

Switching jobs: Bravely into the minefield

A TWC2 survey conducted in January/February 2021 found that male migrant workers who want to switch employers face something of a minefield.

Difficulties include navigating the maze of necessary permissions, payments to middlemen, and lack of understanding of relevant online services. Employer permissions are particularly fraught, often withheld, often leading to acrimony, sometimes complicated by arguments over pay or conditions. When a prospective new employer talks with a worker's current employer, rancour plus encouragement to avoid "poaching" (an anti-competitive practice at odds with the concept of free labour markets) can undermine a transfer which would otherwise lead to a happier outcome.

Underlying workers' situations are two major fears: being sent home, something which can happen even when a worker has found another employer willing to engage him, or entering the "limbo" of a protracted dispute during which he cannot earn a living.

These problems cost Singapore as well as the workers, especially at a time when there are labour shortages in some sectors. As well as the costs to taxpayers and employers of administering the permissions maze, they contribute to the loss of experienced workers, the costs of bringing in new workers, sub-optimal matching of employers and workers, and the hit to the country's reputation when the international media spotlight falls on the plight of Singapore's migrant workers.

Workers interviewed also cited illegal practices, from the withholding of passports (reported by 46% of our interviewees and apparently regarded as standard practice in some quarters) to a number of cases where prospective employers demanded payment in return for jobs.

Our recommendations include: allowing workers to transfer freely between employers, separating immigration control from employment control, allowing workers with salary disputes to work while their dispute is being settled, and reducing if not eliminating recruitment fees using a combination of online portals and legislation.

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Section I: Introduction

In January/February 2021 TWC2 volunteers carried out an interview-based survey among a sample of male migrant workers to learn about their recent experiences when changing or attempting to change employer. The workers interviewed come primarily from the construction sector and are mainly work-permit holders. The study was focused primarily on their experiences of job switching in the period from mid 2020 to the date of the interview.

Traditionally migrant workers in this sector have had very limited rights to change employer. A worker's right to stay in Singapore is dependent on their employer, who acts as their sponsor: the employer is responsible for bringing the worker to Singapore, managing many aspects of his wellbeing while here, and ensuring that the worker returns to his home country when his work pass expires. In general, a worker is only permitted to move to a new employer with the approval of his current employer, or to return to his home country and start afresh the difficult and costly process of finding a new employer. For a number of reasons, employers often deny approval, instead sending workers home.

Recently a number of factors appear to be motivating changes, or at least adjustments, to this system. One factor over the last year has been a shortage of workers due to the COVID-19 pandemic. In Singapore the workers' dormitories were the primary loci of the outbreak (more than 90% of Singapore's cases to date occurred in these dorms) and many workers have returned to their home countries.

A broader factor may be the growing disenchantment with employer-as-sponsor systems of this kind due to their potential for abuse by unethical employers. Awareness of this risk seems to be growing, both locally and internationally. Over the last year, the COVID outbreak in dorms brought numerous media stories about the challenges faced by migrant workers in Singapore, raising awareness and concern among local residents: a recent study found that a majority of residents would be willing to pay 5% to 10% more to firms that offer better conditions/terms for migrant workers.¹ Meantime countries in the Middle East are dramatically reforming their "kafala" system, one based on similar principles, for example in Qatar² and Saudi Arabia³.

In response to these trends, notably the COVID-induced labour shortage, Singapore's Ministry of Manpower (MOM), which regulates and manages migrant worker employment in Singapore, has been introducing modest changes. One is a time window during which a worker may change employer without his current employer's consent: the window runs from 40 to 21 days before the date of expiry of his Work Permit. (The Singapore Contractors Association Ltd (SCAL) who assist MOM with management of this scheme refers to it as the "Non-Consent Period" and we use that term or the abbreviation NCP⁴ throughout this document.)

¹ *Most willing to pay more to boost migrant worker welfare*

<https://www.straitstimes.com/singapore/most-willing-to-pay-more-to-boost-migrant-worker-welfare>

² *New employment law effectively ends Qatar's exploitative kafala system*

<https://www.theguardian.com/global-development/2020/sep/01/new-employment-law-effectively-ends-qatars-exploitative-kafala-system>

³ *Saudi Arabia Plans to End 'Kafala' Labour System, Report Says*

<https://www.bloomberg.com/news/articles/2020-10-27/saudi-arabia-plans-to-end-kafala-labor-system-maaal-reports>,

and Saudi Arabia announces changes to Kafala system

<https://www.aljazeera.com/news/2021/3/14/saudi-arabias-long-awaited-kafala-reform-goes-into-effect>

⁴ <https://www.scal.com.sg/resources/ck/files/MOM%20Change%20of%20Employer.pdf>

The right is very limited: it is limited to certain sectors and applies only if the employer has not already applied to renew the worker's Work Permit; the 20-day window is short, making it difficult for workers to secure a new job and approval within the window, and each case is also subject to approval by MOM. Furthermore, in some sectors it is a temporary scheme currently due to end on 2021-08-31⁵, and recently MOM has applied a quota to cap use of it by employers in the construction sector.⁶ Nevertheless, it may indicate growing willingness to at least experiment with allowing workers greater freedom to change employer.

MOM is also collaborating with other organizations to introduce online job portals which connect migrant workers with employers; these include SCMX⁷ and FCWDS⁸. Providing better avenues for workers to find new jobs and for employers to find suitable workers is valuable to both sides, reducing costs (which accrue to middlemen in a worker's home country as well as in Singapore) and improving the "fit" between employer and worker.

Section II: Objectives

In the light of these trends and changes, we set out to learn more about how migrant workers see it. We wanted to understand better what motivates them to change job, how they set about doing so, what problems they encounter and other such questions, with particular emphasis on a number of aspects:

- How successful are attempts to switch? Do most lead to an outcome where workers benefit?
- When they fail, why does that happen? For example, is failure to get necessary permissions – from current employer, MOM or other authorities – a major factor?
- How are the men affected financially – a function both of salary differences and payments to agents/middlemen in the course of finding a new job?
- How are Salary Disputes intertwined with job switching?

The last one calls for a little explanation. This was motivated partly by the fact that salary disputes are a very common and powerful reason for workers wanting to change employer. It was also motivated by an opportunity: due to COVID measures, access to workers is generally limited at the current time. But TWC2's TCRP meals programme⁹ provides an exception: we had access to these men to carry out interviews. A significant proportion of men on the TCRP have been involved in a salary dispute at some time, and in the majority of such cases the worker is seeking a new job in Singapore, so they fitted the profile we were seeking for this study; about 40% our interviewees came from this group. (An additional 25% said they have or had salary disputes but were not from the TCRP source.)

⁵ <https://www.mom.gov.sg/covid-19/frequently-asked-questions/temporary-scheme-to-help-businesses>

⁶ <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/hiring-existing-worker-in-construction-sector>

⁷ SCAL Construction Manpower Exchange
<https://www.scmx.com.sg/>

⁸ Foreign Construction Worker Directory System
<http://www.fcwds.com.sg/>

⁹ TCRP is The Cuff Road Project, a TWC2 programme which gives free meals to workers when they are out of work, typically workers on Special Passes with injury or salary claims who are not allowed to work.
<http://meals.twc2.org.sg/>

The study is primarily qualitative. Again, COVID lockdowns both limited the number of men we had access to (for example TCRP currently receives far fewer visitors than in normal times) and made it impossible to identify or reach a random sample. This ruled out a rigorous statistical approach from which we could conclusively extrapolate to all workers in Singapore. We accepted those limitations, collecting only a limited amount of numeric data and generally approaching the study as a set of narratives about each man's situation. While this does not provide the foundation of quantitative data from which irrefutable conclusions may be reached, it does lead to "softer" insights: inferences and hypotheses supported by enough evidence and examples to suggest they are representative of the experiences of **at least a significant proportion** of migrant workers.

Section III: Method

The survey was designed as a questionnaire comprising about 70 questions arranged in 9 sections:

1. Basic Information: name, contact details, nationality, employment sector, pass type(s), etc
2. Details of Recent Full-Time Employers: names of employers, employment dates, etc
(This information was collected to anchor the discussion in specific information; it does not form part of the results.)
3. Overview of Worker's Situation: whether currently employed, found or looking for work, etc.
4. Salary Dispute, if applicable
5. Finding New Job and Payments to Intermediaries
6. Permissions to Switch Employer
7. Comparison of Old and New Job/Employer
8. Observations on the Overall Process of Switching
9. Miscellaneous

This questionnaire was implemented in KoBo Toolbox, a free suite of tools for data collection used by humanitarian organizations.¹⁰

Not all questions were relevant to every interviewee – indeed typically only about half the questions were relevant to each particular case – so some of the questions were arranged in a branching structure where the appearance of certain questions depended on the reply to an earlier question.

The questionnaire was designed for use by interviewers, not for direct use by the workers. (One exception: a worker who speaks fluent English requested that he do the survey himself online and we agreed to that.) The interviewers agreed on a few standard approaches and interpretations, for example focusing primarily on the period since mid-2020, only on each worker's most recent, or in-progress employment transition, and primarily on his employers immediately pre and post this transition, not earlier employers/transitions; we wanted to get answers about the recent/current situation, not a historical picture.

A set of 56 men were selected as likely candidates based on previous interactions with TWC2, and from these we managed to interview 39 candidates. They came from three sources:

¹⁰ <https://www.kobotoolbox.org/>

- a) 16 men who are on the TCRP programme and have been recorded in TCRP's database as having a salary dispute. Men with a salary dispute leave their first employer and most of them hope to find a new employer in Singapore.
- b) 12 men who have received help/advice from TWC2 social workers and who mentioned changing or attempting to change employer.
- c) 11 men from other TWC2 sources - eg through recommendations or chance encounters.

As mentioned in Section 2, some of the men in b) and c) also have salary disputes (in total 26 said told us they do).

The profile of the men selected is as follows:

- 33 of the men are from Bangladesh, the other 6 from India.
- 28 of the interviews were conducted face to face in English, the remaining 11 by phone, mostly in Bengali.
- At the time of the interview, 35 of the men were living in Singapore, 3 were back home in Bangladesh and 1 home in India.
- 36 of the men came to Singapore on Work Permits, 2 (from India) on Employment Passes, and 1 (also from India) on an S-Pass.
- 33 men work in the Construction sector, 2 in Marine, 2 in Process, 1 in Manufacturing and 1 in Services.

