

中国劳工通讯 China Labour Bulletin

Research Reports

Hired on Sufferance

China's Migrant Workers in Singapore

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About China Labour Bulletin

A non-governmental organization founded in Hong Kong in 1994, China Labour Bulletin has grown from a small monitoring and research group into a proactive outreach organization that seeks to defend and promote the rights of workers in China. We have extensive links and wide-ranging co-operative programs with labour groups, law firms and academics throughout China, as well as with the international labour movement.

Through these programs, we support the development of democratically-run trade unions, encourage respect for and enforcement of the country's labour laws, as well as the full participation of workers in the creation of civil society. We seek the official recognition in China of international standards and conventions providing for workers' freedom of association and the right to free collective bargaining.

CLB has an extensive research program and has published numerous reports in both English and Chinese on a wide range of key labour rights issues. All titles are listed at the end of this report and are available as downloadable PDFs on our website at www.clb.org.hk. In addition, several reports are available in a bound edition.

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Aris Chan. February 2011.

Introduction

One June evening last year, on a road outside a vast dormitory complex for workers in suburban Singapore, a 23-year-old migrant worker from China was practising her roller skating. Dressed in a bright tracksuit, and protected by knee pads, she bent her knees and glided gingerly forward. Occasionally, she would stop and wave to friends who were playing badminton nearby.

Yuling had been working in a factory in Singapore for three years, and although she was certainly not as carefree as she first appeared, she was nonetheless enjoying her new life away from home. Indeed, she hoped to find another job in the city state after her contract expired but, to do so, the law required her first to go back to China and start the application process all over again.



That same evening, Cui Zhaowei (left) sat in his cramped and dirty construction site dormitory in Fernvale, preparing to pack up his few belongings and make the long journey home to Shandong, on the northeast coast of China. Cui had been disabled after being hit on the head in a work accident just two months after arriving in Singapore, but eight months later he had still not received any compensation nor received a refund from the agent to whom he had paid 28,000 yuan¹ to get the job in Singapore. Disheartened and still suffering from headaches, insomnia and cognitive impairment, Cui had no option but to return home and hope his luck would change.²

Singapore is one of the most popular destinations for Chinese workers seeking a higher income or career advancement through employment abroad.³ But for the more than 200,000 Chinese workers currently employed in Singapore,⁴ realizing their dreams depends to a very large extent on sheer luck and whether or not the job and

¹ This study cites currency figures in both Chinese yuan and Singaporean dollars. At the time of writing the value of the Chinese currency was around 6.6 yuan to the US dollar, and that of the Singapore dollar was S\$1.30 to the US dollar. The Singapore dollar was thus worth five times the yuan.

² China Labour Bulletin has now taken on Cui's case as part of its labour rights litigation program and is actively seeking compensation from the employment agency in Shandong.

³ In 2008, the total contract value of China's labour exports to Singapore was US\$527 million, making it the second most valuable international market for Chinese labour behind Japan. *China Statistical Yearbook 2009*, Table 17-23.

⁴ See end of Chapter One for a more detailed estimate.

salary they signed up for is the one they actually get. All of the mainland Chinese workers legally employed in Singapore had to pay substantial fees just to get into the country,⁵ and many signed employment contracts that contained onerous conditions or even illegal clauses which essentially placed them at the mercy of their employer. Although Singapore's main labour laws offer reasonable protection and do, on paper, apply to both migrant and local workers, discrimination against migrant workers is both widespread and open. Rights violations are frequently reported in the Singaporean newspapers, and a mere scan of recruitment advertisements shows that long working hours without overtime payment are the norm for migrant workers.

However, the aim of this CLB study is not to determine the prevalence of rights violations in Singapore. Rather it seeks to understand the roots of the problems most commonly faced by the Chinese migrant workers there by examining the interlocking roles of Chinese and Singaporean laws and labour policies, the attitude of local officials, and the aspirations and actions of the workers themselves. The report examines the process by which Chinese migrant workers cope with the harsh working conditions, exploitation and discrimination in Singapore, and the problems they face in seeking redress for rights violations.

The first chapter provides a basic legal and policy overview of the export of labour from China to Singapore. Chapter Two examines the personal and family backgrounds of Chinese migrant workers in the city and what they hope to achieve by working abroad. Chapter Three details the pay, working conditions and social discrimination they encounter in Singapore. Chapter Four explores the factors that discourage workers from filing a complaint against their boss, and Chapter Five looks at the problems encountered by those who do go ahead and seek legal redress for rights violations. Finally, Chapter Six analyses Singapore's treatment of migrant workers in the context of international human rights standards.

