for VGO Corp before August 2012, when her work pass was cancelled. In 2013, she filed a claim with the Ministry of Manpower for payment due for 96 hours of overtime she had worked in the two months before she lost her job.

VGO argued that she was not due any overtime payment, since all the money she was due was covered by her basic pay for the working week of up to 60 hours that she was obliged to accept under the terms of her contract. The Assistant Commissioner of Labour (ACL) decided that Ms Monteverde had agreed to accept being paid at a basic pay rate and was not due extra overtime pay. All she was owed was \$479 more than she'd already received.

Ms Monteverde then filed an appeal to the High Court, which overruled the ACL's decision. Judicial Commissioner Lionel Yee affirmed that the Employment Act defines the basic rate of pay as excluding overtime payments. He said that even if Ms Monteverde had worked than the maximum 44 hour basic working week mandated under the Employment Act, her employer would be obliged to pay her her full agreed basic pay. Overtime pay had to be paid at a rate of 1.5 times basic pay, and he therefore awarded Ms Monteverde \$1,435 – her full claim.

Judicial Commissioner Yee said his decision would have been the same even if Ms Monteverde's contract had required her to work a fixed 60 hour week, instead of "up to " 60 hours, since any clause requiring a worker to work for more than 44 hours a week is illegal.

TWC2 has consistently argued that no contract can override the requirements of the law. The issue has come up with Chinese workers who signed contracts in their home country that, among other things, required them to work long hours of overtime without extra payment or at rates below the minimum required by the Employment Act. Such contracts should be regarded as invalid and as unenforceable in Singapore.

We are pleased to see this basic principle affirmed: no illegal condition can be made legal by inclusion in a contract. We are also pleased that Ms Monteverde was awarded all the money that was due to her, and not just a fraction of it: this should be the outcome in every single case in which an employer pays a worker less than they are due.

(Details of this case reported in K. C. Vijayan, "High Court overrules MOM tribunal on pay", "Straits Times", 7th January 2014)



FFN Continues Aid to Stricken Communities: The Filipino Family Network has made another distribution of aid to a community hit by Typhoon Yolanda/Haiyan in November. This time, the beneficiaries were 351 primary school students at Maining Elementary School, Cuartero, Capiz and 37 pregnant women or mothers with babies of four months old or less. The photos show children and staff of the school.

There were slippers and baby clothes left over and FFN plans to distribute these to three health care centres to give out during their immunization day for babies and very young children. TWC2 has been assisting FFN in its collections for relief work.

Anti-Trafficking Bill For Singapore

Last November, Christopher de Souza MP announced in Parliament that he would be presenting a Private Member's Bill on combatting trafficking. Senior Minister of State for Home Affairs, Masagos Zulkifli, said that the government would support the bill. The government's Inter-Agency Task Force on Trafficking in Persons will work with Mr de Souza on drafting the bill.

TWC2 has called for robust anti-trafficking legislation that has, at its heart, a victim-centred approach. This is quite distinct from one that focusses on the penalisation of offences such as overstaying, or that so prioritises the punishment of traffickers that it requires trafficked people to assist in their prosecution as a condition for receiving help. We have been wary of approaches that focus on 'sex trafficking' and ignore or marginalise the broad issue of labour trafficking. A new law should be an effective tool for tackling trafficking and close the gaps and remove the deficiencies that currently exist. We are therefore reaffirming our views and will take a strong interest in the bill that will be submitted to Parliament.

Nine Fatalities through Accidents in January

The year opened with a bad month for industrial accidents. Nine men died in a string of accidents, mostly in the construction sector. There were 56 workplace deaths in the whole of 2012. TWC2 has commented on the issue numerous times in the past few years: on negligence in safety provision, on how workers are often working long hours that reduce their attentiveness to safety issues and on the consequences of not taking on board explicitly the fact that the great majority of those who are killed and injured in workplace accidents are migrant workers.

Perhaps it is a sign of gradual change taking place that a 'Straits Times' editorial on 13th February explicitly refers to migrant workers in commenting on the spate of accidents:

"Certain employers must be disabused of the notion that foreign workers' lives are cheap. Denial of treatment and injury compensation that has compounded shoddy safety measures should be prosecuted to make the additional point that abuse has no place here."

The editorial notes the need for companies to go beyond the letter of the law and honour its spirit: "This is evident in countries where safety is second nature and workers know their rights, backed by union protections and tough state sanctions." They develop a culture of safety, but "(o)ver here, foreign manual workers are totally dependent on their employers and are less likely to speak up if conditions look risky." (*Workplace safety as second nature, "Straits Times", 13th February 2014*)

Unsafe Transport

Naidu was unwell and was allowed to leave his workplace and go back to his dormitory to rest. He travelled in the back of a company lorry that was carrying machinery, but when the vehicle made a U-turn, the machinery fell on him and cracked his wrist. Read the rest of his story at:

twc2.org.sg/2014/02/12/naidu-shared-a-truck-with-machinery-his-hand-paid-the-price/

Join TWC2!

If you're receiving this newsletter, you are probably a member, but you may also be someone whose membership has lapsed in the last year or two. We urge you to renew your membership.

We'd also welcome new members. You can help by introducing others to TWC2 and inviting them to join.

It still only costs \$10 a year (\$2.00 for migrant workers), and that gives you regular information about the society's work, as well as assisting the society to reach out, through you, to a growing number of people.

You can (re)join by contacting the TWC2 office with your details and membership payment.

A copy of the membership form is attached separately for your easy access.