Section IV: Results

Note: The main headings here correspond loosely with the nine sections of the questionnaire listed above. In a few cases sections were combined, re-organized, or renamed for improved clarity.

4.1 Overview of workers' current situation

At the time of their interviews...

- 22 of the men were on Special Passes (meaning they're not working), 12 on Work Permits, 4 repatriated, and 1 on "Form 18" (meaning that they are being repatriated imminently; typically, a flight home on a specific date has been arranged).
- 23 of the men said they were "Not currently employed", 14 reported being in "Full-time employment" and 2 in "Official temporary work" (on TJS. MOM's Temporary Job Scheme)

We asked the men "Which of the following best summarizes your current situation?" giving them 4 options plus an "Other" option which prompted for details. After analysis of these "Other" details plus some replies to other questions, it became clear that there are essentially 5 types of situation with all but one man falling into these 5 categories. The categories and distribution at the time of the interview were as follows:

Which of the following best summarizes your current situation?
(Out of 39 interviewees)



Some notes with reference to some of the above categories:

- A: (Self-explanatory)
- B: In 3 out of the 7 cases MOM had approved transfer and they were just waiting to start work. In 3 other cases the new employer had applied for a work permit, but MOM had not yet approved it. In one case the new employer had agreed to hire the worker, but had not yet applied for a work permit.
- C: 7 of these 9 men were still in Singapore; the other 2 had been repatriated but are actively seeking a new job here in order to return to Singapore.
- D: 6 of the 8 men who had given up looking for work here had gone home or were about to be sent home; the other 2 were resigned to staying with their current employer for the time being.
- E: While waiting for the outcome of a salary dispute it seems most workers do not look for a new job. This is logical because during this time they are on a Special Pass and not allowed to work, and because there is no guarantee that a new pass will be issued when the dispute is settled – indeed many are not given new passes at the end of the dispute process. Also, for many of them actively seeking a new job would involve payments to agents or other middlemen, and at this point typically the men have little or no money. Furthermore, if in the end they are not issued with a new pass, they risk forfeiting some or all of what they pay to agents/middlemen. Thus “wait and see” is their typical response.
- F: One special case: he plans to resign, return to Bangladesh and retrain as a driver.

4.2 Salary disputes

Out of the 39 interviewees, two-thirds (26) said they have or had salary disputes. Since this is such a large proportion and in such cases salary disputes are central to a man's situation, prospects and motivations, we asked about it early in the interview and similarly we will discuss salary disputes here before turning to other topics. We asked questions about the reasons for the dispute, how they had resolved or are trying to resolve it, and the amounts of claims and settlements.

4.2.1 Reasons for salary dispute

We provided a multiple-choice question for the reasons; it allowed multiple replies (including "other"), though most men gave a single reason. The two main reasons given were:

- Employer is trying to cheat me: 11 replies
- Employer is in financial difficulty: 4 replies

Two of the "other" replies were:

- "Did not give me annual bonus. Did not calculate overtime properly"
- "Short payment and no payment for Sunday work"

...in other words additional cases of employers cheating (at least from the worker's perspective).

One method of cheating involves pressuring the worker to sign blank payslips. The interviewer described one case as follows: "Employer pressured worker to sign payslips in advance, offered cash after. After some time, employer refused to pay even though payslips are signed. Employer is using said payslips as evidence of payment with MOM."

In some cases it seems that even with government assistance to help companies survive COVID, workers still lost wages. One worker said of his boss, "Company got money from govt, but he only pay makan money." (Makan means "eat" in Malay; "makan money" = "just enough for food".)

In a similar case, the worker's situation was described as follows: "The employer paid the basic salary during COVID which was mandated by the govt but after covid when work started the employer started deducting the money saying the salary during covid was paid out of his pocket."

Yet another case was reported by the interviewer as follows: "He and co-workers were (while working for 1st Employer) sent to work for a another company and 1st Employer was paid for their work but the workers were not. He says the employer is really a good man but his wife (from China) took the money. After complaint at MOM he and co-workers were subsequently paid all that was due to them." This is a rare happy case where the worker reported that in the end he had been fully paid.

The reasons behind other salary dispute cases were somewhat opaque. One worker replied that the boss has "drinking problem, don't care people"; he also remarked that the boss still has 4 people working for him.

Another case appears to have been a scam in which an agent in India promised the man a professional job with a salary of S\$4800 on an Employment Pass (EP), but when he arrived he was made to wash dishes

and paid S\$1800¹¹ (he said there was a MOM raid and he is now waiting for the outcome of the investigation).

Yet another case seems to be a combination of a salary dispute and an argument over type of work: the man was promised a driving job, but then was given welding work which he is not qualified for. The boss was unhappy with his welding work and it escalated into a dispute over salary.

4.2.2 Approaches to resolving salary disputes

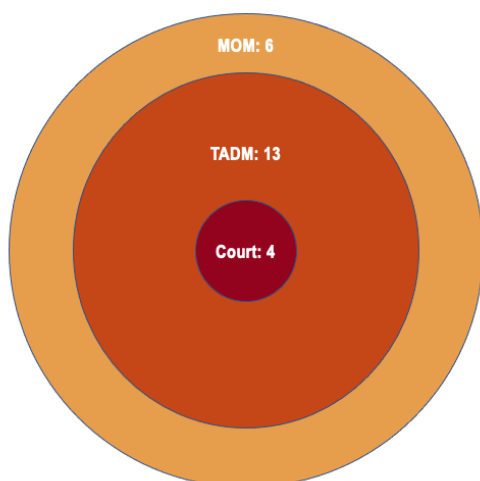
We also asked the 26 men who said they have or had salary disputes whether they are/were in the TADM (Tripartite Alliance for Dispute Management¹²) mediation process.

Typically, if a worker wants to pursue a salary dispute through official channels, he must first approach MOM. If it is not resolved with MOM, he can take it to TADM. If it is still not resolved, he can then take it to the ECT.

In the questionnaire we did not specifically ask about avenues to resolving disputes other than TADM, but we know that most of these men have approached MOM because they are or were on Special Passes and were recorded in TWC2's database as having salary disputes (one has an injury claim in addition to a salary dispute). Some also commented on interactions with MOM relating to their salary disputes – for example one said "Matters were resolved at MOM".

A small group also told us that they have or had court case relating to their salary disputes; we can take this to mean the ECT (Employment Claims Tribunals).

Approaches to Resolving Salary Dispute



Combining this information, we can break it down as follows:

- 6 men have or had taken their claim to MOM but not to TADM (or to court)

¹¹ This is a surprisingly large amount to pay a dishwasher. But the employer may have been motivated by the fact that EP holders do not incur the Foreign Worker Levy, which in the services sector could be as high as S\$800 per month – see <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/services-sector-requirements>

¹² <https://www.tal.sg/tadm>

- 13 men have or had escalated their claim to TADM but not to court
- 4 cases have or had escalated their case to court (ECT)
- In addition there were 3 cases which were unclear or difficult to categorize

In some cases, men choose to drop salary disputes or do not even raise their case to MOM. One said he decided to forgo 3 months' salary he was owed because he found a new job; he simply let it be, accepting his loss. (In his case his first employer had cancelled his work permit, but MOM gave him permission to transfer and 14 days to find a new job, which he succeeded in doing.)

The primary reason men do not approach MOM/TADM about salary disputes seems to be fear of repatriation. One worker who says he is owed S\$9,945 said he didn't bring up the case because he *"was scared that he would be deported back"*. The same worker is possibly being strung along by his employer - the interviewer recorded: *"Employer just cancelled the work permit 3 days ago. The employer has been actively cheating the candidate. ... When [the worker] asked for a transfer, HR asked for the reason. And when the low salary amount was highlighted, they pacified him by saying that they will pay him and bought more time to get more work out of him."*

Another reason men may not raise or persevere with salary cases is that it can damage their prospects for finding a new employer. Two of our interviewees described situations where they found new employers, but the offer was withdrawn after the new boss spoke with the old boss. Both cases had involved arguments over salary with the first employer and the worker believed the dispute to have been at least part of the reason the new boss changed his mind.

Some workers expressed satisfaction with the TADM process - one said *"TADM very good"*. But cases generally leave workers unsatisfied because settlements fall a long way short of their claims (see next section). In one case where a worker was offered less than 20% of the amount owed, he said *"TADM officer angry with boss"*. In another case nothing was offered and the worker said that *"the boss was more angry after the [TADM] meeting"*.

4.2.3 Salary disputes: Amounts of claims and settlements

We asked the men to say how much they are/were owed and how much they have received to date. Not all were willing to give figures and we excluded one outlier (the EP holder involved in the scam), but 18 out of the 26 with salary disputes did reply.

- ***The average of these amounts across 18 men is approximately S\$7.7k*** (median S\$5.7k).
- In under half of these cases (8 of the 18) offers have been made or accepted. Across these 8 cases, ***the average percentage offered/accepted as a percentage of the amount the men believe they are owed is 49%*** (median 41%).

In 3 of these 8 cases, the amount offered was less than 20% of the amount the worker says he is owed. In one of these cases the employer has gone to prison and the worker has been told that the amount he has been awarded by the ECT (Employment Claims Tribunal), S\$1,930 on a debt of S\$10,875 (18%), will be the final settlement. In another case where S\$5,675 is owed, the boss offered S\$500 plus a PCR test and flight to Bangladesh, a total that probably amounts to less than S\$1000.

Although we did not ask about amounts actually paid, we received at least two comments on non-payment even after agreement had been reached. In one case the interviewer reported *"MOM asked him to meet with employer. He did recently and employer said he would settle amount owing after Chinese New Year, but to date [he] has not received anything"*. In another the interviewer said that the ECT had awarded him S\$2,000 on a claim of S\$5,621, but the company has not yet paid.

4.2.4 Linking work pass issuance to settlement

In the course of preparing this survey it was suggested that during mediation or other efforts to resolve salary disputes, in some cases MOM or TADM may try to close negotiations quickly by dangling a carrot to the worker involved: accept the offer that the employer has put on the table, and in return we'll issue you a work pass and/or help you find a new job. We asked this question in the form "Has MOM or anyone else ever linked permission, and/or help finding a new job, to your accepting a salary offer?"

The answer to this remains a little unclear. As recorded by the interviewers, 9 men answered a straightforward NO or equivalent to this question. The interviewers recorded 3 as answering YES, but with follow-on comments which suggest that in 2 of these the worker may not have understood the question. A handful of other replies also suggest this question was not fully understood.

