



Transient Workers Count Too
DIGNITY OVERDUE

NEWSLETTER

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DAY OFF
FOR ALL

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Itemised Payslips on Their Way: Now for Salary Payment into Bank Accounts

Salary problems are the leading cause for complaint by migrant workers to NGOs and the Ministry of Manpower (MOM). These problems include non-payment of salary, under-payment and the making of arbitrary and inflated deductions from salaries by employers. Effective measures to resolve them could make a big difference to the experience of thousands of migrant workers in Singapore every year.

One step forward is being made this year.

The Employment Act has been amended to require employers to give their workers itemised payslips. Employers who fail to do so will have committed a "civil contravention" and be liable to be fined up to \$1000 for a first offence and \$2000 for a second one. The amendments were tabled in Parliament on July 13th and will come into effect on April 1st 2016.

This is a welcome step forward. At present, many migrant workers (and a lot of locals too) don't receive any payslips at all, or only receive a piece of paper with little information on it, so that, although a worker can see deductions have been made from his salary, he has no idea what they are for, or he can see that he has been paid something for overtime worked, but it is not clear how many hours of overtime work he is being paid for.

An itemised payslip should include all the information a worker needs either to confirm that he is being paid what he is due or to allow him to easily recognise anything in his payment that is wrong. It should state his basic pay and his rate of pay, hours worked and actual payment for overtime, as well as details of any deductions made from his salary – for food, accommodation or any advance previously made to his pay. This last item matters, since sometimes employers have been known to deduct money for an "advance" that was not given in the first place.

The itemised payslip should allow workers to raise any problems as they arise, so that they can be tackled promptly.

TWC2 has been calling for this measure for a few years now. In 2011, we refined it by linking it with a call for workers' salaries to be paid into bank accounts in their own names. We thought that the two measures were complementary. Unscrupulous employers could still issue payslips that don't correspond with the amount of money actually paid to workers, and put pressure on workers to accept being shortchanged. This would be more difficult to do if the amount stated on the payslip was paid into a bank account.

Reforms aimed at ensuring migrant workers get the pay they are due need to be rounded out by providing them with greater security of presence in Singapore. As we stated in a press release of 13th January 2014:

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The General Election

A general election will be held on September 11th

As an NGO that is not aligned with any political party, TWC2 does not offer advice one way or another on how people should vote.

One thing on which we do have a valid reason to comment at this time is respect for migrant workers and their rights. In some countries, there are parties that resort to inflammatory anti-foreigner statements at election time to exploit the fears of parts of the electorate in order to win votes. It is our hope that there will be no displays of hostility towards migrant workers by any party participating in the election and that any concerns about the size of the migrant worker presence in Singapore will be discussed in temperate language and deal in facts, not prejudices.

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Events

July 4th: TWC2 conducted a day school event for 20 University of Sydney students working on a project on housing in Singapore.

July 14th: John Gee, head of TWC2's research sub-committee, spoke at the monthly dinner of the Zonta Club of Singapore. The club works for the advancement of women and girls. John spoke on "Is there a life beyond being a 'maid'?", discussing how their circumstances shape opportunities for women who become domestic workers, and how their prospects might be improved.

July 21st: TWC2 had a public education session on migrant workers for 45 Fresher students from the College of Alice and Peter Tan, a residential college of the National University of Singapore (NUS).

July 25th: NUS School of Business held an event called Heart to Heart, at which TWC2 had an information booth as part of our public education work.

July 31st: TWC2 held an orientation session for probationers in a community service project in preparation for outreach sessions. It was with probation officers of the Probation Services Branch/Rehabilitation and Protection Group of the Ministry of Social and Family Development. Eight probationers took part, and they have participated in outreach activities to migrant workers on 2nd and 16th August since then.

