

Transient Workers Count Too

Policy Briefs 2018, No. 2

Require mandatory reporting of injuries to MOM by healthcare providers

Ensure that workplace injuries are reported and sufficiently addressed

Issue

Workplace injuries and fatalities not only cause suffering to workers and their families, they also reduce workforce productivity. Problems arise when employers fail to report workplace injuries. Many migrant workers who have suffered workplace injuries report that these same employers ignore safety concerns voiced by workers, and delay or refuse medical treatment for them.

Further, underreporting of injuries by employers leads to incomplete statistics on workplace injuries. Accurate statistics are important for policy makers to understand the incidence and causes of accidents, and to ensure preventive measures are in place.

While Singapore has relatively low fatality rates (1.9/100,000 employees or around 60-70 persons per year), the ratio of reported injuries to fatalities is disproportionately low compared to other industrialised nations. Approximately 200 workers report an injury for each fatality in Singapore. However, data from other countries suggest there should be about 1000 reported injuries per fatality (see Table 3 in Takala et al., 2014). This difference in ratio between reported injuries and fatalities suggests that there is underreporting of workplace injuries in Singapore.

The scale of this problem can be seen when we compare injury data from similar countries. For example, Finland has injury numbers that are

significantly higher despite having a comparable population size. In 2015, Singapore had 12,351 reported workplace injuries. Finland had four times the number of injuries that would have been reportable in Singapore, 50,307, and ten times the number of actual reported workplace injuries, 127,316 (Statistics Finland, 2015).¹

The International Labour Organisation (ILO) provided an estimate of the scale of underreporting of Singapore's workplace injuries in 2012. While there were 11,005 reported injuries in 2012, the ILO estimated that there were actually 71,000 reportable injuries in that year (see Table 3 in Takala et al., 2014). According to ILO estimates, only 1 in 6 reportable workplace injuries in Singapore in 2012 were actually reported.

Under reporting of injuries means that both employers and the government are denied systematic data on unsafe workplaces and work practices. It likely means that a significant number of workers with workplace injuries are not receiving adequate treatment or compensation.

The International Labour Organization's best practices for national injury reporting systems include a dual reporting system. This system requires that doctors or their staff make an injury report to the insurance provider and the government. This way, even if the employer fails to report the injury, the information can be collected by the government.

In Singapore, creating an additional channel of communication for medical providers to report workplace injuries directly to the Ministry of Manpower (MOM) would put the system on notice and help ensure that the worker's medical needs are appropriately addressed. This would hasten workers' return to work, enhance productivity, and improve the accuracy of health and safety information.

¹ Note that Finland's higher figures reflect both stricter standards of reporting (76,958 of these injuries were for less than 4 days medical leave, which would not be reportable in Singapore), and better

reporting of injuries (50,307 of these injuries required 4 days or more medical leave, which is comparable with Singapore's current reporting requirements).

Case Studies

Employer silences injured worker by threatening to fire him

Cai Cun (not his real name) is a worker from China who was injured at work. His employer told him that reporting the accident would tarnish the company's reputation. He was further told that if he reported the injury to MOM, he would be fired and sent home. If he remained silent, the employer promised to pay his medical bills and allow him to continue working for two more years once he recovered. When his employer failed to provide or pay for the needed medical care, he filed a claim with MOM under the Work Injury Compensation Act (WICA). For Cai Cun, the delayed treatment led to medical complications.

Recent case raises concerns of doctors colluding with employers

In the case of *Singapore Medical Council v Wong Him Choon* the worker was assessed with a hand fracture and surgery was performed. He was discharged the same day and given two days of medical leave (MC) and one month of "light duty" work. Medical leave wages are not payable for light duty. The worker was concerned that this short period of MC was provided to avoid triggering the injury reporting requirement.

He filed a complaint against the doctor with the Singapore Medical Council (SMC), which found that two weeks of medical leave would have been a conservative estimate for such an injury. Further, it found that the doctor had failed to ask the patient if there were adequate provisions for his rest and rehabilitation, or the availability of light duty in his job before certifying him fit for light duties. Yet, the SMC acquitted the doctor on the basis that there was insufficient proof that his actions were intentional and deliberate.

The acquittal was overturned by the High Court and the doctor was convicted of professional misconduct and suspended for six months for "disregarding" the patient's well-being. If this doctor, and others like him, had been required to report the injury directly to MOM, he may have been less likely to under prescribe MC due to prospect of external oversight.

Current Law and Gaps

According to Singapore law and MOM guidelines:

- The employer must file an incident report with MOM within ten days if the worker receives an MC of more than three days, is hospitalised for 24 hours or longer, or is diagnosed with an occupational disease.
- The employer bears the responsibility of paying the worker's medical bills, providing medical leave wages upon receiving medical certificates (MCs), and informing the insurer.
- The worker may also file an incident report whether or not the employer does so.
- The employer must maintain work injury and medical insurance for each employee.

In practice, employers face disincentives to report workplace injuries due to concerns about jeopardizing the company's safety record, which might result in the company being asked to stop work. The stop-work penalty is intended to encourage safe workplace practices but becomes an obstacle to obtaining accurate information on workplace safety and implementing corrective action. Other disincentives to prompt reporting of workplace injuries include incurring out-of-pocket medical costs, and the employer's failure to maintain the required insurance for the worker. Workers report that they are discouraged from reporting their injuries by employers' threats of job loss, repatriation, or retaliation.

While the penalty for not reporting a workplace injury is clear, MOM reports that since 2014 only seven employers have been "taken to task" for failure to report injuries (Parliamentary Report, 20 Feb 2017). In addition, TWC2 is not aware of any instances where an employer was fined for failing to report a reportable worksite injury within the 10-day window.

Recommendations

- Require healthcare providers or their surrogates (those instructed to report on their behalf) to report to MOM when a migrant worker is issued more than three days MC or is hospitalised for 24 hours or longer.
- Revise the Singapore Medical Council Ethical Code and Ethical Guidelines to include MC duration ranges for certain types of injuries.
- Provide workers with insurance cards so that they can directly access medical care.
- Maintain a central register of all migrant workers' insurers that healthcare providers can access and use to clarify the type and amount of insurance coverage available.
- Utilise the National Electronic Health Record to facilitate work injury reporting by requiring that worker injuries that receive more than three days MC or 24 hours hospitalisation are entered into NEHR as well as reported to MOM.

Further Readings

[Doctor Suspended for Giving Construction Worker 2 Days Medical Leave for Fractured Hand](#), Straits Times, 11 May 2016.

[Singapore Medical Council v Wong Him Choon](#) [2016] SGHC 145.

[Improvement of National Reporting, Data Collection and Analysis of Occupational Accidents and Diseases](#), International Labour Organisation, 2012. See Chapter 4.

[Labour Protection for the Vulnerable: An Evaluation of the Salary and Injury Claims System for Migrant Workers in Singapore](#), TWC2, June 2017. See pages 35-36 and 45-46.

Jukka Takala, et. al. 2014. Global Estimates of the Burden of Injury and Illness at Work in 2012, *Journal of Occupational and Environmental Hygiene*, 11:5, 326-337, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4003859/>

Statistics Finland. 2015. *Official Statistics of Finland (OSF): Occupational accident statistics 2015*. http://www.stat.fi/til/ttap/2015/ttap_2015_2017-11-30_tie_001_en.html

Parliamentary Report, 2017. 'Mandatory Reporting of Workers' Injuries by Doctors'. 20 February. <http://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2017/Q220-oral-answer-by-mr-teo-ser-luck-minister-of-state-for-manpower-to-parliamentary-question-on-immediate-reporting-by-doctors>