However, there is one case of a salary dispute where it seems MOM might have offered the worker the chance to transfer as an alternative to pursuing his claim of 3 month's pay. In reply to the question, the interviewer recorded "Yes. Prev. Job cancelled work permit. MOM gave permission to transfer, 14 days to find new role." Responses to other questions from this worker include "didn't complain, the employer cancelled his pass, he found a new role so he let it be" and "Doesn't want to [dwell] on it too much since he found his second job. They didn't pay salary for 3 months."

So our results suggest this linking work pass issuance to claims settlement is probably rare if it happens at all. It's possible that it may be part of MOM's official repertoire of ways to resolve salary disputes quickly and relatively amicably. And in some cases it may be a rational, "least of the available evils" choice for a worker who is owed salary: less painful for him than initiating or continuing the dispute through TADM or the courts, which nearly almost causes the worker to be out of work for many months. Nevertheless, in cases where a worker has a genuine salary grievance, "sweeping it under the carpet" is far from an ideal outcome: the worker loses his money and the employer goes unpenalized, no doubt incentivized to do the same thing to another worker.

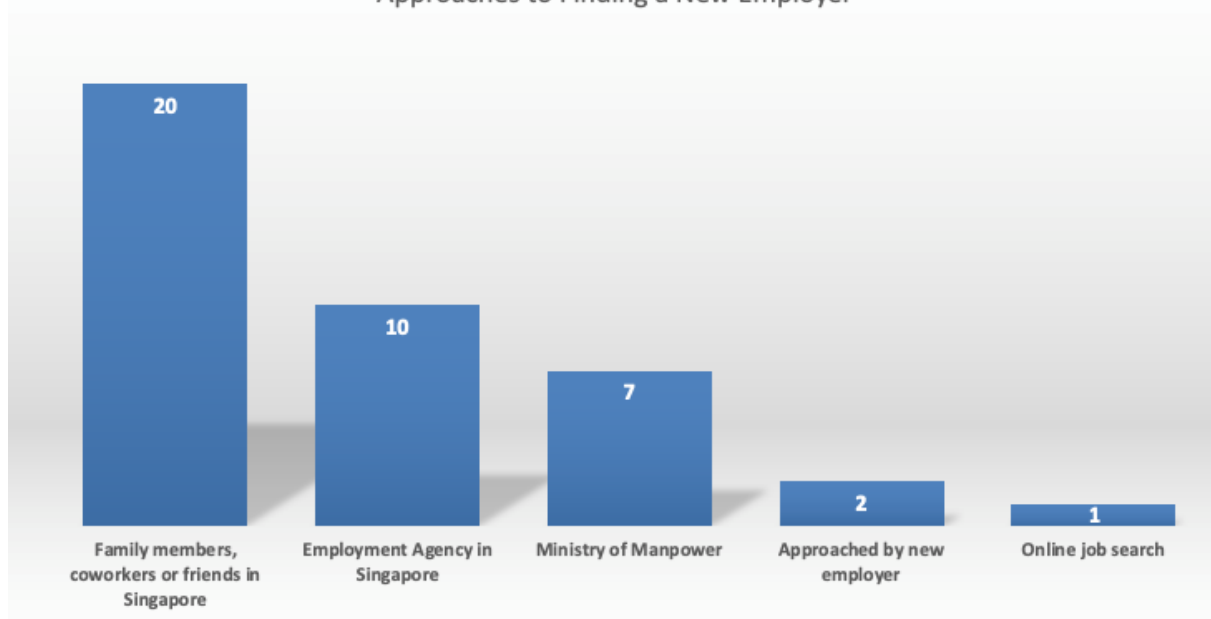
4.3 Finding new job and use of intermediaries

We asked all 39 men in the study a set of questions about how they looked or are looking for a new job/employer, the identity of intermediaries, how much they have paid or expect to pay them, what they believe they are paying for when they make such payments and related issues.

4.3.1 Approaches to Finding a New Job

Our first question was "How did you look, or are you looking, for a new employer?", multiple-choice, with an "Other" option and allowing multiple replies. The replies were as follows:

Approaches to Finding a New Employer



Two comments on the above:

- The 39 men in the survey were all workers who had at least one job in Singapore prior to switching or attempting to switch – none of them was taking up their first job in Singapore - so it's not surprising that family, co-workers and friends in Singapore are the primary source in finding a new job.
- One of the multiple-choice options was "MOM (Ministry of Manpower)", but we did not collect information on **when and how** MOM helps workers find a new job. One worker with a salary claim (the one on the Temporary Job Scheme) mentioned that MOM gave him a list of agents, from which he found one of his temporary jobs. We also noticed that among the 7 men who cited MOM as a source for finding a new job, 4 do not have a salary claim; in what way does MOM help in such cases? (This might merit further research including input from MOM.)

4.3.2 Payments to intermediaries

From the 39 men in the study, 27 stated how much they have paid or expect to pay to intermediaries to get their new job: 12 explicitly answered zero and 15 gave specific non-zero amounts.

- Across the 15 who have paid or will pay more than zero, the average amount of the payments is approximately S\$2.3k (median S\$1.7k).
- Across all 27, ie including the "zero" replies, the average is approximately S\$1.3k (median not meaningful in this case.)
- Four of the men reported paying S\$4000 or more; 2 of these may have been paid partly or wholly to overseas parties, but the other 2 were described as payments made in Singapore.

- Note: as far as possible, these figures represent just the job-finding fee itself; where known we deducted miscellaneous expenses where the agent is an intermediary, for example costs of medical examinations.
- Payments to employment agencies in Singapore were made by 8 men and the average of these payments was approximately S\$1.3k (median also S\$1.3k). By law, Singapore Employment Agents (EAs) are not allowed to charge more than two months' basic (ie overtime-excluded) salary (see Appendix on Rules and Regulations and/or the webpage at this footnote¹³), and most of the figures stated by the interviewees seem to fall in that range, but with a two possible exceptions:
- One worker said he paid S\$1,800 to an EA and that the basic pay in his new job is S\$19 per day, which we estimate to be approximately S\$500 per month; that would make the fee equivalent to 3.6 months' salary. (He also said that he paid S\$3,800 for his first job in 2019, but this figure probably included payments to an overseas agent.)
- Another said he paid S\$1,700 to an EA and that his expected basic pay in a job is S\$20 per day, which we estimate to be approximately S\$520 per month; that would make the fee equivalent to 3.2 months' salary.

Once again, 12 men said they had paid or expect to pay nothing. And several said they would not pay friends: the interviewees recorded replies including "Friends very good" and "[He] will not pay friends - good friends and he has no money."

But 3 of the interviewees said they had *paid* (not just been helped by) "Family members, co-workers or friends in Singapore". One of these men claimed to have paid S\$4,500 even though his basic salary is S\$700.

Although our study was primarily focused on job switching within Singapore, we got several comments about payments overseas which are worthy of mention. In one case the interviewer recorded that while the worker had not paid for his latest job switch, "He did pay 3k to come back to SG in 2019, even though he had already been in SG before." Another said "Paid \$9k to agent in Bangladesh to come here in 2014". Yet another reported "Family pawned jewellery and paid Rs 50,000 [about S\$920] into agent's account in India".

Worryingly, 4 men said they had made *payments to employers* for their jobs, something that is prohibited by law, but seems to be quite common:

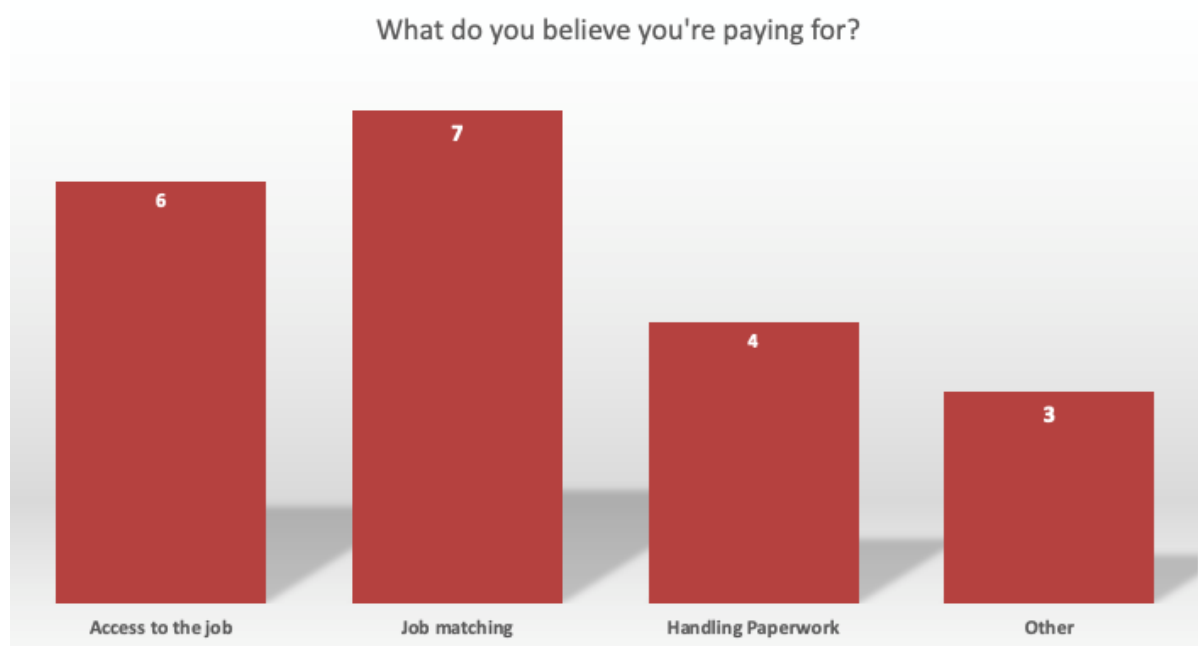
- One said he paid S\$1,400 to his new employer and it seems the employer was the instigator: the interviewer recorded "He was approached by the new employer to have a meal together, and was offered a job with the company ... the employer is a Bangla man, and his home in Bangladesh is only 2km away from his own home." He transferred and is working at this new company.
- Another of these men has found a new job, and when he starts the job he expects to pay S\$1,200 to the new employer plus a friend who helped him. He was in a situation where he had to find a new job quickly: he had a pay dispute with his first employer who cancelled his Work Permit, and MOM gave him 14 days to find a new job. He tried using some online portals, but without luck, so he settled for this arrangement
- One has found a new job and is starting there soon. He said that he has paid (or expects to pay) his new employer, but he did not reveal figures.