July 31st: In the evening, TWC2's new Day Space in Little India was formally opened and there was a showing of a newly made pre-departure video aimed at Bangladeshi workers. (See the next newsletter for more information)

August 13th: About 30 Asian Journalism Fellowship participants and attendees of the Reporting Migration Conference attended a presentation at Day Space that was given by Debbie Fordyce and John Gee.

Interning with TWC2

There is an increasing interest from students in interning with TWC2. We've been pleased with the contributions that our interns have made to our work in the past few years. This summer, we've had interns who pitched in to help workers who came to us for assistance and they did so very capably. They also took part in our outreach activities and assisted at The Cuff Road Project. One, Lee Min Wei, made a video that will provide pre-departure information to Bangladeshi and Indian workers.

We'd be pleased to have more interns in the future. We are not in a position to pay them a salary, but will meet all expenses necessary in the course of working with us, so that they should not be out of pocket. So that it will be worthwhile for all parties - the interns, ourselves and the workers we assist - we ask for a minimum commitment of six weeks, which we think is long enough to learn the basics and then deliver good results. If you or anyone you know might be interested, please contact us.



From left to right: Andy Ho, Johann Lim, Alexandra Galvez, Lee Min-Wei, four of our 2015 interns.

New Day Space Opened by TWC2

(This article is from the TWC2 website: <http://twc2.org.sg/2015/08/01/twc2-opens-day-space-to-rest-learn-serve-and-grow/>)

As the organisation grows, having adequate space is always a challenge. In June 2015, an opportunity came up: the space above one of the restaurants where we serve our free meals under the Cuff Road Project became available. With rent at a very reasonable rate, TWC2 took it over for use as our Day Space. After some weeks of cleaning, repainting and re-organising, it has become a focal point for many activities.

"The Day Space is another milestone in TWC2's growth as a charity for migrant workers," says TWC2 president Noorashikin Abdul Rahman. *"It is a sanctuary for workers who are out of work and waiting for resolution for their employment disputes. They get to relax and unwind without the fear of being chased away by authorities and other stakeholders who find the presence of migrant workers idling around in public spaces as an eyesore."*

Elaborating, Debbie Fordyce, co-ordinator of the Cuff Road Project, adds: *"Men placed on Special Pass face numerous difficulties: not permitted to work, unable to remit money home to family, unsure of the outcome, and forced to pass what seems like endless months of waiting for the resolution of their claim. As difficult as life as a construction worker or shipyard workers is, life on a park bench is worse as the family's problems increase and debts grow. A place to relax, talk with friends, use computers or stretch out to sleep without attracting the attention of the police, the TWC2 Day Space offers a refuge amid the complex, lengthy and seemingly insurmountable problems that these men must endure."*



Instructor at a hairdressing class for domestic workers

One of the first things TWC2 did was to sign up for broadband wifi so that the donated computers would be available to workers to surf, communicate with family and friends or to learn new skills. As Noorashikin points out, *"The space provides a much needed facility for our domestic workers' groups to hold their classes and meetings."*

This happens on Sundays, when the space is largely turned over to domestic workers, who show up in large numbers for their programmes.

Most weekdays however, the Day Space should offer a quiet refuge for out-of-work foreign workers, though some evenings may get busy as various service groups use the location to provide assistance. *"It is also a meeting point for our volunteers engaged in projects on migrant workers,"* Noorashikin adds, *"and for us to conduct talks and reach out to members of the public."*

"We envision the Day Space to become an important touch point between TWC2, the migrant workers we serve and our volunteers to build closer relationships and grow together as a community."

Itemised Pay Slips....(Continued from Page One)

“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).”

This question of security of presence comes up repeatedly; unscrupulous employers use the threat of repatriation to cover up all manner of abuses against migrant workers – non-payment of salary, compelling employees to work excessive hours, illegal deployment, inadequate food provision, appalling housing conditions and even physical and verbal abuse. It is time that workers were given this basic protection against intimidation.

