



TRANSIENT WORKERS COUNT TOO

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*Protecting human rights during and after the COVID-19
Joint questionnaire by Special Procedure mandate holders*

Response to joint questionnaire of special procedures.

We are pleased to submit a response below. Unless describing pre-Covid context, our comments relate to the period after the first case of Covid-19 in Singapore, which was 23 January 2020.

01 About Transient Workers Count Too and further context

01.01 Transient Workers Count Too (“TWC2”) is a non-profit organisation in Singapore, independent of the government, with a mission focussed on low-wage migrant workers coming to work in Singapore. We provide assistance to migrant workers in need e.g. social work, legal support, medical support, food, housing and transport subsidies; and we also have an active advocacy wing – research, public communications, public engagement, and policy advocacy.

01.02 Singapore is a destination country for migrant labour from neighbouring countries such as Malaysia, Indonesia, India, Bangladesh, Philippines, China and Myanmar. Out of a total population of 5.7 million, about 1.0 million are low-wage migrant workers. Generally, they are all documented workers holding government-issued Work Permits. Undocumented workers are rare in Singapore.

01.03 Restrictions announced by the government during the Covid-19 pandemic seldom reference the authorising legislation behind them, thus making it difficult to trace the source of authority for

the announced measures. Generally speaking, it is likely that measures are based on the following laws:

- Covid-19 (Temporary Measures) Act 2020
- Employment Act
- Employment of Foreign Manpower Act
- Foreign Employees Dormitories Act 2015
- Immigration Act
- Infectious Diseases Act

Glossary

01.04 In this report the following abbreviations, initials and terms are commonly used and have meanings specific to the Singapore context:

Circuit Breaker – the official term for what is more or less a lockdown of the country with most shops, offices and construction sites closed, and public transport reduced. This term is used interchangeably with “lockdown”. The Circuit Breaker lasted from 7 April to 2 June 2020.

Dormitory – accommodation for migrant workers, almost always male only. In this report, the term “dormitory” is used to refer to all three kinds of mass housing for migrant workers:

- Large dormitories, often purpose-built and barracks-like, that house at least 1,000 residents per site;
- Medium dormitories, typically housing a few hundred residents per site, often converted from industrial buildings,
- Temporary quarters, typically built at construction sites to house workers close to the worksite.

Job mobility – the (still non-existent) right of migrant workers to seek and take up a new job after a previous job has ended without having to obtain permission from the previous employer or the government.

Lockdown – the period (7 April – 2 June 2020) when most shops, offices and construction sites were closed, and public transport reduced. The official term for this period is “Circuit Breaker”.

Migrant worker – in this report, we use this term to mean a low-wage worker from another country. Generally, we use this term to encompass both Work Permit holders and Special Pass holders together (see glossary entries below).

MOM – the initials for Ministry of Manpower.

Quarantine – in this report we use the word “quarantine” to mean restrictions and confinement imposed on individuals by law to prevent the spread of Covid-19. Quarantines can also be imposed indirectly on individuals through the gazetting of isolation orders on an entire dormitory, thus affecting all residents of that dormitory.

Quasi-quarantine – in this report we use the term “quasi-quarantine” to mean restrictions and confinement imposed on individuals without the issuance of a gazetted order, either through private action by dormitory operators or through government announcements such as when non-gazetted dormitories are ordered to observe the same degree of movement restrictions as quarantine-gazetted dormitories, or when construction workers staying outside of dormitories are confined to their rooms.

Rented quarters – accommodation for migrant workers who neither stay in dormitories or in their employer’s home (as domestic workers do). Rented quarters may be bedspaces, rooms or entire apartments and are generally paid for by the worker himself or herself though some employers do pay the rent for their workers.

Special Pass holder – a migrant worker who has lost his or her job but is allowed to remain in Singapore, typically because the individual has filed a salary, injury or other kind of claim and the claim is being processed. Special Pass holders would previously have held Work Permits (see glossary item below) but the permits may have lapsed or been cancelled, and they are put on Special Passes to legalise their continued stay. There are however small numbers of Special Pass holders who are awaiting conclusion of their court or police cases (e.g. because they are overstayers).

TWC2 – Transient Workers Count Too

Work Pass holder – a foreigner with a government-issued document permitting the individual to work in Singapore. The term “Work Pass” encompasses a variety of passes, e.g. Employment Passes, S-Passes and Work Permits, i.e. expatriate professionals, skilled semi-professionals and low-wage workers, but does not include Special Pass holders.

Work Permit holder – a migrant worker who holds a government-issued Work Permit which is a category of work pass with salaries under SGD \$2,400 per month (approx. US\$1,714 or €1,519 at 7 June 2020 exchange rates). This monthly salary is less than half the median monthly salary of citizens and permanent residents (approx. SGD \$4,600) and thus Work Permit holders are considered low-wage workers. See also “Special Pass holders”.

02 Common questions

Impact on human rights

02.01 **Topmost impacts.** The Covid-19 pandemic is creating numerous impacts on the human rights of migrant workers, especially as they form the demographic group with the highest Covid-19 incidence in Singapore and they are most severely affected by strict quarantine and quasi-quarantine measures. The topmost impacts are:

- Compromised salary during the lockdown with what appears to be government blessing;
- Severe and disproportionate confinement to dormitory rooms and rented quarters;
- Government-imposed obstacles to salary justice.

02.02 **Pre-existing shortcomings heightened.** In addition, the pandemic has heightened the debilitating effect of pre-existing shortcomings, such as:

- Work Permits tied to employers and lack of job mobility with only limited exceptions;
- Prevalence of high recruitment fees and relative government inaction on this front;
- Crowded dormitory housing bordering on the inhuman often with insufficient amenities.

02.03 **Government support to employers.** The government has instructed employers to ensure that migrant workers have accommodation and food during the lockdown, though **deficiencies are discussed in Section 04 (food) and Section 05 (accommodation) below.** The government extended financial relief to employers, notably a quantum of SGD \$750 per month¹, and issued a rather confusing advisory² that seemed to say that employers should use this quantum to pay for accommodation and food and whatever is left over should be given to workers **by way of or in lieu of salary.**

02.04 **Salary advisory inconsistent with law.** This advisory appears to be inconsistent with the Employment of Foreign Manpower Act which guarantees migrant workers their basic monthly salary whether or not there is work for the employee to do. The remaining amount from the SGD \$750 after accommodation and food expenses is unlikely to be anywhere close to what a worker would have been promised in his contract as basic salary. Albeit that the advisory urges employers to seek consent of workers for reduced salary, in effect, workers' freedom to withhold consent is constrained when Work Permits are tied to employers.

¹ Subject to various conditions, e.g. workers not working because of quarantine, etc.

² Ministry of Manpower: Advisory on salary and leave arrangements during Circuit Breaker <https://www.mom.gov.sg/covid-19/advisory-on-salary-and-leave> accessed 31 May 2020.

02.05 **Summary use of leave entitlements.** Moreover, the advisory permits employers to apply annual leave and sick leave to quarantine periods thus depriving workers of the true leisure or rest value of these entitlements.

02.06 **Unpaid and confused.** TWC2 has received numerous calls from workers reporting that they have not received their expected salaries and are confused about their entitlements.