¹³ <https://www.mom.gov.sg/faq/employment-agencies/how-will-foreign-workers-know-the-amount-that-they-are-expected-to-pay-the-singapore-ea>

- One said “agent and boss are the same guy” and says he paid S\$7,000. Again this appears to have been a payment made for his first job here rather than a local job switch. But if the boss is “the same guy”, that seems to imply a payment to the boss of a Singapore company for a job in Singapore.

4.3.3 Purpose of payments

We asked the question “What do believe you paid or are paying for when you give money to intermediaries?” with an “Other” option and allowing multiple replies. The replies were as follows:



The reply “Access to the job” is worrying: this is something no worker should have to pay for. But the above suggests that workers do recognize some legitimate activities of value in these payments, including **matching** him to the right job and handling paperwork. One worker said that his Singapore employment agent also handled “[Liaising with HR from 1st company to get the transfer letter](#)”. However another, who said “access to the job” is the primary reason also commented “[Unclear how the money is used](#)”.

A different question later in the interview (about the worker’s knowledge of online resources) elicited the following as recorded by the interviewer: “[He managed to get 2 job \[offers\] through portals while he was quarantined for COVID but 1st Employer did not give transfer letter. Finally got consent with agent’s help.](#)” In this study we did not explore how agents help with getting approvals and whether this is a legitimate or desirable practice - perhaps another topic for further research?

4.3.4 Attitudes towards the use of agents/middlemen compared to portals

In response to several questions we got comments on the use of agents and other middlemen, sometimes in comparison to using online services.

Some men warned of the dangers of using agents:

- One offered the following advice to other workers: “Go for an interview and make sure the job suits you before paying agent. Don’t just trust agent and pay fee first.”
- One of the interviewers reported “His advice to all other workers is not to trust agents, as there are many scams out there especially on Facebook”
- And of another man, the interviewer said “He seems aware that paying an agent is risky”.
- One man made a distinction between agents in India and Singapore: “He was misled by an agent in India when he came here but thinks agents here will not do the same thing.” (The interviewer said she warned him to be careful nevertheless.)

Yet some of the men seem to believe that agents are a “necessary evil”:

- In one case the interviewer recorded “He doesn't believe [fees to intermediaries] can be eliminated. But he doesn't seem interested in online portals / other channels ... As far as he is concerned, the agent fee is part of the process and doesn't believe you can get a job without paying this.”
- One interviewee who has been here 12 years and who the interviewer described as “pretty savvy”, expressed scepticism about finding jobs online: “Online portals without commission don’t offer good pay for workers” The interviewer also recorded “He tried using to the online portals that MoM gave and seems pretty jaded about the prospects. Says he even approached some [of the companies] but they didn't hire.”

Others see possibilities for change:

- “The biggest problem is the agent / middleman. Often this can be a supervisor in the companies asking for kickbacks. Better for 1st Employer and 2nd Employer to reach an agreement... cut out the middleman”.
- One, rated as knowledgeable by the interviewer, had a positive view of portals: “Online portals are good as it does away with an agent, you are more in control of the process”. He also wants to see “more government managed websites to do away with dodgy agents”.
- One man who is being repatriated but hopes to return to Singapore seems optimistic that he may be able to do so without paying an agent “Will look for another opportunity to return without paying more agent fee”.
- One simply said, “Do away with agents”.

So portals may be the way forward. But adoption is starting from a low base - in our survey **there does not seem to be even a single case where a worker managed to find a new job and avoid fees by using online portals.**

4.4 Permissions to switch employer

With certain limited exceptions (such as the Non-Consent Period or NCP described in the INTRODUCTION above), workers need permission from their existing employer to switch to a new employer. And without exception as far as we are aware, they always need permission of MOM to switch job. We wanted to find out more about the worker’s experiences with employer permissions and the NCP.

4.4.1 Switching scenarios categorized by permission

We asked a number of questions on this topic. The results are tricky to summarize because there turn out to be many situations each with different dependencies on permissions. However, by combining answers from several questions to get a more complete picture, the situation can be categorized as follows:

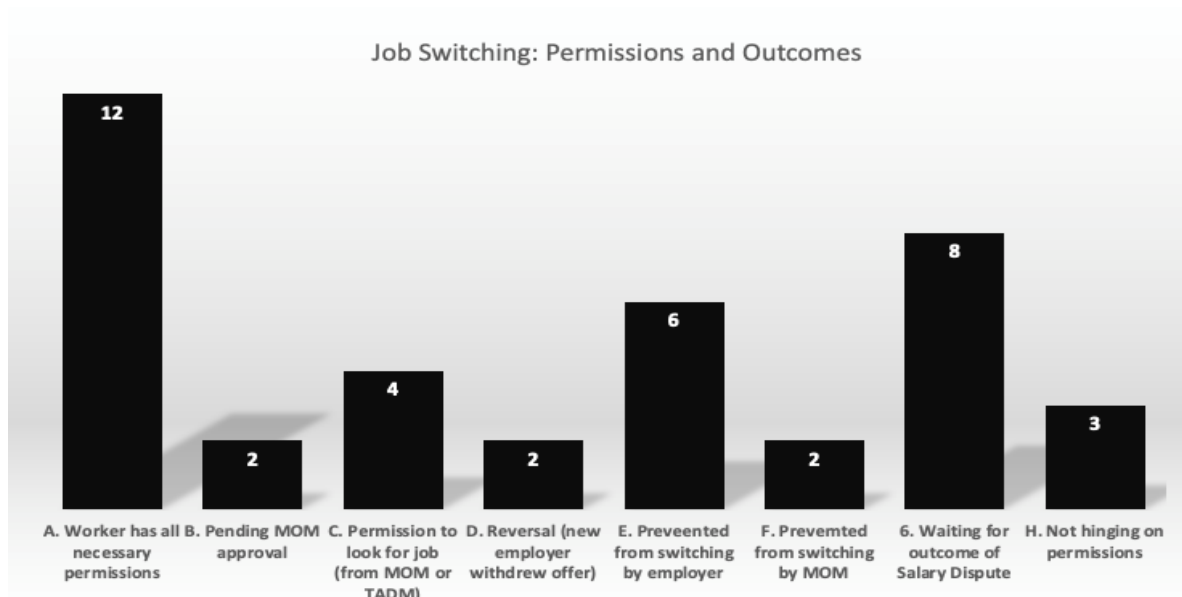
- A. Cases with necessary permissions to take up new job (11 cases):
 - Permission granted by first employer and worker has started or is about to start new job (3 cases). One man reported that the “[process seemed relatively smooth for him](#)”.
 - Official permission granted by MOM and worker has started or is about to start new job (5 cases). Most of these are cases where there was a salary claim, but in one case MOM seems to have granted permission because the employer abruptly cancelled his work permit. (In this case the worker had a salary dispute with his boss but didn’t turn into an official claim; this is the case mentioned above where MOM may have offered him the chance to transfer as an alternative to initiating an official salary dispute.)
 - Worker used the NCP to switch to a new employer (3 cases). Two of these cases appear to have been completely successful; the other was not because the new employer misled him on the type of job (hacking work instead of carpentry) and at the time of the interview he was trying to get permission from MOM to switch back to his first employer.
- B. Cases pending approval by MOM (2 cases). These are cases where a new employer has applied to MOM for a Work Permit, but it has not yet been approved. One of these in an appeal case: two different employers have applied for a Work Permit for the worker, but these were both rejected and now he and/or the employer is appealing the second rejection.
- C. Cases where worker says has been given permission (informally?) to look for a new job while a salary claim is being resolved (4 cases):
 - Permission given by MOM (2)
 - Permission given by TADM (2)
- D. “Reversals” (2 cases). These are cases where an employee got permission to transfer (one permission from his employer, the other using the NCP), but the new employer changed his mind and withdrew his offer. What happened is that after things had been settled in principle the two employers spoke to each other and the new employer changed his mind.

Unfortunately in this survey we had no way to establish the validity of the reasons behind these reversals; one can imagine various possibilities ranging from the legitimate (eg the first employer telling the second about genuine problems in the employee’s work or attitude) to the dubious (employers adopting a “don’t poach” stance which they may see as honourable but is fundamentally an anti-competitive practice, a form of labour monopsony) to the corrupt (such as the first employer paying the second to avoid losing a valuable worker).

- E. Cases where the first employer withheld permission and that prevented the worker from switching (6 cases):
 - Worker never able to get employer’s permission to and was forced to return to his home country (3 cases)
 - Worker forced to stay in a type of job that is not his trade and not what he was promised (1 case): an electrician forced to do construction, working with rebar.

- Worker unemployed and in limbo (1 case): this man found a new employer willing to take him, but when he approached his current employer for permission, the employer immediately cancelled his Work Permit. He also has a salary dispute of nearly S\$10k which he had not previously pursued for fear of repatriation. At the time of the interview, he was hoping MOM would help him to find a way stay on in Singapore.
- F. Cases where MOM has withheld permission (2 cases).
 - In one of these cases MOM did not give permission after a salary dispute was resolved and the worker has returned home to Bangladesh.
 - The other is a complex case of an employee in the services sector who came to Singapore on an Employment Pass and is trying to switch to a new job. The new employer is keen to engage him and has applied twice for a pass for him (once for an EP, once for an S-Pass). Both applications were rejected, and they have now appealed. If the appeal is unsuccessful, he plans to return home to India.
- G. Cases where workers have not yet applied for permissions (9 cases): These are cases with Salary Disputes where the worker has been told he must wait for the outcome of his salary dispute before trying to secure a new job. These men say they hope that MOM (or in one case TADM) will grant permission once the dispute is settled.
- H. Cases not hinging on permission (3 cases). Two of these men have decided to return home voluntarily. In the third case the information provided is insufficient to understand his situation with respect to permissions.

Summary of the above scenarios:



4.4.2 Non-consent period (NCP)

As explained in the Introduction, the NCP is a 20-day time window starting 40 days before the expiry of his Work Permit during which a worker may change employer without his current employer's consent. We asked several questions specifically about this scheme.

Four of the interviewees said they had used the NCP to get permission to switch, and in 3 of these cases, they have successfully transitioned to the new job. The fourth one is a case of “reversal” as described in 4.4.1 D above.

Many of the men who are on Special Passes due to salary disputes simply (and correctly) replied that the NCP does not apply in their case.