It may be argued that workers who lodge complaints against an employer with MOM are protected against forced repatriation. That is true for many, but then they must await the investigation and resolution of their complaints, with no certainty of the outcome. In a lot of cases, there may be little physical evidence to support workers' claims: the more unscrupulous the employer, the more likely it is that he'll have taken care to ensure that. However, if a worker was empowered to walk out on an employer who treated him in a way with which he was unhappy, he could do this early on in his employment without possibly having to endure worse abuses that made a formal complaint necessary, which would allow the worker to get on with earning money and perhaps force his ex-employer to clean up his act.

The call for itemized payslips was taken up in the National Trades Union Congress and Parliament. It is to be hoped that the rest of that package we proposed in 2011 - payment of salaries into bank accounts and freeing workers from the threat of rapid repatriation – will also attract broader support in the near future. It can make a big difference to thousands of workers.

Finally, one measure that is already in force needs to be made more effective. The Ministry of Manpower requires that workers should be given a copy of their In Principle Approval, containing their terms of employment including their expected pay, in their home country before they come to Singapore, and in their own language or at least, one that they understand. TWC2 welcomed this effort to bring transparency to the recruitment process and provide workers with basic information that could help them to assert their rights. Unfortunately, we have found that many employers do not observe the IPA conditions and get workers to sign contracts containing inferior conditions. Rather than insisting on the validity of the original IPA terms, MOM generally takes the attitude that the workers have “voluntarily” agreed to new terms, so there is nothing to be done about it, or accepts the claim by companies that their conditions have changed for the worse since they recruited the workers, so they are justified in paying workers less. We have seen cases where such companies have continued to give IPAs containing better terms to workers in their home countries after they have **already** insisted on newly arrived workers accepting inferior terms: they plainly have no intention of paying the salaries declared in the IPA but are telling lies to the workers they want to recruit.

Do companies get away with offering Singaporeans or foreign professionals one set of terms but then obliging them to accept inferior terms? No company should be allowed to do that to migrant workers.

Three More Countries Ratify Domestic Workers Convention

So far in 2015, three countries have ratified International Labour Organisation Convention 189 - the Domestic Workers Convention. They are Finland, the Dominican Republic and Panama. This brings the total number of ratifications so far to 19. Over half of those countries – 11 – are in mainland South or Central America, making up the majority of those regions' 20 states. Five are in Europe and two –South Africa and Mauritius – in Africa. In Asia, only the Philippines has ratified the convention.

Migrant Forum in Asia, as part of its “Our Hands” campaign, is calling on affiliates to organize initiatives focusing on 7th October, the World Day for Decent Work, to call on governments in the continent to ratify C189 and include protection for domestic workers in national labour laws. The website of this campaign is: <http://www.dwrights.org> Its coordinators have called upon supporters to download the #OurHands Campaign official logo (below) and make it their profile pic on Facebook & Twitter.



A Comparison That Rightly Disturbs

It is not unusual for advocates of migrant worker rights to compare the position of many workers with slavery. For the record, I prefer to be cautious about doing that: it is often not justified by the facts and, even when it seems to be, it makes it too easy for those who would rather not come out against abusive behaviour to dismiss out of hand the actual case being made as exaggerated. That said, a survey of certain societies in which people were legally held in slavery in the past can bring to light attitudes that ought to make citizens of the modern world uncomfortable about the status of many migrant workers.

In slave holding societies such as those of the 18th century European Caribbean colonies and the pre-Civil War southern states of the USA, it was quite common for apologists for slavery to portray it as beneficial to the slaves themselves, rather as if the slaveholders were performing a humanitarian service to their human property.