02.07 **Quarantine and severe restriction on movement even within dormitories.** As more and more Covid-19 infections were found among migrant workers, affected dormitories were gazetted as isolation areas (quarantined) and workers staying there were required to remain in their rooms for typically 22 or 23 hours a day. Not only is this **severe confinement**, it should also be considered that generally, dorms pack 10 – 20 men to a room. There is very little personal space, a complete **deprivation of privacy** and these have **consequential effects on physical and mental health**. **Additional comments about dormitory conditions under Covid-19 can be found in Section 05 below.**

02.08 **Quasi-quarantined.** By late April, all dormitories were either gazetted as isolation areas (quarantined) or put under similar restrictive conditions (quasi-quarantined). All construction Work Permit holders living outside dormitories were also confined to their rented rooms. In all, TWC2 estimates that **about 300,000 men were affected by quarantine and quasi-quarantine measures.**

02.09 **Prison-like.** While such drastic measures might have been understandable in the lockdown and short term, a recent announcement by the government³ extends many of these measures indefinitely even as the rest of Singapore enjoy a gradual lifting of the lockdown after 2 June 2020. In fact, the plans announced for getting dormitory residents (mostly construction workers) back to work, to be implemented in phases from June 2020 onwards, and then indefinitely after, still contain serious violations of freedom of movement. These plans will continue to put migrant workers in **prison-like conditions and used like prison workgangs. They are described in greater detail in Section 10, paragraphs 10.14 and 10.15.**

02.10 **Disproportionate and discriminatory.** In the light of a falling number of cases and a comprehensive testing programme for migrant workers in dormitories (**see also paragraphs 02.25 and 02.33 below**) these continued rules are disproportionate and discriminatory. There is no good justification to keep movement controls over migrant workers who have already been cleared of Covid-19, over and above the safe distancing measures that Singapore citizens are asked to abide by.

02.11 **Salary claim processes possibly undermined.** Government processes and the State Courts' tribunals for salary claims were suspended through April and May during the lockdown. With a gradual re-opening from 2 June 2020, these processes are being re-activated. However, TWC2 is receiving reports from migrant workers that they may be repatriated before their cases are

³ Ministry of Manpower: Advisory to employers on safe living measures for foreign worker dormitories, <https://www.mom.gov.sg/covid-19/advisory-to-employers-on-safe-living-for-foreign-worker-dormitories> accessed 31 May 2020

concluded, thus jeopardising their rights. **This issue will be described in greater detail in paragraphs 02.82 to 02.86 below.**

02.12 Vulnerability to exorbitant recruitment fees. Should Covid-19 be followed by an economic recession as seems likely, TWC2 is concerned that laid-off workers will face exorbitant demands for recruitment fees when looking for new jobs. Singapore does not offer migrant workers a right to job mobility. The prevailing policy is one where change of employer is disallowed unless certain limited conditions are met. This starting point has meant that over the years, no transparent and above-board marketplace for job vacancies has developed. Instead, as TWC2's research has found, a large majority of workers rely on unlicensed intermediaries for information and connections to jobs⁴. Operating outside the law, and with the benefit of information asymmetry, intermediaries' charges are high.

02.13 A history of neglect re unlicensed intermediaries. Related to paragraph 02.12 is the relative inaction of the Singapore government towards unlicensed intermediaries – even those operating with near impunity in Singapore. As a result of high recruitment fees charged, workers who have not yet recovered from earnings what they have sunk in to “buy” their jobs feel they have to be subservient to their employers for fear of being terminated. For example, many, despite not receiving their full salaries during the lockdown, would **prefer to forgo the loss rather than assert their rights**. Furthermore, as jobs become scarcer, TWC2 is concerned about **escalation of recruitment fees**.

02.14 Risk that restrictions and discriminatory rules and processes become institutionalised. It is too early to say what the long-term impact of Covid-19 will be. It is within the realm of possibility that many of these Covid-19 measures may be institutionalised for a longer period, becoming the new normal.

02.15 No prior human rights impact assessment. TWC2 has seen no evidence that any of the above Covid-19 measures have been subject to prior human rights impact assessment.

Statistical information

02.20 93% of Covid-19 cases found in worker dormitories. As at 31 May 2020, Singapore had 34,884 cases⁵ of Covid-19. A huge majority (93%) of cases were detected in migrant workers staying in worker dormitories⁶ that house them by the hundreds or thousands. Of the one million migrant workers in Singapore, a reported 323,000 stay in these dormitories (see glossary for definition) and although no disaggregated official statistics have been released, TWC2's observation is that they are

⁴ Transient Workers Count Too, 27 May 2019, More of here, less of there, <http://twc2.org.sg/2019/05/27/more-of-here-less-of-there-increase-in-repeat-workers-and-fat-profits-for-the-underground-job-broker-in-singapore/>

⁵ Data updated daily at a Ministry of Health webpage <https://www.moh.gov.sg/covid-19>

⁶ Running total compiled by TWC2 based on daily media reports

almost all male and mostly from India and Bangladesh. These workers are mostly construction or shipyard workers.

02.21 Incidence rate over 10% in dormitories. Among dormitory residents, the Covid-19 incidence rate was over 10% as at 31 May 2020 by TWC2’s own statistics collated from media sources. For the population not staying in dormitories – citizens, foreign domestic workers, other migrant workers staying in rented quarters – the incidence rate was only 0.04%.

02.22 Mostly Indian and Bangladeshi male adults. Thus, in Singapore’s case, Covid-19 disproportionately affected migrant workers assigned to dormitory accommodation. They are nearly all male, of adult age but unlikely to be over 50, and mainly from India and Bangladesh.

02.23 Density of living spaces identified as major risk factor. By now it is commonly accepted that the high density at which migrant workers live together in dormitories promotes viral transmission. While attempts have been made to move some workers out of dormitories, TWC2 has not seen easily comprehensible data as to the numbers relocated. In any case, it is a fluid number, as new infections are discovered and patients moved to hospital. In general, our view is that so far only three groups have been moved out into hospitals or alternative lodgings: those infected, those exposed and workers in essential sectors. Our sense from looking at the estimated numbers of these groups is that **density in the dormitories has not consequently been reduced by more than 15 percent**. Migrant workers in dormitories continue to be at risk from having to live at close quarters with each other.

02.24 Reshuffling by Covid status. The government has announced a comprehensive testing programme to get all dorm residents tested. Their housing arrangements will be reshuffled, segregating them by their Covid status which will likely offer better protection. **This is discussed in greater detail in paragraphs 05.14 and 05.15.**

02.25 Testing coverage. Despite concerted efforts by TWC2 to track testing numbers, we are unable to confidently provide an assessment of the situation affecting migrant workers. Primarily this is because the government has not released longitudinally consistent testing data nor numbers disaggregated by demographic group, though a media report ([see paragraph 02.26 below](#)) does provide a snapshot. TWC2’s sense is that the testing rate among migrant workers lagged behind needs as infections skyrocketed; the reasons for that remain unclear.