Other replies:

- One said he intends to use it in the future (but this is just one idea; he also said that he may return to Bangladesh)
- One man said that he had been intending to use the NCP but his employer suddenly cancelled his Work Permit without notice.
- One (the electrician given work with rebar) said he is not eligible because his work permit still has about a year to run.
- One who quit and returned to Bangladesh due to low salary said he had an offer for new better-paying job, but his employer refused to give permission and “NCP time was over when I have applied”.
- In a similar case the worker said, “Ran out of time - ie less than 21 days left on my WP”. He has since been repatriated to Bangladesh.
- One said “It was not there when he was searching for a job”; that appears to have been in March 2020, and NCP only started on 2020-04-01. (He had a salary claim, so in the end MOM gave him permission to transfer.)
- Four replied explicitly that they don’t know what the NCP scheme is. (For more information about the workers’ knowledge of NCP see Section 4.6 below.)

One worker expressed a desire to see the NCP scheme extended indefinitely: “Govt must keep this 40 days option for future use too”. And in response to a later question relating to the worker’s knowledge about job-switching processes, the interviewer recorded “He thinks it [apparently referring to the NCP] is a good option and offer from govt that he can change his job”.

4.4.3 Employers’ reactions to attempts to switch

A theme that was mentioned by several of the interviewees is how employers became angry when approached for permission or upon finding out that a worker had used the NCP to switch. The case above where an employer cancelled a Work Permit abruptly without notice is not unique - at least 6 men in our study workers reported this happening - and in at least some of these cases it seems to have been a reaction to the worker’s desire to switch jobs.

Here is what the interviewer recorded in one case “The candidate had his uncle with him. The uncle is experienced with the processes here. The uncle's boss offered to help hire his cousin. So they approached MOM, and MOM requested for a transfer letter. When they requested this letter from the first employer, [he] cancelled the work permit on the spot.”

One interviewee said “My employer did not give me permission. I have spoken to him about it and he ended up getting angry. ... [He] cancelled my work pass without any prior notice, sent me back within 2 days” (and the worker was repatriated to Bangladesh). He also reported “[Other] colleagues had left the company using NCP, that made my employer angry. He did not want to keep those “traitor” in his company.”

A similar case was recorded as “Employer just cancelled his work permit. He had a 2nd job secured, but the 1st Employer cancelled him immediately once they got wind of that.”

One worker, who has successfully used the NCP to transfer to a new employer, nevertheless wrote “Employer did not like this idea to change employer.”

In another case the interviewer wrote “Employer's son was very angry when he was informed that interviewee wants to change job.” Such attitudes may also be a factor in “reversal” cases such as the ones mentioned above; one of these workers reported “After getting IPA approval, 1st Employer had complained and accused something to 2nd Employer, resulting 2nd Employer has refused to recruit me”.

4.5 Switching motivations, outcomes and reactions

4.5.1 Reasons for Changing Employer

We asked, “Why do/did you want to switch employer?”. The overwhelming reason was non-payment or under-payment of salary. To an extent this was not surprising since 16 of the men interviewed have been recorded in TCRP’s database as having a salary dispute. But in addition to these official salary dispute cases which have been escalated to MOM/TADM, there are several cases where men who say they have been underpaid have decided not to pursue salary claims for fear of being repatriated or other reasons. Looking both at the replies to this question plus analysing other responses carefully, it seems that ***in about 26 cases the primary reason for wanting to change employer is non-payment/underpayment*** (where underpayment typically refers to unexpected/unagreed deductions or non-payment of overtime).

Other reasons included

- Seeking a better salary, but without suggestion of underpayment: 4 cases.
- Various kinds of fallout with the employer, some for multiple reasons: 3 cases. In one case they fell out after the worker engaged a lawyer over a minor work injury claim; he regretted this, saying that prior to this all was going well with his employer and that “he feels he messed things up by taking his minor injury case to a lawyer on the bad advice of friends”. The second case cited late payments (“Salary always delayed by weeks”), transport issues (“very early and late timing of transport ...waiting long hours at worksite before start and end of work”) and inadequate food during the COVID lockdown as well as deductions for water and electricity not mentioned in his salary slip. The third case here also cited late payment and excessive hours as well as a wish to be “taken care of during medical issue”.
- Type of work not as stated and/or not what the man is qualified for: 3 cases. Two of these are cases mentioned earlier: the driver who was assigned to welding work he is not qualified for, and the electrician given rebar construction work. The third one is an unusual case with a twist: after a transfer from a first to second employer this worker discovered the work was not as stated – he is a carpenter but was given hacking work – and at the time of the interview he was trying to switch back to his first employer.
- Unexpected termination or release from an employer even though they had no desire to transfer: 2 cases. In one of these cases the worker reported that the boss was a man from China who was very good to him, but who went back to China right before the pandemic started and was unable

to come back in due to travel restrictions. This boss helped the worker transfer successfully to a different company.

- **“Not allowed [to] go out of residence”**: 1 case. This may have been due to standard COVID restrictions and not the employer’s fault, but the worker replied to another question that he is happy at the 2nd employer, which suggests it could have been a case of an employer going beyond the standard restrictions.

We also asked a general question, **“How happy are/were you working at your 1st Employer?”** with options of **Happy / OK / Unhappy**. A total of 33 men answered this question. Since the interviewees were selected on the basis that they have switched or want to switch employers, we might expect them all to report being unhappy at their 1st Employer. But rather surprisingly, 9 men answered **“Happy”** and another 3 **“OK”**. Less surprisingly, 21 replied **“Unhappy”**. (The remaining 6 didn’t answer the question.)

4.5.2 Salaries and salary changes

We asked the men to tell us their basic monthly pay and typical full monthly (with-overtime) pay before and after their job transition (if any). Not all the men were willing to reveal this, and in calculating average and median pay we excluded 4 replies which seem inconsistent/erroneous. We also excluded 3 outliers on the basis that they are unrepresentative: the two men on Employment Pass and one on S-Pass.

Results for the remainder are as follows:

	At 1st Employer (pre-transition)			At 2nd Employer (post-transition)			Pay Increase		
	# Men	Average	Median	# Men	Average	Median	# Men	Average*	Median*
Basic Pay	23	\$746	\$570	15	\$992	\$800	13	43%	25%
Full Pay	21	\$1,057	\$1,000	8	\$1,078	\$950	6	37%	15%

**These four figures are the average and median of the percentage increases for each of the men included, not the percentage increases in the average and median salaries. This gives equal weight to each man’s percentage increase whereas the latter would give greater weight to the higher earners.*

4.5.3 Worker’s experiences of and reactions to switching

To the 8 men who have transferred to a new employer, we asked the same question as above about their new employer **“How happy are/were you working at your 2nd [new] Employer?”** To this, 4 replied **“Happy”**, 1 **“OK”** and 3 **“Unhappy”**. Among the unhappy cases the interviewer reported the reason as **“Current boss is not good. He [the worker] was injured in his first month, and hasn’t been paid sick leave wages.”** In another case the worker’s reasons for unhappiness were reported as follows: **“Salary is not good. I am not earning as much as I wanted with my second employer. I signed a 1 year contract for \$19 a day and as they are deducting \$200 for food and \$40 for medical every month I just get \$450 to \$500 per month which is very low .”**

We also sked **“Overall, are you glad that you switched or tried to switch employer?”** seeking replies both from those who have transferred and those who have not as well as men who are in the process of transferring. Only 11 men answered this question, but the response among them was overwhelmingly positive with 8 clear YES replies. One added **“Yes glad... since employer is giving good pay and [me] treating well”**. In another case, despite his transfer falling through (he is one of the “reversal” cases described in 4.4.1 D above), one worker replied **“Yes, I am glad. This is a chance to get job without going back to home country which costs more”**. Only one responded NO - the carpenter who was given hacking work and is now trying to transfer back to his original employer. And one expressed mixed feelings: **“Glad I found a new job but not happy with what I am earning”**.

Finally we asked “What were the worst problems or worries you encountered in the process of switching or trying to switch?”. Several replies were about the fear of being repatriated:

- “Employer threatened deportation”
- Fear of “not getting transfer letter from employer and being sent home”
- Fear of “not getting another job and having to go back while he still had huge financial commitments back home”

Another set of replies to “What were the worst problems...?” were about not being allowed to find work during a salary dispute, or when it was allowed (eg after resolution) the shortness of the periods granted by MOM/TADM:

- “Waiting for the case to complete to find a new job.”
- “Lack of time, only a short window ... 2 weeks to try and get another job.”
- TADM case officer gave a gave a transfer letter but “valid for 14 days only”
- “Getting permission from MOM. There was a chance that my first employer could send me back to my country. MOM gave me 7 days to search for a new job.” (Happily in this case he succeeded in finding a job.)

Other replies covered a range of issues:

- “Cannot afford to pay agent” (to find a new job)
- “Being under control of previous employer” (who he found vindictive)
- Difficulty understanding processes and “MOM not helpful in educating ... about the processes”
- “MOM is of no help” – from a worker trapped in a job which is not his trade, was probably not what he signed up for, and which he is deeply unhappy about, but with another year remaining on his current contract.
- “Passport taken and lost the by previous employer”
- And from of the “reversal” cases mentioned in 4.4.1 D above: “2nd Employer refused to take me even though I have got new IPA. He has heard from 1st Employer that I have an ongoing compensation claim issue which is going to be closed soon.”

4.6 Workers’ knowledge relating to job-switching

To get a sense of workers’ awareness of things that might help them find and transition to new jobs, we included a question asking if they know about three specific items. Here are the items and the number of men who said they are aware of them:

- The Non-Consent Period (NCP): 13 of the 39 (33%) men responded that they know about it
- SCMX: the SCAL Construction Manpower Exchange from the Singapore Contractors Association: 4 men (10%)

- Sama (www.sama.jobs)¹⁴ or other job portals for migrant workers: 2 men (5%)

We also asked the interviewer to comment qualitatively on their impression of the worker's level of knowledge about the resources and processes for job-switching, particularly online resources. Here are some of the comments by and captured by the interviewers, ranging from least to most knowledgeable:

- "Has not used online - doesn't know how"
- "Doesn't use online. Doesn't understand."
- "No knowledge of online"
- "Doesn't know anything"
- The worker said "Online no understand"
- "Unaware of processes however is seemingly thankful for TWC2 and MOM support."
- "He doesn't know the above [NCP / SCM / Portals], but knows the basics where he can complain to MOM about salary disputes."
- "Only aware of MOM as authority to allow transfers"
- "Didn't know about nor did he seem interested in any of the above [namely NCP / SCM / Portals]."
- "Interviewee is hoping better for his new job. He was bit late to know about govt options or offer."
- "Does not know too well"
- "Not too knowledgeable"
- "Does not know much ... he feels agency is good to get a job"
- "He understands quite a bit."
- "Reasonably knowledgeable, he has been in Singapore on a few terms going back home between jobs."
- "Knowledgeable"
- "Knowledgeable and articulate"
- "Worker is alert and well informed about his rights and surroundings"
- "[Has] knowledge about jobs and applications - through agents and personal contacts."
- "He is well aware of his present situation and is fairly pro-active about asserting his rights. ... As far as job search awareness - he knows of websites from info given by TWC2 volunteers."
- "He was an EP holder, is aware of regulations in EP job application."