The report's conclusion and recommendations outline a series of measures the Chinese and Singaporean governments should take to improve the working conditions and safeguard the legal rights of Chinese workers in Singapore.

The data for this report are derived from CLB's interviews with Chinese migrant workers, non-governmental organization (NGO) workers, employment agencies, government officials, legal professionals and Singaporean trade unionists. We

⁵ Typically, between one and two years' their annual salary in China.

conducted in-depth interviews with 23 workers in June 2010.⁶ Thirteen of them were involved in labour disputes. Although the sample was small, it was balanced in terms of gender and included workers from all major industrial sectors. Moreover, the sizeable proportion of workers involved in labour disputes enabled us to evaluate to some extent the effectiveness of the labour dispute resolution system in Singapore. Case documents, such as employment contracts, legal documents, personal letters and the notes of NGO case workers were also examined, and follow up interviews were conducted in November and December 2010. Academic journals, newspapers, legislation and government reports were scrutinized for information on migrant worker laws and policies and their implementation.⁷

The study focuses on the situation of semi-skilled and unskilled workers in Singapore, largely because they are more vulnerable to exploitation and have fewer resources than professional and skilled workers, but also because the Singapore government treats professional and manual workers very differently, allocating them specific rights and privileges.

The Singapore government does not recognize the rights of undocumented workers. And even though the exploitation of undocumented workers is believed to be serious, constraints of time and resources meant this study will only deal with migrant workers legally employed in Singapore.⁸

⁶ The interviews were carried out in the second week of June in 2010 in Singapore. The majority of workers were referred by Singaporean NGOs. Other workers were approached by the author when she visited workers' dormitories in Singapore. All workers were interviewed on a one-on-one basis on average for two hours. See appendix for details.

⁷ Numerous attempts to interview the Chinese embassy and the International Contractors Association, Singapore branch, met with no response. The Ministry of Manpower also refused to provide statistics.

⁸ Foreign domestic workers are also excluded from the study because Singapore does not allow mainland Chinese to be employed as domestic helpers.

Chapter One: An overview of migrant labour policies in China and Singapore

China's labour export policies



As anyone who has seen old photographs of railway workers in the United States (left) or gold miners in Australia will know, the export of labour from China is nothing new. Indeed, between 1851 and 1930, nearly eight million Chinese workers went to work overseas.⁹ Many of them stayed, forming the

nucleus of new migrant communities overseas. The numbers leaving China declined after the founding of the People's Republic in 1949, and, during the era of state planning, workers were only sent overseas as part of the government's economic and technical aid programs to developing countries, most notably in Africa. The situation changed again in the 1980s and 1990s when the Chinese economy began to develop and liberalize. Private companies started to recruit both labourers and professionals to work overseas, and the export of labour boomed once again. It is estimated that more than five million workers have left China over the last three decades to take up employment abroad. In 2009 alone, 394,833 Chinese citizens obtained work overseas through official recruitment agencies.¹⁰ The numbers of Chinese workers employed abroad and the value of overseas labour contracts have grown steadily over the last two decades; see Table 1 and Chart 1 below.¹¹ As of 2009, there were about 778,000 Chinese workers employed in more than 190 countries, remitting more than US\$4 billion back to China.¹²

⁹ Yan, Xiaopei (1995). "Some aspects of export labour service in China", *China Geographical Science* 6 (1):3.

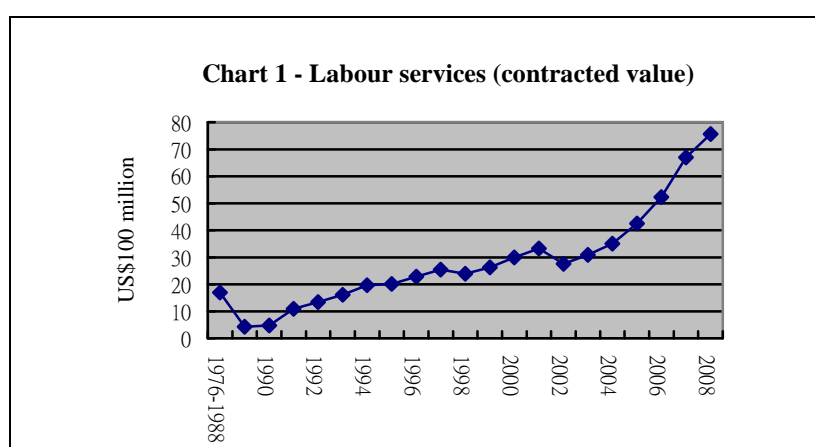
¹⁰ [“中国海外劳务现状透视:“外面世界精彩又无奈”](#) (The world of overseas Chinese workers is both exciting and uncontrollable), *人民日报海外版* (People's Daily, overseas edition), 29 May 2010.