	As at 7 April 2020	As at 4 May 2020	As at 1 June 2020
Total swabs tested since Day 1	72,680	175,604	408,495
Total swabs as % of total population	1.3%	3.1%	7.2%
Total unique persons swabbed	47,486	123,525	264,393
Total unique persons swabbed as % of total population	0.8%	2.2%	4.6%

02.26 **Disproportionately few tests on migrant workers.** Although infections among migrant workers in dormitories make up 93% of Covid-19 cases, only about 50% of tests have been conducted on them. It was reported in the media that as at 1 June 2020 when 408,495 swabs had been tested, 202,000 were done on the “community population” a classification that excludes migrant workers. This means only about 206,000 (50.5%) swabs from migrant workers in dormitories had been tested⁷.

02.27 **Declining trend of new infections.** From a high of 1,426 new cases on 20 April 2020 (of which 1,369 were dorm residents)⁸, new cases have generally come down to the hundreds daily. It is expected to fall below 100 per day by late June⁹. Most cases are still from dormitories.

02.28 **Total cases and recovery rate.** As at 31 May 2020, roughly two in three cases have been discharged.

	No. of patients	No. of patients
Deaths		23
Hospitalised (critical)	8	
Hospitalised (stable)	313	
In Community facilities*	12,841	
Subtotal: Active cases	13,162	13,162
Discharged		21,699
TOTAL		34,884

*Community facilities are for patients who are clinically well but still test positive for Covid-19.

02.29 **Only one migrant worker fatality so far.** Mortality is low; there have only been 24 deaths linked to Covid-19 complications as at 31 May 2020. Only one of them (the 24th fatality) was a migrant worker, a 51-year-old man from China who was also suffering from lymphoma¹⁰. Due to late reporting his death is not included in the table above.

Protection of various groups at risk and indigenous peoples

02.30 **Appropriate, free medical care.** Although there were a number of teething problems, on the whole migrant workers who have fallen ill with Covid-19 have received appropriate medical care.

⁷ Channel NewsAsia, 4 June 2020, More than 408,000 COVID-19 tests conducted in Singapore,

<https://www.channelnewsasia.com/news/singapore/covid-19-tests-singapore-community-population-408000-12804984>

⁸ Straits Times, 20 April 2020, 1,369 of the 1,426 coronavirus cases confirmed in S'pore are foreign workers living in dormitories <https://www.straitstimes.com/singapore/1426-new-coronavirus-cases-in-spore-in-new-daily-high>

⁹ Straits Times, 27 May 2020, Daily Covid-19 cases in dorms likely to fall below 100 in three to four weeks' time <https://www.straitstimes.com/singapore/health/daily-covid-19-cases-in-dorms-likely-to-fall-below-100-soon>

¹⁰ Channel NewsAsia, Chinese migrant worker who died of Covid-19 was family's sole breadwinner, 2 June 2020.

<https://www.channelnewsasia.com/news/singapore/chinese-migrant-worker-covid-19-death-sole-breadwinner-12797198>

They do not have to bear the cost of treatment. A statement on the Ministry of Manpower's website says:

The Government will cover the cost of inpatient COVID-19 treatment at public hospitals for all long term pass holders, including work pass holders, holders of In-Principle Approvals (IPA), Letters of Eligibility (LOE) and temporary work permits (TWP).

Source: Ministry of Manpower, FAQs on eligible claims and medical benefits¹¹

02.31 Prevention measures severely compromised human rights. Protection from infection, however, has taken a form that is severely restrictive of human rights, particularly confinement to dorm rooms for two months already, and which may last for two or three months more in some cases where dormitory blocks continue to have new cases or are classified as “not yet cleared”. See [paragraph 05.14 and more discussion in Section 10](#).

02.32 Domestic workers largely confined in employers' homes. Since the beginning of the pandemic, employers of foreign domestic workers have been encouraged by the government to keep their domestic workers in the home even during their rest days¹². Consequently, these domestic workers may feel obliged to continue to do work through their rest days. In any case, the mental toll of having to stay with an employer for months on end with little opportunity for privacy, “alone time” or outside leisure seem not to have been taken into consideration.

02.33 Testing and other costs. TWC2 has seen complaints on social media from employers about having to pay for testing, following the announcement that even when construction workers are allowed to return to work, they will have to be swab tested every two weeks. The government announced that they will bear the costs of tests only until the end of August 2020¹³. There are also complaints from employers about the extra costs from newly announced requirements that have to be implemented before construction work can resume¹⁴. There is thus a risk that employers may seek to recover the cost of testing through manipulation of salary.

Social Protection

02.40 Salary insecurity heightened by government advisories. Based on reports from migrant workers to TWC2, salary insecurity is the biggest worry they have. Yet, instead of underlining their

¹¹ Ministry of Manpower, FAQs on eligible claims and medical benefits, <https://www.mom.gov.sg/covid-19/frequently-asked-questions/eligible-claims-and-medical-benefits>, accessed 1 June 2020.

¹² Ministry of Manpower: Advisory – Foreign domestic workers should stay at home on rest day <https://www.mom.gov.sg/covid-19/advisory-fdw-stay-home-on-rest-day> accessed 2 June 2020.

¹³ Today Online, 27 May 2020, Government to waive swab test costs for construction workers until August, <https://www.todayonline.com/singapore/government-waive-swab-test-costs-construction-workers-until-august>

¹⁴ Straits Times, 5 June 2020, Firms worried about higher costs with safe distancing rules, <https://www.straitstimes.com/politics/firms-worried-about-higher-costs-with-safe-distancing-rules>

rights and entitlement to salary, as provided by the Employment of Foreign Manpower Act, the Ministry of Manpower has issued advisories that have the effect of undermining these rights, **as discussed in paragraphs 02.04 and 02.06 above.**

02.41 Financial relief for employers. Financial support given by the government to employers of migrant workers seemed aimed mainly at making sure that employers have the means to provide accommodation and food through the lockdown. This is largely effective, though there have been complaints about the cultural appropriateness and quantity of meals supplied.

02.42 Rental defaults. A letter to the press by the president of the Dormitory Association of Singapore revealed that some 60% of employers are in default of dorm rental payments¹⁵, putting housing for migrant workers in jeopardy.

02.43 No state-funded social safety net for unemployed migrant workers. Looking ahead at possible lay-offs, it is noted that Singapore does not have any state-funded social safety net for unemployed migrant workers. Repatriation within a week is the preferred mode of dealing with the issue, unless the worker has a valid claim filed with the Ministry of Manpower. Even then, **as described in paragraphs 02.82 to 02.86 below**, these processes and the right to remain till the case is concluded have been compromised by the latest (unannounced) policy measures.

Participation and consultation

02.50 Virtually all directions have been top-down. Virtually all measures implemented in response to Covid-19 have been top-down directions from the government. Exactly how these decisions were arrived at is hard to say because of the lack of transparency about process. While there are indications that scientific experts have been consulted, TWC2 has seen no evidence that non-governmental stakeholders such as employer associations, dormitory operators' associations or civil society have been consulted.

02.51 No institutionalised processes. Singapore has very few institutionalised processes for public or civil society consultation, so the top-down approach adopted during Covid-19 would not have compromised these anyway absent processes.

02.52 No consultation re re-opening measures. Likewise, measures for re-opening have been top-down. In a recent speech in Parliament, Member of Parliament Lee Bee Wah criticised the Ministry of Manpower for high-handed policy making with no consultation, creating huge difficulties for construction companies hoping to resume work on their projects¹⁶.