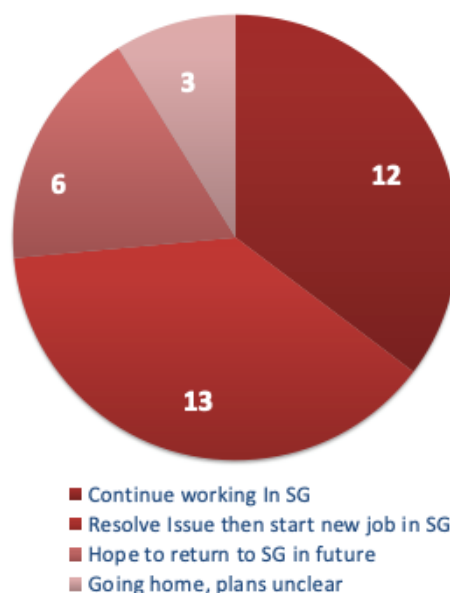
So this is a very mixed picture, from almost no understanding/confidence to considerable knowledge and sophistication.

¹⁴ BBC article about Sama: <https://www.bbc.com/news/business-54654813>

4.7 Plans and aspirations

We asked, “What are your plans/aspirations now?” The 34 men who replied can be grouped as follows:

What next? ...Plans/Aspirations (out of 34 replies)



Within each of these groups there are some differences in situation

- Of the 12 men who want to continue working in Singapore, 7 are already in a full-time job after a change, 2 are in temporary work (MOM’s TJS), 2 are in a full-time job but very unhappy and hoping to change job, and 1 is trying to return to his first employer after an abortive attempt to transfer.
- Of the 13 who need to resolve an issue and then want to start a new job in in Singapore, 12 have ongoing salary disputes and 1 is appealing rejection of an application for an Employment Pass.
- Of the 6 who wish to return to Singapore in future, 3 are already in their home countries, 1 is being repatriated imminently, 1 is going home voluntarily to await the outcome of salary and injury claims hoping to return to Singapore in a year, and 1 plans to go home voluntarily after resigning due to unhappiness (pay cuts) in his current job.
- Of the 3 who are going home but have no clear plans yet, 2 are being repatriated and 1 is going home voluntarily to await the outcome of an injury claim.

Some interesting perspectives we received in response to this question:

- Several of the men said in different ways that they wanted to work in Singapore for many years.
 - General comments included “as long as possible” and “stay for long and earn good money”
 - Another wants “to be in Singapore for 20 years.”
 - In yet another case the interviewer said, “he is 30 [and] hopes to work in Singapore for another 10-15 years” in order to “save, settle debts, build a house, get married”.
 - One said he is “heavily indebted wants to work here for as long as possible”.

- Others have more limited horizons...
 - One interviewee said that he wants “to work a few more years” He needs “to get his 2 younger sisters married” then to “save for his own family - wife and daughter”.
 - One says he wants to “stay in Singapore for 3 years or more”
 - Another who has already worked here for 6 years said he would like to continue working here for 6 years: he has almost completed building a house in India and has “bought gold for his daughter”.
 - One who has worked in Singapore since 1997 (perhaps not continually) then got SCAL certification in 2002 said he “wants to work for 2 more years then to go back”. He said he has built a house back home.
 - One, who has worked in Singapore for 12 years and in Malaysia for 2 years, wants “to go back home in a year”; The interviewer also reported “he likes Singapore generally”.
- One of the men who is employed but unhappy and hoping to change job compared expressed his dilemma as follows: “[I hope] to get a new job soon. I don't want to go back to Bangladesh at this time. it will be very difficult to come back to Singapore again and find a suitable job from abroad. Costs involved too.”
- One man who is home in India and wishes to return to Singapore has been told that the agent fee now to come back is S\$3000 and quarantine cost S\$2000, which will be deducted from his salary at S\$200 per month.

4.8 Miscellaneous Topics

4.8.1 Holding of Passport

MOM states on its website “Employers should not keep the passports of their foreign workers or foreign domestic workers” and adds “According to the Passports Act, it is an offence to keep or withhold any passport which does not belong to you”.¹⁵ Yet we had heard that many employers do this in defiance of the law, exerting another control which may hinder workers’ attempts to transfer to another employer.

So we asked the workers “In the last 6 months (approx), did any employer take/hold your passport?”. Out of the 39 men, 18 (46%) replied YES and 13 (33%) replied NO.

There were two positive comments about this; one interviewer wrote “No he always had his passport with him. Speaks well of his first employer - he would not do that” and another “No, never took”.

But the majority of comments not only show that this practice is widespread, but **that it seems to be widely regarded as standard practice**. Comments entered by the interviewers included the following:

- “This is standard practice”
- “Everybody hands over”
- “Yes, always kept. I didn't dare to ask”
- “Yes, always keeps my passport”

¹⁵ <https://www.mom.gov.sg/faq/work-pass-general/can-an-employer-keep-a-workers-passport>

- “YES. 3 years so far. Didn't know it is illegal.”
- “Passport always with Employer in both companies.”
- “Yes, from the very beginning 1st Employer was holding my passport. When I asked for my passport during my second job’s medical tests, employer got unhappy. Bitterness started from that point.”
- “Passport taken as soon as he arrived when he went for medical check-up and returned to him with ticket at airport when he was repatriated.”
- “Yes, but employer will give him his passport and ticket when he returns home in a month”

In a few cases the employer held the passport for a while but later released it

- Employer “kept PP but when salary dispute, they gave to MOM”
- “Passport was with him [the employer], now with MOM”
- “Yes, my first employer had taken my passport but after complaining to MOM I could retrieve it.”
- “Yes , from the time he started working [but] gave it back in October last year”
- “Boss did take passport but has got it back with help from [one of TWC2’s volunteers]”
- “Boss took passport when he first came, but gave it back after a month”
- “Yes, 1st Employer kept his passport for 1 month but got it back after report”

As mentioned in 4.5.3 above, in one case, the employer took the worker’s passport and then lost it. At the time of the interview he was about to make a police report then go to Bangladesh Embassy for a replacement.

4.8.2 Other comments & snippets

Finally a range of miscellaneous comments and snippets of information we received in response to various questions:

- One worker commented “Worker is most vulnerable when transfer does not go through after consent because when he then has to go back to [his] 1st Employer [and] the Employer has all the leverage to exploit him.”
- Another recommended: “Allow transfers while waiting for salary case to be resolved.”
- Four of the workers we talked to have or had work injury claims, sometimes in addition to salary claims.
 - One has an injury claim for which he was awarded 10 points and S\$9000, but he has rejected this and filed a civil suit.
 - Another, in addition to S\$9000 owed salary, has an S\$8000 medical bill due to a fall from a ladder. The case(s) have gone to the High Court, but he says his employer is in financial difficulty.

- In one case the interviewer recorded the following on the man's living conditions under COVID restrictions: "He is now living in a "hostel" 12 to a room with an attached bath and a space inside to cook his own food. Movement is severely restricted - only work and hostel and needs to ask special permission to go out on Sundays. Allowed 3 hours if he applies, not enough to come to Little India and go back. They have to buy groceries and vegetables in a shop near the hostel which is expensive."
- One of the men, who at the time of the interview was waiting for MOM's approval after his new employer applied for a Work Permit, said he has been waiting two weeks and commented "MOM very slow now due to COVID".
- Although ultimately successful in transferring to a new employer, one of the interviewees described the tortuous journey by which he eventually got there. (The following are his own words which he entered directly into the questionnaire, with some spelling errors corrected but no grammar corrections.) "Last time I transfer to a new employer with follow all the rules and regulations of MOM. But my 1st Employer making so many fake issues against me and complain to MOM. After that MOM hold my new company work permit. Then I prove that my transfer process was okay. So MOM provide my work permit. Again my previous company complain and MOM again cancel my work permit. Then again I take transfer letter from my new employer and apply to a another new company. Now I working under here."
- A worker whose employer refused to give him permission to transfer and abruptly repatriated him to Bangladesh described his current situation as follows: "I am jobless currently and trying to go to Singapore again. Agent has helped me to get a new IP but I could not arrange money yet. I have not much money to spend to pay to an agent. ... But I am still trying as I have a hefty amount of debt that occurred when I went to Singapore last."
- One worker expressed hope that other workers would be luckier than him: "I have no option now, so I have to go back to Bangladesh. I pray for other workers because my first employer sucks workers and [sends them] back empty-handed. Employer deduct[ed] income tax money but I did not get taxable salary or not that much compared to the amount employer deducted from me."

Section V: Conclusions and recommendations

5.1 Problems for workers

From the workers' perspective, a number of interconnected problems stand out:

- **Constant fear of being sent home**, which allows exploitative bosses to abuse them in three types of way:
 - Financial: cheating them of wages, making unauthorized deductions, delaying wages, etc
 - Work: assigning them work that's different from what was promised and/or they are qualified to do.
 - Conditions: accommodation, food, transport etc

Men who are being cheated or mistreated often find themselves with a brutal choice: make an official complaint to MOM, thus entering a state of employment limbo (see below) or stay in the job and put up with the abuse. Unfortunately, when they choose to “stay and lump it”, that acts as an incentive to unscrupulous employers to mete out similar treatment to other workers; nefarious behaviour by employers is encouraged by the knowledge that it is very painful for workers to quit even in the face of mistreatment.