Cotton Mather, a devout Unitarian and a founder of Yale University, was uncomfortable about the institution of slavery but offered the view that black slaves “lived better than they would have done as free men in Africa”.¹ Charles C. Jones, a Georgian slave owner and Presbyterian minister, argued in his 1842 work, *“The Religious Instruction of the Negroes”*, that black people “were placed under our control ... not exclusively for our benefit but for theirs also” for their moral and religious improvement; “we cannot disregard this obligation thus *divinely imposed*, without forfeiting our humanity, our gratitude, our consistency, and our claim to the spirit of Christianity itself.”² President Jefferson Davis, in a 29th April 1861 message to the Confederate congress, said of slaves in the American South, “In moral and social condition, they have been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts but religious instruction.”³

Maybe these men were members of societies that wanted to convince themselves that such things were true, but their arguments were clearly self-serving. A few apologists of slavery went even further, portraying themselves as victims. In a 1789 House of Commons debate on the slave trade, Crisp Molyneux, owner of a West Indian plantation, expressed the view “that his fellow entrepreneurs were really the greatest slaves to their high responsibilities.”⁴

Slave owners were capable of justifying slavery in the name of liberty. John C. Calhoun, perhaps the most eloquent spokesman for the pre-Civil War American South, argued for the USA to give an effective power of veto to the southern states “to secure the bounds of liberty”, which included the freedom and right to hold slaves.⁵

Slave traders usually became hardened to what they were doing and indifferent to the suffering of their living goods. The founder of Methodism, John Wesley, in “Thoughts on Slavery”, asked captains of slave ships, “Do you never feel another’s pain?”

John Newton was the captain of a slaving vessel, the *Duke of Argyll*, in the late 18th century. “(He) was convinced that the slave trade ruined the sensitivities of all crews: ‘The real or supposed necessity of treating the Negroes with rigour gradually brings a numbness upon the heart and renders those who are engaged in it too indifferent to the sufferings of their fellow creatures.’”⁶ Newton himself became convinced that slavery was irredeemably inconsistent with his Christian beliefs and not only abandoned the trade, but became an ardent abolitionist.

Slave owners likewise compromised their own humanity as a result of their power over their slaves. Frederick Douglass, raised as a slave in the American South, wrote a vivid account of his own experiences. As a boy, he was given to new owners in Baltimore. His mistress there had never owned a slave before and at first impressed him as “a woman of the kindest heart and finest feelings”. This didn’t last.

“But alas! This kind heart had but a short time to remain such. The fatal poison of irresponsible power was already in her hands, and soon commenced its infernal work. That cheerful eye, under the influence of slavery, soon became red with rage; that voice, made all of sweet accord, changed to one of harsh and horrid discord; and that angelic face gave place to that of a demon.”

Soon after he went to live with this family, his mistress began teaching Douglass to read and write, but when her husband found out, he forbade it, “telling her that it was unlawful, as well as unsafe, to teach a slave to read. To use his own words, further, he said, “If you give a nigger an inch, he will take an ell. A nigger should know nothing but to obey his master – to do as he is told to do. Learning would *spoil* the best nigger in the world. Now,” said he, “if you teach that nigger (speaking of myself) how to read, there would be no keeping him. It would forever unfit him to be a slave. He would at once become unmanageable, and of no value to his master. As to himself, it could do him no good, but a great deal of harm. It would make him discontented and unhappy.”⁷

¹ Cited in Hugh Thomas, “The Atlantic Slave Trade”, 1997 edition, p. 452

² Peter Kolchin, “American Slavery”, 1995 edition, p. 112

³ Kenneth M. Stamp, Ed, “The Causes of the Civil War”, 1991 edition, p.154

⁴ Thomas, p.513

⁵ (See Stamp, pp. 186-188)

⁶ Thomas, pp. 308-309

⁷ “Narrative of the Life of Frederick Douglass, An American Slave”, first published in 1845; 1973 edition, pp. 35-36

That idea – that to do anything that could raise a slave above the level of unquestioning obedience and empower him with knowledge would spoil him – was common among slaveholders, though not universal. Even more common was the assumption that slaveholders were those best placed to decide on what was good for their slaves.