¹⁵ Straits Times Forum, 2 June 2020, Not all rosy for dormitory operators, <https://www.straitstimes.com/forum/forum-not-all-rosy-for-dormitory-operators>

¹⁶ Channel NewsAsia, 4 June 2020, Lee Bee Wah on Fortitude Budget, <https://www.channelnewsasia.com/news/parliament/videos/june/lee-bee-wah-on-fortitude-budget-12804314>, (the relevant part of the video starts at 3min 50secs). See also Mothership, 4 June 2020, Lee Bee Wah: Contractors frustrated

Awareness raising and technology

02.60 **Posters distributed.** Before infections exploded in worker dormitories, prevention and hygiene information was quite widely disseminated to migrant workers through posters.

02.61 **Emphasis on rules and penalties.** However, once the flurry of quarantine lockdowns began, communication from the government tended to be with respect to rules and penalties, rather than be of an infection-prevention and educational nature. In any case, TWC2 has not had many reports of such messaging. As for why we have so few reports, it could be that there are not many of such messages or workers are not receiving them for reasons of technology access.

02.62 **Workers have difficulty using technology during quarantine and lockdown.** During the lockdown, and while dormitories are quarantined, government officials trying to progress claims (that had been filed prior to the lockdown) find themselves having to use phone apps and email to communicate with workers. Not all workers find this approach user-friendly, for a number of reasons, including:

- Their phone cards have no more value and they are unable to purchase top-ups from within their quarantined dorms,
- The dorms do not have wifi, or wifi bandwidth or coverage is so poor it is practically useless,
- Workers are unfamiliar with the apps,
- Worker struggle with written English.

02.63 **Assistance to workers compromised.** As a result of these difficulties in using technology, workers risk not getting the help they need from the authorities or from NGOs.

02.64 **Quarantine orders issued in English.** Formal quarantine orders issued to migrant workers who test positive or who have been exposed to others who have tested positive have all been in English. It is unlikely that workers can fully comprehend the detailed text. If there is no one to explain the restrictions to them, they run the risk of inadvertently violating a quarantine condition and may be penalised for that.

02.65 **Severe penalties for quarantine violations.** The government has announced that any Work Pass holder found to be violating quarantine will be permanently barred from working in Singapore. **See also paragraph 02.88 below.** We consider this disproportionate especially as the notification process (02.64 above) is problematic.

over new regulations before they can resume work, <https://mothership.sg/2020/06/lee-bee-wah-construction-industry-support/>

02.66 **Salaries to be paid electronically; difficulty in opening bank accounts.** The government announced that starting April 2020 – the first month of lockdown – all employees in dorms should be paid their salaries electronically via GIRO or bank transfer¹⁷. The same announcement also mentioned that around 30% of dorm-resident employees have not previously been paid electronically and therefore urgent steps had to be taken by employers to open bank accounts for them. TWC2 received a number of reports from workers that indicated that employers had difficulty opening bank accounts for them in the middle of a lockdown and in a short period of time, and as a result many workers did not get their salaries on time. However, we expect that with time, this problem will be solved.

Phone communications and Internet

02.70 **Phone and internet critical as communication channels.** Workers in quarantined and quasi-quarantined accommodation depend on phone and internet communication to obtain news and information and maintain contact with families, friends, employers, NGOs and government authorities. Obvious though this may be, there have been little attention by the government to ensuring that migrant workers have viable phone and internet access, even as government officials themselves (such as contact tracers) rely on these channels to reach migrant workers.

02.71 **Insufficient wifi in dormitories.** The lockdown revealed that many dormitories do not have wifi installed with sufficient bandwidth for the population staying there or sufficient coverage of all floors and rooms. The government instructed all dormitory operators to ensure that wifi be available, but in the middle of a quarantine (when technicians cannot enter the premises), and at such short notice, this has not been practical. No other idea has been proposed to solve the problem.

02.72 **Unable to go out to purchase phone top-ups; no government support.** Migrant workers confined to quarantined dormitories cannot go out to purchase phone top-ups, without which phone communication will cease for many of them; internet communication too in the absence of wifi. It has been charities, (including TWC2¹⁸), and telcos that have stepped into the breach to give out free top-ups. We have not observed any action by the government to provide support in this area.

Accountability and justice

02.80 **No safeguards, no statistics.** Singapore does not have independent national human rights institutions, ombudspersons, or anti-discrimination bodies. There are thus no regularly-published statistics on complaints received.

¹⁷ Ministry of Manpower, 11 April 2020, Advisory on salary payment to foreign workers residing in dormitories <https://www.mom.gov.sg/covid-19/advisory-on-salary-payment-to-foreign-workers>

¹⁸ Transient Workers Count Too, 27 May 2020, \$1 million spent helping over 90,000 migrant workers remain connected with their families, <http://twc2.org.sg/2020/05/27/1-million-spent-helping-over-90000-migrant-workers-remain-connected-with-their-families/>

02.81 **No judicial review of emergency decisions.** TWC2 has not come across any review of emergency regulations or administrative decisions by the courts.

02.82 **Due process for salary claims at risk of being undermined by repatriation.** With the gradual lifting of the lockdown starting 2 June 2020, salary claim cases that had been filed prior to the lockdown are being reactivated after being held in limbo for the two months of the lockdown. TWC2 is concerned to learn that, with reactivation, there has possibly been a change in policy (though unannounced) affecting workers' right to stay in Singapore till the conclusion of their cases. We believe this undermines due process for them.

02.83 **The normal salary claims process.** For the purpose of context, it may be worthwhile to outline here the process as provided by the Employment Claims Act for salary claims. There is first to be an attempt at mediation between employer and employee, overseen by the Tripartite Alliance for Dispute Management (TADM). If a settlement can be reached, a Settlement Agreement is signed, which can be registered with the State Courts for enforcement purposes if necessary. If no settlement is reached, the case is referred to the Employment Claims Tribunal, a unit of the State Courts. There, the matter is adjudicated and the magistrate would issue an Order of Tribunal as the outcome.

02.84 **Special Pass for workers to allow them to stay on.** Typically, employees who have lodged salary claims against their employers find their Work Permits cancelled, which employers can do at will. Pre-Covid, claimants are then put on Special Passes to legalise their continued stay in Singapore till the conclusion of their cases, though Special Passes forbid them from new employment.

02.85 **Progress on cases largely suspended during lockdown.** The Employment Claims Tribunal was effectively suspended from 7 April 2020 to 2 June 2020 due to the nation-wide lockdown. The administrative processes at the Ministry of Manpower and the Tripartite Alliance for Dispute Management slowed to a crawl as a consequence of work-from-home policies. The effect has been that complaints filed by workers prior to the lockdown have been in limbo for two months, prolonging uncertainty and jeopardising the social support that ex-employers would normally be expected to extend to these complainants. It is a bit too early to say whether there will be a concerted effort to catch up on these cases upon the lifting of the lockdown.

02.86 **Repatriation before conclusion of cases.** With the re-opening, TWC2 has heard distressing reports from workers that they are being advised by TADM officials to accept whatever settlement offer employers may put on the table. If not, they will be repatriated. Although officials also tell workers that if no settlement is reached, their cases will be referred to the Tribunals – which is the expected next step – they are also told that due to backlog¹⁹, Tribunal dates are several months away. Workers can return to attend Tribunal hearings – and TWC2 has heard unofficially that the

¹⁹ TWC2 has heard from unofficial inside sources that there is in fact no appreciable backlog of cases and that officials' mention of this as reason for repatriation may thus be misleading.