- **Navigating the maze of permissions necessary to change jobs**, and the bad feelings this generates between workers and employers. Workers generally need their employer’s permission to switch jobs; this is often not given, and the very act of asking can lead employers to become angry, even sending the worker home without notice. The NCP (Non-Consent Period) is a welcome step towards allowing workers to bypass employer permission, but its scope and duration are extremely limited, and it too can founder on employer anger: see the “reversal” cases described in 4.4.1 D above. Reversals and other problems seem to occur when employers talk to each other, in a mindset where worker transfer tends to be regarded as poaching. It is striking that SCAL encourages employers to contact each other¹⁶, something which in the wider labour market generally doesn’t happen and which smacks of monopsony (collaboration by employers to resist free-market forces in the labour market).
- **The “limbo” of being involved in an official salary dispute**, typically for months, during which men cannot earn money (to send home to their families and for themselves to survive on) and are not allowed to confirm a new job, often with large debts hanging over them. At the end of this limbo they are likely to receive less than 50% of what they are owed (average settlement off 49% and median of 41% in our figures), and there is a very real chance of being repatriated. This creates a combination of economic hardship and worry/anguish which is particularly inhumane.
- **Reliance on middlemen**, which impacts the men in two main ways:
 - Costs. Workers take the biggest financial hit when they arrive from overseas, particularly for their first job in Singapore. When transferring between jobs in Singapore the situation is better, especially when workers go through an official employment agency. But even here our interviews suggest that a minority of agencies may be charging more than the maximum permitted 2 month’s salary. And beyond official agencies, a significant number of men say they are making payments to employers and unofficial agents such as co-workers and “friends”, a practice that is generally illegal.

It also worrying that when asked what they believe they are paying an agent for, 30% (6 of 20) replies were “Access to the job”; this should not be the purpose of recruitment fees, especially at a time when Singapore is experiencing a labour shortage – job scarcity should not be an issue.

- Scams/misrepresentation of various kinds, ranging from salaries/deductions to overtime expectations and the nature of work.
- **Lack of knowledge/confidence to use online recruitment systems**, or even familiarity with these such systems, which contributes to a belief that middlemen are an unavoidable evil.
- **Miscellaneous injustices** such as the retention of passports by employers.

¹⁶ <https://www.scal.com.sg/info-details/MOM-BCA-Advisory-Rules-on-Change-of-Employer/>

5.2 Costs to Singapore

Arguments for retaining the current system largely unchanged usually revolve around keeping down costs in construction and other industries.

We would argue that a modest increase in costs, for example in line with the 5% to 10% increase the majority of Singapore residents say they are willing to pay (see INTRODUCTION above) is a small price to pay for the huge improvements it would make to the wellbeing of hundreds of thousands of workers.

But even looking through a purely economic lens, the increase in costs may be less than expected or even illusory. Any estimate of what Singapore might have to pay to reform the current system should factor in costs inherent in the status quo, including the following:

- **Loss of workers with experience of Singapore's practices and work culture** – sometimes workers with a decade or more of local experience. At a time when there is a shortage of labour in construction and other areas, the current system is pushing many workers to return home, either directly by allowing employers to repatriate them, or indirectly by alienating or distressing them in various ways. Most of these men would stay if they were able to transfer to new employers. Losing them is an opportunity cost which contributes to the labour shortage and thus to problems such as delays in construction projects as widely reported recently in the media.¹⁷
- **The cost of bringing in new workers** (or bringing back workers who have gone home). These include training costs, recruitment costs (including any payments to middlemen) and at the present time costs associated with COVID (testing, quarantine, vaccination, etc). Even if these costs are paid by the men, those costs are sooner or later bound to be reflected in higher wage demands: when workers pay thousands of dollars to come here, they will demand higher salaries than they would in the absence of such costs.
- **The cost of enforced idleness during salary disputes.** Banning men from working while they wait for the outcome of a salary dispute contributes to this labour shortage and its associated costs.
- **Lack of efficiency in matching workers to jobs.** The current system - with its restrictions on free movement of labour and its reliance on middlemen often paid for nothing more than providing access to the job - is far from optimal in finding the best matches between employers' needs and workers' skills. Monopolistic practices such as cartels are generally and rightly seen as undesirable because they undermine the efficient working of free markets. Monopsonistic practices, such as the right of one employer to stop a worker moving to another employer even when both worker and the new employer wish the transfer to happen, are similar – they lead to inefficiencies which carry costs.
- **Reputational hit to Singapore.** Stories about the plight of migrant workers in Singapore appear regularly in the international press and seem to be appearing with growing frequency.¹⁸ The current system is damaging to Singapore's reputation as a modern city with strong ethical foundations, and runs counter to trends of growing international concern about, and accountability for, the plight of migrant labourers around the world.
- **Administrative costs to the taxpayer.** The system of permissions and the management/resolution of disputes via MOM, TADM and other bodies carries an administrative cost borne by taxpayers, much of which would disappear if workers were allowed to move freely between employers. (Administrative costs relating to immigration control, including preventing overstays, are a separate

¹⁷ For example: <https://www.todayonline.com/singapore/bill-proposes-extend-all-construction-contract-deadlines-4-months-due-covid-19-desmond-lee>

¹⁸ One example: <https://www.bbc.com/news/business-54654813>

issue; these may be unavoidable, but they should not be confused or conflated with the administrative costs of granting permission to change employer.)

- **Administrative costs to the employer.** In the current system, alongside draconian power over workers, employers carry *responsibility* for their material needs (accommodation, food, etc) and for immigration matters such as ensuring they do not overstay. These worries not only contribute to their often heavy-handed treatment of workers (such as retention of passports), but adds to their administrative burden, distracting them from their core skills in construction and other industries.

5.3 Recommendations

In the light of the above, we believe the following policy changes would be wise and welcome:

- A. Allow migrant workers to change employer freely in the local labour market, eliminating the need for employer consent in job transfers, and as far as possible minimizing the need for consent by the authorities.
- B. Alongside these freedoms, let workers take more responsibility for their own material needs instead of both entrusting *and burdening* employers with this responsibility.
- C. Separate immigration control from employment control. Apply immigration controls on first entry to Singapore and deal strictly with illegal overstays, but take both the power and the responsibility for repatriation away from employers.

In other words, to summarize the above, let migrant workers be more like everyone else in Singapore, with normal freedoms and responsibilities.

In addition...

- D. Allow workers with official salary disputes to work while their dispute is being settled.
- E. Eliminate recruitment fees, or at least drastically reduce them, using a combination of online portals and legislation. (Note: organizations such as TWC2 could provide a valuable service helping workers to use portals and other online resources effectively.)
- F. Do more to enforce laws which are there to protect workers, such as cracking down on passport retention and kickbacks to employers

We believe these changes would bring multiple benefits:

- Singapore would retain more of the experienced workers and avoid the extra costs of replacing them.
- In aggregate, a better match between worker skills/aspirations and employer needs would be achieved.
- Employers would be freed from onerous responsibilities relating to immigration and worker's material needs.
- MOM and other authorities would be spared the bureaucracy of managing permissions to change employer.
- Workers would be much happier – a valuable outcome in itself, but one that is also likely to increase productivity.
- The damage the current system brings to Singapore's international reputation would be greatly reduced, increasing the nation's international standing and influence.



- It would dispel at least some of the shame and sadness that many Singaporeans and other residents feel about the treatment of migrant labourers. We could all hold our heads a little higher.

Appendices to follow:

Appendix A: Relevant rules and regulations

Appendix B: Job-matching resources

Appendix C: Glossary

March 2021

TRANSIENT WORKERS COUNT TOO

Singapore

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APPENDIX A: Relevant rules & regulations

Rules on work passes

Different types of work passes

All foreigners who intend to work in Singapore must have a valid work pass (commonly known as a work visa) before they start work. There are several different work pass types for foreigners who intend to work and reside in Singapore. Employment Pass (EP) is for professionals, managers and executives who earn at least \$4,500 a month and have acceptable qualifications. S Pass is for mid-level skilled staff who earn at least \$2,500 a month and meet the assessment criteria. Work Permits for foreign worker (*) is for semi-skilled foreign workers in the construction, manufacturing, marine shipyard, process or services sector, and there is no minimum salary defined by the Ministry of Manpower (MOM).

<https://www.mom.gov.sg/passes-and-permits>

(*) Note: The majority of men who come to TWC2 for assistance are Work Permit holders.

Applying for a work permit

A company wishing to employ foreign workers in the Work Permit category must apply online for the permit. The application can be made only by the employer or a licensed employment agent (EA). The processing time is usually one week. The result -of the application is an In-principle approval or rejection letter.

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/apply-for-work-permit>

In-principle approval (IPA) for foreign workers

An in-principle approval (IPA) is one of the requirements for getting foreign workers to Singapore. The employer will get an IPA letter stating the validity period, which is also the window that the employer must bring the foreign worker to Singapore.

The IPA can be extended for up to 1 month, but only once.

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/in-principle-approval>

(*) Note: We did not find a MOM webpage that would explain the validity period of the IPA. Other websites state IPA validity period is 2-6 months depending on the pass type.

Renewing a Work Permit for foreign worker

The employer can renew (*) a Work Permit online starting from eight weeks before it expires. Before renewing, the employer must complete certain steps such as checking their quota and extending the worker's security bond and medical insurance.

The Work Permit is usually valid for 2 years, however, to get a 2-year Work Permit, the worker's passport needs to be valid for at least 25 months.

The employer can also request a short Work Permit extension (up to 1 month) if they need more time before renewal or cancellation.

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/renew-a-work-permit>

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/get-a-short-extension-for-work-permit>

(*) Note: IPA is only required for the entry to Singapore. Approval of renewal of WP is called Work Permit renewal notice.

Recruitment fees

An employment agency (EA) needs to have a licence to operate in Singapore. EAs are allowed to collect no more than 1 month of a worker's fixed-monthly salary for each year of service, capped at 2 months' salary. If a foreign worker's employment is terminated within 6 months, the worker is entitled to a refund of at least 50% of the agency fees paid to the Singapore employment agency.

<https://www.mom.gov.sg/employment-agencies>

<https://www.mom.gov.sg/employment-agencies><https://www.mom.gov.sg/faq/employment-agencies/how-will-foreign-workers-know-the-amount-that-they-are-expected-to-pay-the-singapore-ea>

<https://www.mom.gov.sg/faq/employment-agencies/can-a-foreign-worker-get-a-refund-of-agency-fees-if-their-employment-is-terminated-and-their-ea-has-shut-down>

Employers are responsible for paying administrative costs, including levy and fees for work pass applications and renewals, as they are part of the cost of employing a foreign worker. They are not allowed to recover the fees (directly or indirectly) from their foreign employees.