Curiously enough, there were conventions in even these slave-owning societies about minimum standards of behaviour towards slaves. Field slaves in the American South and the British West Indies generally finished work early on Saturday and had all Sunday off, and though there were employers who fretted over them gambling, drinking and “getting into bad company”, most felt that their customary right to a day off had to be respected.

By this point, readers will have been able to draw their own conclusions: how often have we heard that claim, “they’re better off here than they would be in their own country”, the assertion by some domestic worker employers of a right to regulate all aspects of their workers’ lives, and grumbles that regulations, laws and actions taken by government to protect migrant workers’ are an undue interference in the private affairs of home and business? Is it not evident that holding excessive power over other human beings has a corrupting effect on some who trade in and employ migrant workers? Isn’t there something familiar about that pearl of wisdom about “spoiling” a worker? And, to repeat, though I do not think the term “slavery” is properly applicable to the condition of the vast majority of migrant workers, shouldn’t people be given pause for thought when they encounter expressions such as “domestic workers and their owners”?

John Gee

Shell Companies: Underlying Problems

TWC2 has long been aware that shell companies are set up in order to bring in migrant workers, not with the purpose of using them as cheap labour, but to extract high fees from them without providing them with work. Previously such companies would make excuses to the men about not landing the project for which they were said to have been recruited and then force the men to return home. Since the Ministry of Manpower (MOM) has been investigating companies that repatriate workers soon after their arrival, other strategies have been used. One of these involves having the workers source their own work while paying directly to the employer an amount well above the levy and other costs.

TWC2 certainly welcomes MOM’s work to track and close down such operations. However, cutting back on these syndicates doesn’t adequately address the system of rising recruitment fees charged by the training centres and other agents who match workers with legal but low paying jobs. We’ve recently spoken to men who’ve paid \$14,000 and \$15,000 for their first jobs that offer a basic salary of \$500 to \$600/month. These new workers are deep in debt, fearful of jeopardising their position, have no proof of amounts paid and to whom, and no licensed Singapore employment agency is involved in their recruitment.

As far as Bangladeshi workers are concerned, this situation could be addressed by taking firmer control of the training centres that equip workers to meet Building & Construction Authority (BCA) requirements. The eight authorised testing centres allow for a fixed number of workers to be tested each month, but the unofficial testing centres accept fees from far more applicants than can be tested. More fees are then demanded from the new trainees to move them up the queue for the test.

The result of the indebtedness, which affects a large number of workers, is that they are loath to speak up about deductions, non-payment of wages, salaries lower than expected or stated on the IPA, and unsafe working conditions. They also have scant reason to expect that complaints without documentation of irregular payments and withholdings will be fairly compensated or that high recruitment fees will be considered during MOM’s mediation or investigation. With or without these syndicates, Singapore is still left with a large number of foreign workers abysmally indebted, underpaid and overworked.

Debbie Fordyce

A Personal Note

The TWC2 members’ newsletter was launched over ten years ago, in July 2005. I have edited it since then, as well as writing the majority of the text. Because of very heavy commitments, some of them family, it is becoming quite difficult to carry on doing this. I would like to find someone who could take over the production of the members’ newsletter in 2016, or otherwise it will simply cease publication, along with “On the Move”, the weekly bulletin sent out to members.

It may be that neither is necessary and that readers will feel that they are served well enough by the TWC2 website, in which case, there is no need to invest further effort in producing it; it is hard to know. I like to think that the newsletter has made a distinctive contribution to the work of TWC2 as a society that, from its foundation, put advocacy at the heart of its work. It has tried to serve that purpose, by carrying related articles, reporting news that readers might not otherwise see and updating readers on what the society is doing through its advocacy, research, public education and direct services efforts.

Should there be anyone out there willing to take over this work, I’d be happy to help you get started.

John Gee

Thai Court's Decision to Indict Migrants' Rights Activist a Blow to Human Rights

(Text of a press release distributed by supporters of Andy Hall.)