Ministry of Manpower will require employers to provide return air-tickets to enable them to do so -- but so many other details remain uncertain that this assurance may mean much less than it appears. For example, it is not clear if workers will be entitled to an entry visa from the Immigration authorities when the time comes, whether they will be subject to quarantine on arrival, who will pay for their housing and food during that stay, and whether the visa period will be long enough to see proceedings through to conclusion. Absent these assurances, workers' right to salary justice will be seriously degraded.

02.87 No sign of expanded capacity at the Employment Claims Tribunal. Although the backlog may be real, TWC2 has seen no evidence of any plan to increase capacity at the State Courts to handle salary claims expeditiously and clear the backlog. There seems to be a reliance on repatriation to discourage pursuit of claims.

02.88 Permanent ban on quarantine and lockdown violations. Migrant workers caught flouting quarantine and lockdown rules have been summarily and severely dealt with through a permanent ban on working in Singapore²⁰. Being administrative decisions based on immigration law, it will be extremely difficult to challenge them through the judicial system.

03 Questions by the Special Rapporteur on extreme poverty and human rights

03.01 Migrant workers can be classed as a community in poverty. Being among the lowest-paid people in Singapore, with most earning less than 20% of the median monthly income of Singapore citizens and permanent residents, migrant workers can be classed as a community in poverty.

03.02 The state does not provide any social security floor for this community. Instead, the subsidiary legislation under the Employment of Foreign Manpower Act requires employers (and ex-employers) to provide "upkeep and maintenance" to migrant workers who are out of work. Enforcement of these legal obligations have always been patchy, and with the slowing of government mechanisms during the lockdown, it has become even less reliable.

03.03 No improvement with recovery. No part of any recovery plan announced to far changes this principle of the state not providing a social security floor for migrant workers. No part of any recovery plan announced so far enhances the social security to be provided by employers and ex-employers.

²⁰ Yahoo News. 13 April 2020, 24 foreign workers permanently banned for flouting circuit breaker measures, <https://sg.news.yahoo.com/covid-19-24-foreign-workers-permanently-banned-for-violations-of-circuit-breaker-measures-122936433.html>

03.04 **No participation by the vulnerable community.** There has been no announcement so far of any mechanism to allow migrant workers to participate in the design, implementation and assessment of economic recovery plans.

04 Questions by the Special Rapporteur on the right to food

04.01 **Two migrant worker groups substantially affected by food concerns.** There are two migrant worker constituencies affected by food issues during the pandemic. They are those staying in dormitories under quarantine or quasi-quarantine and those on Special Passes staying in rented quarters.

04.02 **1st group: Those in dormitories.** The first constituency would be those migrant workers living in dormitories (approximately 300,000 of them) placed under quarantine or quasi-quarantine. Even as the lockdown is lifted for the rest of Singapore, these dormitories continue to be severely restricted as they are perceived to be loci of Covid-19 transmission. Dormitory residents, even when allowed to go out to work, are expected to be transported back to dormitories after their shifts and kept in the dormitories during their off-duty hours, **as mentioned in Section 10, paragraphs 10.14 and 10.15.** Being confined thus, they lose their autonomy over food.

04.03 **For dormitories under quarantine or quasi-quarantine, all meals must be catered.** The Ministry of Manpower has directed that employers be responsible for ensuring that workers staying in dormitories be adequately supplied with food, but for thousands of workers **their employers have failed to do so.** Instead, charities have had to step into the breach to ensure that workers in dormitories are fed²¹. Except for during the first few days of the lockdown, there are no reports of the government providing food assistance, and even those reports may be misleading in that the government appeared to be taking credit for food distribution when its role was merely one of coordination rather than supply.

04.04 **Workers' experience of catered meals vary considerably.** Since meal supply and organisation is so decentralised, there are have been varying reports of insufficient quantity, dubious quality and cultural inappropriateness, though the extent of these problems is hard to measure. More significantly, **there is an almost complete absence of choice.** It is unhelpful to mental health to have to eat whatever is given day after day for months on end.

²¹ Reuters.com, 23 April 2020, Pastor helps keep Singapore's migrant workers fed during COVID-19 lockdown, <https://www.reuters.com/article/us-health-coronavirus-singapore-migrants/pastor-helps-keep-singapores-migrant-workers-fed-during-covid-19-lockdown-idUSKCN22505D>

04.05 **2nd group: Special Pass holders.** The second constituency badly affected by food issues during the lockdown and even post-reopening would be those migrant workers who have lost their jobs and are on Special Passes. Under the Employment of Foreign Manpower Act, their ex-employers are supposed to provide but many fail to do so especially as their relationships with their former employees may be strained, since these former employees would have filed salary or injury claims. Going forward, it is possible that many ex-employers will themselves be in financial difficulty due to an economic recession and may not have the means to provide.

04.06 **Relying on charity.** Many of these unemployed migrant workers have to rely on charity for meals. The government provides no direct or indirect assistance beyond reminding employers of their obligation (seldom effective). Charities themselves depend on funding from the public and cannot be expected to provide food security in the absence of state-organised measures.

04.07 **Food security has always been precarious for Special Pass holders; with Covid-19, made precarious for Work Permit holders too.** The bottom line is that by adopting the principle that it is the employer and not the state that is responsible for the social security of migrant workers, social security for them including food security is thus placed on a precarious footing. It has long been so for Special Pass holders, but in difficult times, such as Covid-19 and the recession to come, access to food can be seriously impaired even for Work Permit holders especially when movement controls are also imposed.

05 Questions by the Special Rapporteur on the right to adequate housing

05.01 **Numbers.** In terms of housing, migrant workers can be considered to fall into four groups. In approximate numbers,

- 320,000 (32%) live in dormitories (including temporary dormitories),
- 250,000 (25%) are domestic workers and live with their employers,
- 280,000 (28%) live in rented quarters,
- 150,000 (15%) do not live in Singapore but commute daily from Malaysia.

05.02 **Those in dormitories.** Those living in dormitories do not face housing insecurity, although movement restrictions are severe as [discussed in paragraphs 02.07 to 02.09 and in Section 10](#).

05.03 **Domestic workers** also do not face housing insecurity, though having to live with their employers with little opportunity to go out imposes considerable psychological stress. [See paragraph 02.32 above](#). However, if a dispute arises between a domestic worker and her employer and she has

to leave the employer's home, housing insecurity is suddenly an issue. This however is not a particularly Covid-related risk.

05.04 Special Pass holders in rented quarters - evictions. TWC2 has received reports from workers in the third group, living in rented quarters, of evictions by private landlords. Unfortunately, there are no public statistics to this. Motivations of landlords are also unclear, and may be related to the possibility that the tenants are in rent default, but landlords may be concerned about inspections by government officials now extremely strict about social distancing and the maximum number of tenants within any given space.