<https://www.mom.gov.sg/faq/employment-agencies/are-eas-allowed-to-charge-foreign-workers-fees-for-work-pass-renewals>

Rules on changing jobs / employers

There is a difference in rules between the different types of work passes. The process is relatively simple for S Pass and Employment Pass holders, whilst for Work Permit holders several rules apply. Generally, and practically, speaking, termination of a contract for a Work Permit holder often means the workers have to return to their home country first before starting the application process again.

Work Permit – “Standard rules” before Covid-19 temporary scheme

Only companies in construction sector could hire existing construction workers who are already working in Singapore

Who are eligible	Existing construction workers from non-traditional source (NTS), North Asian sources (NAS) or People’s Republic of China (PRC). NTS = India, Sri Lanka, Thailand, Bangladesh, Myanmar, Philippines NAS = Hong Kong, Macau, South Korea, Taiwan
When you can start applying	With the current employer’s agreement: any time while their Work Permit is valid. Otherwise: starting from 40 days before their current Work Permit expires.
Last day to apply	21 days before the current Work Permit expires.
How long it takes	Within 1 week, unless more information is required.

Transferring existing workers without getting current employer’s agreement applies only to workers from NTS and PRC. The transfer can be applied 40 to 21 days before the worker’s Work Permit expires. This period is called a non-consent period (NCP) (*) by the Singapore Contractors Association Ltd (SCAL), but the term is not used by MOM.

For transfers of Work Permit holders within the NCP (with 40 days to 21 days left to Work Permit expiry), workers do not need the agreement of the current employer.

For workers with remaining work permit validity of more than 40 days, MOM will send an SMS or email to the existing employer. The existing employer then needs to log in to WP Online to agree or reject the transfer, within 7 working days. If consent is not given by the existing employer, the Work Permit application submitted will be automatically rejected.

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/hiring-existing-worker-in-construction-sector>

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/process-sector-requirements>

(*) Note: The term NCP is only used on SCAL website, not used on any MOM web pages.

Work Permit – “Variation of rules” according to the Covid-19 temporary scheme

Employers in the construction sector can continue hiring existing construction workers who are already working in Singapore. Jointly introduced by Singapore Business Federation (SBF) and the Ministry of Manpower (MOM), SBF ManpowerConnect was set up as a temporary scheme to help companies also in the manufacturing and services sectors to better manage their manpower needs in view of the COVID-19 situation by allowing companies in these sectors to hire existing Work Permit holders who are in Singapore, with the agreement of their current employers within their own sectors. For transfers of Work Permit holders outside of the NCP (more than 40 days or less than 21 days to Work Permit expiry), companies which are either looking to release or hire workers can contact SBF ManpowerConnect by submitting an online form. If a suitable worker is found from the database, the hiring company should liaise directly with the worker’s current employer to obtain consent for the transfer of the worker’s employment.

This temporary scheme has been (currently) extended until 31 August 2021. (*) Another temporary arrangement allowing transfers across sectors was discontinued from 1 March 2021, in view of the low demand for such transfers.

In the construction sector, Singapore Contractors Association Ltd (SCAL) made a recommendation to temporarily suspend the non-consent period due to “adverse impact it has on the industry”. MOM did not adopt the recommendation however, and MOM has since issued an advisory on the rules on Change of Employer (COE). Under a new arrangement, each COE application during the non-consent period is referred to SCAL through the SCMx platform to facilitate, with the aim of giving the existing employer a chance to discuss and negotiate with their worker.

MOM also introduced a temporary quota system to limit the transfer of workers in the Construction sector who can transfer without consent by their current employers. This temporary quota system is effective from 1 March 2021 and will be reviewed on 31 May 2021.

<https://www.scal.com.sg/info-details/MOM-BCA-Advisory-Rules-on-Change-of-Employer/>

<https://www.scal.com.sg/info-details/ADVISORY-ON-THE-CHANGE-OF-EMPLOYER-SERVICE/>

<https://www.scal.com.sg/resources/ck/files/MOM%20Change%20of%20Employer.pdf>

<https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/hiring-existing-worker-in-construction-sector>

<https://www.sbf.org.sg/activities/manpowerconnect#:~:text=Jointly%20introduced%20by%20SBF%20and,thes e%20sectors%20to%20hire%20existing>

<https://www.mom.gov.sg/covid-19/frequently-asked-questions/temporary-scheme-to-help-businesses>

(*) Note: This is an exception to norm in which foreign construction workers have to be repatriated to their home country upon termination of their existing work permits. With “non-Malaysian” workers we understand this covers workers from NTS and NAS countries as well as PRC.

S Pass (Skilled workers) and Employment Pass holders

The prospective employer simply needs to apply for a work pass (S Pass or Employment Pass). There is no need for the employee to cancel their existing pass before doing so. Each application will be considered based on the merits of the case.

<https://www.mom.gov.sg/faq/s-pass/what-if-an-s-pass-holder-wants-to-change-employers>

<https://www.mom.gov.sg/faq/employment-pass/what-if-i-want-to-change-jobs-while-i-am-on-an-ep>

APPENDIX B: Job matching resources

This section aims to give clarity on SCAL, SCMx, FCWDS and Sama Jobs, each of which provides a job-matching services. None maintains a portal (by which we mean a site with a comprehensive listing of available jobs and interactive features allowing jobseekers to apply for jobs (e.g. Jobstreet.com.sg)

Singapore Contractors Association Limited (SCAL)

Singapore Contractors Association Limited (SCAL) aims to strengthen services in the building and engineering construction industry. Their mission is to advocate business-friendly practices, promote industry development, and foster a safe and productive work environment.

<https://www.scal.com.sg/vision-mission>

The SCAL Construction Manpower Exchange (SCMX)

SCAL is working with MoM to help construction companies hire foreign construction workers whose work permits have expired or been terminated by their previous employer and who are unable to return to their home countries due to COVID-19 travel restrictions. The SCAL Construction Manpower Exchange (SCMX) scheme is a temporary programme lasting six months (*) as announced in May 2020.

Companies wishing to release workers should fill in a form to inform MOM that they intend to release workers to be transferred to another prospective company locally. SCAL will then proceed to contact the worker within one week and match the worker with other companies who are looking to hire workers.

Companies wishing to hire these foreign workers should submit a Request to Hire form. Upon receipt, they will be matched with suitable employees and thereafter interviews can be arranged for respective parties.

<https://www.scmx.com.sg/>

<https://www.scal.com.sg/info-details/SCAL-Construction-Manpower-Exchange-Scheme-Change-of-employer-for-foreign-construction-workers-during-COVID-19/>

(*) Note: The SCAL Circular dated 12 May 2020 says that the SCMX scheme is a temporary programme lasting six months, which would have ceased to exist 12 November 2020. However, it appears to be still in place.

Foreign Construction Workers Directory System (FCWDS)

The Foreign Construction Worker Directory System (FCWDS) is a platform (*) which helps construction employers to hire existing skilled foreign workers.

<http://www.fcwds.com.sg/>

FCWDS was launched on 13th October 2015 at Build tech Asia 2015 by Aptiv8 Pte Ltd (an IT solutions provider) and supported by MOM (Ministry of Manpower) & IMDA (Infocomm Media Development Authority). According to Aptiv8 in 2020, FCWDS is being revamped and its name is changing to FWDS (Foreign Workers Directory System).

<https://aptiv8.com/foreign-construction-workers-directory-system-fcwds/>

There was also a Parliamentary question on FCWDS and Change of Employer Policy in 2019 as to whether FCWDS was going to be expanded to other sectors. The answer was there was no interest.

<https://www.mom.gov.sg/newsroom/parliament-questions-and-replies/2019/0307-oral-answer-by-mr-zaqy-mohamad-minister-of-state-for-manpower-to-parliamentary-question-on-fcwds-and-coe-policy>

(*) Note: The FCWDS main website basically has two functions: one for workers to register their interest to get a new job, and one for employers to source for foreign workers. It's unclear how the companies and especially the workers would find this platform.

SBF ManpowerConnect

Jointly introduced by SBF and the Ministry of Manpower (MOM) on 2 March 2020, SBF ManpowerConnect was set up as a temporary scheme to help companies in the manufacturing and services sectors to better manage their manpower needs in view of the COVID-19 situation by allowing companies in these sectors to hire existing Work Permit holders (WPHs) who are in Singapore, with the agreement of their current employers within their own sectors.

<https://www.sbf.org.sg/activities/manpowerconnect>

<https://www.sbf.org.sg/activities/manpowerconnect#:~:text=Jointly%20introduced%20by%20SBF%20and,the%20sectors%20to%20hire%20existing>

Sama Platform

Sama is a private-sector initiative building a digital recruiting platform (*) for migrant workers, starting with construction industry.

The Co-founder Kirtan Patel was inspired to start Sama last April after his conversations with migrant workers uncovered the recurring burden of high fees paid by workers in order to secure a job. Sama takes a fee of one month per year of the confirmed contract. This means that if a worker is placed into a job that pays S\$800 a month for a two-year contract, the fee would be S\$1,600.

The platform is fully licensed by the Ministry of Manpower (MOM).

<https://www.businesstimes.com.sg/garage/migrant-worker-recruitment-platform-sama-raises-us12m-from-collaborative-fund-3tvcp>

<https://sama.jobs/>

(*) Note: The Sama main website is simply one web page without providing any opportunity to get in touch with anyone. It's unclear how the companies and especially the workers would find this platform and even whether it is yet active.

APPENDIX C: Glossary

EA	Employment Agency
EP	Employment Pass
FW	Foreign Worker
IPA	In-Principle Approval
FCWDS	Foreign Construction Worker Directory System
MOM	Ministry of Manpower
NCP	Non-Consent Period - The period of 21-40 days before work permit expiry. The term is used by SCAL only, and not MOM.
NAS	North Asian Sources - Hong Kong, Macau, South Korea, Taiwan
NTS	Non-Traditional Source - India, Sri Lanka, Thailand, Bangladesh, Myanmar, Philippines
PRC	People's Republic of China
SBF	Singapore Business Federation
SCAL	Singapore Contractors Association Limited
SCMX	SCAL Construction Manpower Exchange
WP	Work Permit - Note that a term work pass means any type of work visa. Work Permit for foreign worker is a type of a work pass.
WPH	Work Permit Holder