The Bangkok South Criminal Court decided today on Monday 24 August to indict migrants' rights researcher and human rights defender Andy Hall in a criminal defamation and computer crimes act case filed against him by a pineapple processing company, Natural Fruit Company Ltd.

- The Bangkok South Criminal Court had an opportunity to put an end to a saga of intimidation already lasting 30-months aimed at nothing but gagging a human rights defender. Regrettably the Court chose instead to press on with a trial of these unfounded charges, said Sonja Vartiala, executive director of Finnwatch.

Natural Fruit has filed altogether four cases against Andy Hall following the publication and dissemination of a Finnwatch report 'Cheap Has a High Price' in early 2013. The report, which Andy Hall contributed research to, was based on information gathered through interviews with the workers of a Natural Fruit Company Ltd. pineapple processing factory and exposed labour rights violations at the plant.

Natural Fruit did not comment on the research findings prior to the publication of the report, although given ample opportunity to do so.

The criminal defamation and computer crimes act case, to which today's decision to indict relates to, is the most severe of all the cases filed against Andy Hall, and carries a maximum penalty of seven years imprisonment.

Following today's decision, Andy Hall is expected to be summoned to appear at the court. He will then be detained awaiting trial. He will have an opportunity to seek release on bail.

- To equate someone's reputation with another person's liberty is always disproportionate. Thailand should abolish its criminal defamation laws as they infringe on freedom of expression, said Vartiala.

- At this point, the prospects for Andy Hall to receive a fair trial are looking grim, she added.

Of the other three cases, one is for criminal defamation and the other two are civil defamation cases where damages of 400,000,000 baht are being claimed by Natural Fruit Company Ltd.

Prakanong Court heard the first criminal defamation case already in 2014. The hearings were marred with the prosecution's failure to make full disclosure to the defence of all evidence available to them, Thai authorities' failure to provide critically important information to the defence when requested and witness intimidation among other issues. Subsequently, the Prakanong Court dismissed the charges. The Office of the Attorney General has appealed the decision, urging the case to be reopened. A decision on this appeal is expected on 25 September 2015.

The hearings for the civil defamation cases have not been scheduled yet.

To date no one has been held accountable for the labour rights violations at the Natural Fruit pineapple processing plant.

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WalkFree is collecting signatures on a petition in support of Andy Hall: it can be found here:

http://www.walkfree.org/drop-the-charges-against-andy-hall-now/?utm_source=taf&utm_medium=post-action&utm_campaign=drop-the-charges-against-andy-hall-now

LOG ONTO OUR WEBSITE www.twc2.org.sg AND JOIN OUR FACEBOOK PAGE FOR UP-TO-DATE NEWS, EVENTS AND FEATURES, AND DEVELOPMENTS IN THE COMMUNITY OF MIGRANT WORKER ADVOCATES.

TO HELP ENSURE TWC2 CONTINUES ITS WORK TO RAISE AWARENESS AND IMPROVE CONDITIONS FOR MIGRANT WORKERS, PLEASE CONSIDER SUPPORTING OUR WORK THROUGH A DONATION. YOU COULD SEND A CHEQUE, DO A BANK TRANSFER (details below), or LOG ON TO THE WEBSITE and donate through the fundraising portals sggives.org or give.sg.

Account name: Transient Workers Count Too

Bank: DBS Bank Ltd Singapore, 12 Marina Boulevard, Marina Bay Financial Centre, Tower 3, Singapore 018982

Type: Current Account

Number: 006-900625-0

Bank code: 7171

Swift Code: DBSSSGSG

If paying in US\$ from overseas, provide details of DBS agent bank as follows: Pay to Bank of New York Mellon, New York (SWIFT address: IRVTUS3N) FED ABA: 021000018. For account of: DBS Bank Ltd, Singapore (SWIFT address: DBSSSGSG)

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