05.05 Special Pass holders – difficulty in finding alternative accommodation. For possibly similar reasons, these persons in the third group have difficulty finding new accommodation. TWC2 has received reports that landlords, even when they have available space, are reluctant to take in new tenants because of the uncertain Covid-19 status of interested new tenants. Attempts to house these newly-homeless migrant workers in hotels have also proven largely unsuccessful.

05.06 Malaysians on daily commute. Pre-Covid, about 100,000 – 150,000 Malaysian Work Permit holders commute daily from Malaysia into Singapore to work. When Malaysia imposed its movement control order on 16 March 2020 with only about 24 hours' notice, many were stuck in Malaysia with no way to enter Singapore. Those who chose to rush into Singapore to beat the deadline were unable to return to their homes in Malaysia and had to seek urgent accommodation in Singapore. Mostly, it was their employers and workmates who helped find solutions, but the government also organised a task force to secure accommodation in hotels and dormitories for them²². However, the **government's initially-announced financial support was withdrawn within two weeks**²³. Ultimately however, media reports suggest that only a minority of the estimated 100,000 to 150,000 daily commuters were in Singapore through the lockdown, though TWC2 has seen no actual statistics.

05.07 Those who test positive for Covid-19. Migrant workers who test positive for Covid-19 are taken immediately to hospital or to temporary Community Care Facilities if their symptoms are mild or they are clinically well. After a week or two when they are clearly on the way to recovery, they are transferred to Community Recovery Facilities²⁴. These two types of facilities were urgently created out of exhibition centres, sports centres, hotels, cruise ships, army barracks and similar short-term options. Migrant workers do not have to pay for their accommodation or food at hospitals or at the step-down facilities, nor for treatment (see paragraph 02.30 above).

²² Straits Times, 20 March 2020, MOM helps stranded workers find lodging,

<https://www.straitstimes.com/singapore/manpower/mom-helps-stranded-workers-find-lodging>

²³ Yahoo News, 25 March 2020, MOM not extending housing support to firms with Malaysian workers beyond 31 March, <https://sg.news.yahoo.com/covid-19-mom-not-extending-housing-support-to-firms-with-malaysian-workers-beyond-31-march-153156098.html>

²⁴ Ministry of Health, 28 April 2020, Comprehensive Medical Strategy for Covid-19, <https://www.moh.gov.sg/news-highlights/details/comprehensive-medical-strategy-for-covid-19>, accessed 4 June 2020.

05.08 **Conditions in dormitories.** For completeness' sake, even though workers staying in dormitories are not at immediate risk of eviction, conditions within should be reported as they raise questions about adequacy. Furthermore, since workers have no choice of accommodation but are directed to dormitories by their employers, so the inappropriateness of dormitory living is not a matter of choice for them, but one of sufferance. The key issues complained of by workers are:

- Density – often 12 – 20 men packed into a room, in double-decker beds usually no more than one metre apart;
- Poor ventilation;
- No space provision for laundry drying, so damp clothes and towels are often hung up beside their beds making the air humid and uncomfortable;
- Inadequate ratio of toilets and showers to men, pre-Covid, the ratio was 15 men to one set of toilet & shower amenities;
- Quite common to hear that there are no cooking facilities in the room though some dorms have communal cooking halls downstairs;
- Where they are unable to cook for themselves, they have to put up with whatever meals are catered;
- Poor wifi coverage and bandwidth;
- Distance from downtown, necessitating long journeys when meeting friends or visiting banks or remittance agents.

05.09 **During Covid-19, dorm conditions made worse by restrictions.** When dorms are put under quarantine or quasi-quarantine, the inadequacies of dorm conditions are magnified. For example:

- Density makes the risk of virus transmission very high;
- Confining men to their rooms (without even the liberty to move around the dorm complex except for 1 – 2 hours a day) further increases the risk of infection from a roommate and also has effects on mental health;
- Where dorms are designed barracks-like with communal bathrooms, men are rostered as to when they can use the bathrooms (to avoid intermingling) thus imposing great inconvenience on them;
- No cooking allowed, not even in communal kitchens, thus they only have catered meals which may not be to their taste;
- Unable to leave the dorm to purchase necessities from outside;
- If wifi is poor, have to rely on the remaining value in one's phone, but cannot go out to get value topped up.
- Difficulty in accessing ATMs and remittance agencies if these facilities are not inside the dorm complex.

05.10 **New dorm standards.** On 1 June 2020, new standards for dormitories were announced, as was a program for adding dorm capacity²⁵. The key features of the new standards are:

- Minimum floor area per resident to be increased from the current 4.5 square metres per person to 6.0 square metres per person;
- No more double decker beds, only single-decker beds allowed;
- Ratio of residents to toilets and showers improved from 15:1 currently to 5:1;
- No more communal bathrooms;
- Maximum number of residents per room to be ten whereas currently there is no maximum.

05.11 **New standards a move in the right direction.** TWC2 welcomes the new standards though we would have liked to see 7.5 square metres per person, a bathroom ratio of 4:1, and maximum occupancy of eight persons per apartment. We would also have liked to see provision of a small kitchen in each apartment so that resident can cook for themselves to their taste.

05.12 **Additional dorm capacity (or at least floor space).** The government recently announced a two-stage plan to add dorm capacity. Additional floor space will permit safer distancing in living spaces. In the first stage, unused buildings will be converted into temporary dormitories, and some other “quickbuild” buildings erected for the same purpose. This will provide 60,000 bedspaces. In the second stage, eleven new dormitories will be built, able to house 100,000 workers²⁶. This is expected to take 2 – 3 years. With the additional capacity available, existing dormitories can then be converted and raised to the new standards. The modalities of who will build or operate the new dorms have not yet been clarified, nor whether the existing dorms will get financial support for retrofitting improvements.

05.13 **Dorms built like internment camps.** Government regulations for dormitories lead dormitory operators to build them like internment camps with barbed-wire fencing, entry and exit control and surveillance cameras. Such security measures are disproportionate and have a tendency to instil the notion of migrant workers as risks to law and order. Even if, in normal times, there is no serious restriction to their movements, they impinge on their privacy and are an affront to their dignity.

05.14 **Reshuffling workers’ accommodation during re-opening.** To enable the resumption of construction work, and since there is a close correlation between construction workers and dormitory residents, the government has announced a complicated plan to reshuffle workers around the various dormitories by their Covid-19 status. Dormitories and blocks within dormitories will progressively be declared as “cleared blocks” which will house workers who have either recovered from Covid-19 or tested negative. These workers will be permitted to go out to work. Those still

²⁵ Ministry of Manpower, 1 June 2020, Joint MND-MOM Media Release on New Dormitories with Improved Standards for Migrant Workers, <https://www.mom.gov.sg/newsroom/press-releases/2020/0601-joint-mnd-mom-media-release-on-new-dormitories-with-improved-standards-for-migrant-workers>, accessed 7 June 2020.

²⁶ Straits Times, 1 June 2020, Govt to build 11 dorms in next 2 years; temporary spaces for 60,000 workers ready by year-end, <https://www.straitstimes.com/singapore/11-dorms-to-be-built-by-govt-in-next-2-years-for-100000-workers-temporary-spaces-for-60000>

waiting to be tested and staying in blocks not yet “cleared” will remain in quarantine or quasi-quarantine. It may take up to three months to test all 285,000 construction workers.

05.15 Employers sometimes do not know where their employees have been moved to. TWC2 has seen complaints by employers on social media about not knowing where their employees have been moved to by the government amidst the reshuffling of accommodation. If even employers are left in the dark, it only goes to show the complete lack of choice by migrant workers in their housing arrangements. Employers have also been complaining about the government’s strong-arm tactics in making them release their employees to other employers who need extra manpower – though this issue is outside the topic of housing. **It is discussed separately in paragraph 10.17 below.**

05.16 Highly restrictive movement controls post-reopening. Even when workers have recovered or tested negative for Covid-19 and moved into “cleared blocks” and thus allowed to go to work, there will remain severe restrictions on movement. **This is discussed in Section 10, paragraphs 10.14 and 10.15.**

06 Questions by the Special Rapporteur in the field of cultural rights

06.01 This subject is largely outside the scope of TWC2’s work. In any case, during the Covid-19 period, we have not come across any incident of note with respect to this theme.

07 Questions by the Independent Expert on the human rights of older persons

07.01 This subject is largely outside the scope of TWC2’s work. In any case, very few migrant workers are over the age of 50 and we have not come across any migrant worker over the age of 60.

08 Questions by the Working Group on Persons of African Descent

08.01 This subject is largely outside the scope of TWC2’s work. In any case, we have not come across any low-wage migrant worker in Singapore of African descent.

09 Questions by the Special Rapporteur on the rights of indigenous peoples

09.01 This subject is outside the scope of TWC2's work. We have no information on this subject. In any case, Singapore does not have a class of people under the label of 'indigenous peoples'.

10 Questions by the Special Rapporteur on contemporary forms of slavery

10.01 **Increased precarity of migrant work.** Covid-19 and the resulting quarantining of dormitories and general lockdown through April and May 2020 have, in an overall way, increased the precarity of migrant workers, though the degree of impact may vary depending on which industry sector the worker is in. Future effects will naturally depend on the severity of an economic recession (if any).

10.02 **Least insecure sectors: healthcare and sanitation.** For now, those in the healthcare industry, and those in municipal sanitation are the least insecure. In fact, TWC2 came across a case of four sanitation workers who were kept in their jobs even though they filed salary claims against their employer. In normal times, no employer would tolerate such employees and would have cancelled their Work Permits immediately. TWC2 believes that these four workers kept their jobs because theirs was an essential sector and because the employer could not find replacements since new migrant workers could not be imported into Singapore during Covid-19.

10.03 **Domestic workers slightly insecure.** In the case of domestic workers, they face a risk that an economic recession may impact the employer financially, with knock-on effects on their own continued employment.

10.04 **For the remaining majority of migrant workers, increased precarity.** Workers in most other sectors have seen work evaporate during the pandemic, either because of the lockdown shutting most businesses, e.g. shops, restaurants and factories, or because their dormitories have been put under quarantine or quasi-quarantine, and they are not allowed to leave for work. There is concern that Food & Beverage workers may be permanently impacted if prolonged safe distancing measures lead to lower sales turnover in cafes and restaurants. For construction workers, it may be a few months more before they are cleared to resume work (see paragraph 05.14 above) and the prolonged wait can be financially disastrous, especially as the government's announcement on the

subject of salaries appears to support employers reducing their wages while under quarantine (see paragraphs 02.03 to 02.06, and paragraph 02.40 above).

10.05 Even if basic salaries are paid, no overtime wages. Migrant workers' basic salaries are so low, even if employers were to fully pay basic salaries during the period when businesses or projects are shuttered, migrant workers would be financially stressed. They ordinarily rely on overtime work and overtime wages to make up for low basic salaries. Overtime work and wages are not available while businesses and construction projects are suspended.

Steps taken by the government likely to increase risks of contemporary forms of slavery

10.10 Government measures may heighten risk. TWC2 is of the view that certain measures taken by the Singapore government may heighten rather than reduce the risk of migrant workers falling into contemporary forms of slavery.

10.11 Pre-existing risk factors. The key pre-existing risk factors include:

- A migrant labour system where Work Permits are tied to employers and the worker has no right to change employers except under very limited conditions;
- Employers given the right to terminate employment and cancel Work Permits at will;
- High prevalence of recruitment fees that are ten to twenty times a worker's monthly basic salary, and well beyond the legally permitted maximum²⁷, yet the law is not effectively enforced;
- Illegal job agents operating with impunity even within Singapore jurisdiction;
- Non-transparent and information-asymmetric job marketplace, to the disadvantage of migrant jobseekers.
- Workers' right to documentation about salary details and overtime hours, while stated in law, is poorly enforced, thus compromising the worker's ability to assert his or her right to correct wages.
- Wages are permitted to be paid in cash, a mode of payment that is associated with under-payment due to its weak documentation trail compared to electronic and bank payment.

10.12 Salary payment by cash now disallowed, at least for dormitory residents. One positive step taken in the context of Covid-19 has been the ban on salary payment to dormitory residents by cash as announced on 11 April 2020 in a Ministry of Manpower advisory²⁸. This requirement to pay

²⁷ Under Singapore's Employment Agencies Act, only licensed employment agencies may perform the business of recruitment, and the maximum they can charge is the equivalent of one month's basic salary for each year of contract, subject to a maximum of two months' basic salary.

²⁸ Ministry of Manpower, 11 April 2020, Advisory on salary payment to foreign workers residing in dormitories, <https://www.mom.gov.sg/covid-19/advisory-on-salary-payment-to-foreign-workers>, accessed 7 June 2020.

salaries electronically through bank, with immediate effect, only applies to employees residing in dormitories. However, paragraph 11 of the advisory says, cryptically, that,

For subsequent payment cycles, employers are required to pay salaries electronically to all their foreign workers.

It is not clear if “all ... foreign workers” includes employees who are staying outside of dormitories too, as the title (and therefore the scope) of this advisory says “foreign workers residing in dormitories”.

10.13 No new measures to mitigate known and existing risk factors. No new measures have been put in place to mitigate the known risk factors listed in 10.11 above except for salary payment by cash mode.

10.14 Measures for reopening work turn migrant workforces into something akin to prison workgangs. Measures announced for resuming construction and other work contain extremely restrictive rules especially for workers who are staying in dormitories. **As described in paragraph 05.14**, only workers in “cleared” dormitory blocks will be allowed to resume work. However, the government also told employers, in an advisory dated 30 May 2020²⁹, that they must ensure that their employees only leave the dormitory to go to work. Employers must provide dedicated transport to take them to the workplace and then to take them back to the dormitory after the shift. Workers are not allowed to leave the dormitory to buy things or for leisure. Even non-emergency medical appointments are not allowed and must be rescheduled³⁰, presumably much later to a fuller reopening. Such strict control over movement is tantamount to using migrant workers in ways similar to prison workgangs. It is **disproportionate and discriminatory** compared to the freedom to travel around and go out enjoyed by Singapore citizens who, like these “cleared” workers, are not under quarantine.

10.15 Fuller reopening not around the corner. Nor is a fuller reopening for migrant workers likely to be anytime soon. The “Phase 2” of reopening for migrant workers will still restrict them to their dormitories, except that they can run errands to nearby shops for two hours at a time. Even then, they can only go at pre-assigned times on “staggered rest days and at staggered timeslots”³¹, and only to designated shops on dedicated vehicles. Unfairly restrictive treatment of migrant workers will likely last many months.

²⁹ Ministry of Manpower, 30 May 2020, Advisory to employers on Safe Living measures for foreign worker dormitories, <https://www.mom.gov.sg/covid-19/advisory-to-employers-on-safe-living-for-foreign-worker-dormitories#annex-a>, accessed 7 June 2020.

³⁰ Ministry of Manpower, 30 May 2020, ANNEX C: FREQUENTLY ASKED QUESTIONS, <https://www.mom.gov.sg/-/media/mom/documents/covid-19/faq-employers-on-safe-living-measures-for-dormitories.pdf>, accessed 7 June 2020.

³¹ Channel NewsAsia, 30 May 2020, Migrant workers in dormitories cleared of COVID-19 to have staggered rest days with time limit during Phase 2, <https://www.channelnewsasia.com/news/singapore/migrant-workers-dormitories-rest-days-covid-19-phase-2-12787142>

10.16 **Is subliminal profiling at work?** It is hard to explain the almost hysterically harsh treatment of migrant workers in dormitories compared to the much looser safe-distancing measures recommended for Singapore citizens. A question worth asking might be whether a recognition of their vulnerability (due to their high density housing arrangements) has turned into a subliminal fear that they are unclean agents of infection for the rest of Singapore and thus need to be boxed in tightly.

10.17 **Government wants the right to take migrant workers from one employer to deploy with another.** In his supplementary budget speech in the last week of May, the Finance Minister offered employers of foreign workers further levy rebates for up to two more months, provided employers agreed to two conditions. One is that the employers must agree to let the government move workers from one dormitory to another, and the other is to let the government move workers from one employer to another³². Not only are employers up in arms over the latter – it will be completely disruptive of their carefully constituted work teams – **the idea rides roughshod over workers' autonomy to choose which employer they want to work for.**

10.18 **Safety and work injury insurance put into doubt.** If the government were to summarily redeploy one worker to another employer, work safety issues may arise. A worker's unfamiliarity with the layout of a worksite, with supervisors and other workers, with workflow, and with equipment raises major concerns about safety. It is also likely to create confusion as to the applicability of work injury insurance policies – which employer's policy applies? – and which in turn can jeopardise the newly-introduced worker's access to medical care should an accident occur.

10.19 **Salary entitlements compromised.** As described in paragraphs 02.03 to 02.06 above, a government advisory signalled to employers that reducing migrant workers' pay during quarantine or quasi-quarantine would not meet with government objection. The salary insecurity of migrant workers has thus been heightened through government action, quite the opposite of risk mitigation measures one might expect.

10.20 **Access to salary justice undermined.** As described in paragraphs 02.82 to 02.86, the normal process for salary claims appears to have been modified such that a worker's right to remain in Singapore to see his claim through to conclusion has now been withdrawn. Some workers have reported to TWC2 that they are being told they would be repatriated even though they could not come to a settlement with their employer over their claims, and even though they have a right to take their cases before the Employment Claims Tribunal. TWC2 has come across official communication from the government that such a new policy is in effect even though it has not been announced.

10.21 **Ban on new arrivals leave workers stranded in home countries.** Singapore has long operated a system whereby a jobseeker in his home country can know that there is a legitimate job

³² Straits Times, 1 June 2020, Employers seeking levy rebates must let MOM deploy foreign workers, <https://www.straitstimes.com/singapore/employers-seeking-levy-rebates-must-let-mom-deploy-foreign-workers>

waiting for him in Singapore through a document known as an In-Principle Approval for a Work Permit (IPA). This is a government-issued document confirming that there is a Work Permit waiting for him after arrival in Singapore. A practice has developed in source countries whereby the jobseeker, upon sight of the IPA, has to pay his recruiter (usually handsomely) for finding him the job. In normal times, an air-ticket is also handed over to the prospective worker at the same time as the IPA, so the time gap between paying the recruiter and travelling to Singapore is relatively short. During Covid-19, Singapore imposed a ban on all new arrivals even if the persons wanting to come to Singapore are already in possession of IPAs. These persons would have paid thousands of dollars to their recruiters, and yet be unable to come into Singapore to start on their new jobs. These workers would be caught in limbo and out of pocket, yet unable to begin earning. They and their families would be extremely concerned about debt collectors, would suffer great anxiety, and be **vulnerable to debt collectors' demands for other ways of repaying the debt – in effect debt bondage.**

Other issues related to risk of modern slavery

10.30 Employment in informal sector. It is premature to assess whether there will be an increase in the number of people employed in informal or illegal economies with the outbreak of the pandemic. Singapore is only just emerging from a lockdown in which even informal work activities have been mostly suspended.

10.31 Forced labour. Exploitative labour practices are so common in Singapore it is difficult to discern where “exploitative” becomes “forced” – this is especially since government measures are often instrumental in creating exploitative situations **as described in paragraphs 10.14 to 10.20.**

10.32 Engagement with stakeholders. TWC2 has no evidence that the government engaged with business entities, civil society, migrant workers or other stakeholders in designing measures. On the contrary, going by the uproar from employers and dormitory operators over what they consider high-handed and onerous rules imposed at short notice, what evidence there is points to a debilitating lack of engagement and consultation.

10.33 Investigating and prosecuting human rights violations. In the period since the start of the pandemic, TWC2 has not noticed any significant investigation or prosecution of a human rights violation connected with migrant labour. This absence of reports should not be invested with too much significance since even in normal times, enforcement of many laws meant to protect migrant workers has generally be less than rigorous.

10.34 Collection and analysis of disaggregated data concerning Covid-19. Overall, data relating to Covid-19 infections among migrant workers have been published in fairly detailed ways though not quite disaggregated to a fine granularity. Infection numbers and affected dormitories have been announced daily and are believed to be reliable. However, there isn't sufficient detail concerning age

and nationality. Testing data has been published in fits and starts and are generally not disaggregated.

10.35 Collection and analysis of disaggregated data concerning human rights violations. Even in pre-Covid times, data is scarce in relation to human rights violations, such as deceptive recruitment, non-payment of salaries, kickback payments to bosses, illegal recruitment fees, to name a few of the common and serious violations that TWC2 encounters through our casework. The government has no system for collecting and publishing such data at regular intervals. This absence of information continues through the pandemic. We are therefore unable to discern if violations have increased or decreased, though we have strong suspicions (from calls coming in to our helpline) that salary violations, for one, have risen substantially.

11 Questions by the Special Rapporteur on the sale and sexual exploitation of children

11.01 This subject is largely outside the scope of TWC2's work. It is very rare to come across migrant workers who are young enough to be classed as children. We have not encountered during the Covid-19 period any incident relating to this subject.

12 Questions by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

12.01 This subject is largely outside the scope of TWC2's work. We have not encountered during the Covid-19 period any incident relating to migrant workers and their sexual orientation or gender identity.



13 Questions by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

13.01 This subject is outside the scope of TWC2's work. We have no information on this subject.

14 Questions by the Independent Expert on foreign debt and human rights

14.01 This subject is outside the scope of TWC2's work. We have no information on this subject.

Yours sincerely,

Alex Au
Vice-president
Transient Workers Count Too

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