¹¹ Data taken from China Statistical Yearbooks and the Annual reports of the International Contractors Association. These figures only include workers going abroad through the licensed labour cooperation companies and exclude those recruited by employment agencies, unlicensed companies or via personal networks.

¹² [“国家将出台劳务管理条例打击非法出境务工”](#) (The state will soon issue a law on the management of overseas labour cooperation to attack illegal labour export), *央视经济半小时* (CCTV

Table 1 Chinese workers employed overseas 1979-2009 (not inclusive)¹³

Year	Number Chinese of workers employed overseas
1979-1981	20,000-30,000
1982-1983	32,000
1984-1986	51,000
1987-1989	67,000
2008	740,000
2009	778,000



The export of labour is encouraged by the Chinese government as a means of reducing its domestic labour surplus and of developing local economies through remittances from abroad. However, the government insists that it does not export labour just for China's economic gain, but for the benefit of the destination countries as well. As a result, labour export is still referred to in China as "labour cooperation" (劳务合作), in order to highlight the perceived win-win result.¹⁴

Overseas employers wishing to recruit Chinese workers generally have to go through

Economic Half an Hour), 17 October 2009.

¹³ Data before 1989 - Yan Xiaopei (1995). Some Aspects of Export Labour Service in China. China Geographical Science 6(1):3.

2008 data: - Annual Report on China's International Labour Cooperation (2008) (Report on international labour exports 2008-2009).

2009 data - Guiding Opinion of the Ministry of Commerce on China's Overseas Investment and Cooperation in 2010.

¹⁴ [“中国对外劳务合作简况及政策简介”](#) (An introduction of the policy and situation of overseas labour cooperation in China), 澳大利亚国际商会 (Australian International Trade Association), April 24 2008.

official agencies¹⁵ such as overseas labour cooperation companies (OLCs) or overseas employment agencies (OEAs). Overseas labour cooperation companies handle labour export on a large and systematic scale, forming a triangular relationship with the overseas employer and the Chinese worker. The OLC signs a contract with the overseas employer regarding the labour export arrangements and a labour cooperation contract with the worker. They are licensed and managed by the Ministry of Commerce, and subject, on paper, to relatively strict regulations. The OLC is responsible for the management of the workers it hires for the entire duration of their contract, and is supposed to establish a contingency fund to deal with any labour disputes that may arise. Overseas employment agencies are only supposed to provide basic services and information to prospective employees, and are not responsible for the management or supervision of the workers once abroad.

In order to get a license from the Ministry of Commerce, an OLC needs to have a registered capital of no less than five million yuan, in addition to other requirements related to management and staff qualifications.¹⁶ Overseas employment agencies, meanwhile, need to have a registered capital of more than 500,000 yuan.¹⁷ It is estimated that there are more than 600 licensed OEAs in China.¹⁸ However the actual number of companies involved in labour export is much higher. The major licensed companies usually depend on smaller ones to help recruit workers in small cities, towns and villages. And many companies rely on individual recruiters to reach down to small towns and villages away from the major urban centres.

Moreover, few companies, even licensed ones, strictly follow the law in recruiting workers, who seldom know about the credentials of these companies. Malpractice is commonplace.¹⁹ In August 2010, for example, two Chinese overseas labour

¹⁵ International contractors who win a construction project overseas can also recruit Chinese workers for their projects. “[对外承包工程项目下外派劳务管理暂行办法](#)” (The temporary regulation on overseas labour dispatch under overseas contracting projects), issued by the Ministry of Commerce on 1 November 2005.

¹⁶ 对外劳务合作经营资格管理办法 (Management regulations for the qualification of overseas labour cooperation companies), promulgated on 26 July 2004 by the Ministry of Commerce.

¹⁷ “境外就业中介管理规定” (Regulations on the management of overseas employment agencies), promulgated on 14 May 2002 jointly by the then Ministry of Labour and Social Security, Ministry of Public Security and the State Administration for Industry and Commerce.

¹⁸ Since the Ministry of Commerce took over the management of OEAs from the labour ministry in 2009, it has only licensed 36 OEAs. The earlier list provided by the then Ministry of Labour and Social Security contained 576 OEAs, including those whose licenses had expired or been revoked. See. “获得《境外就业中介经营许可证》机构名录” (The list of licensed overseas employment agencies).

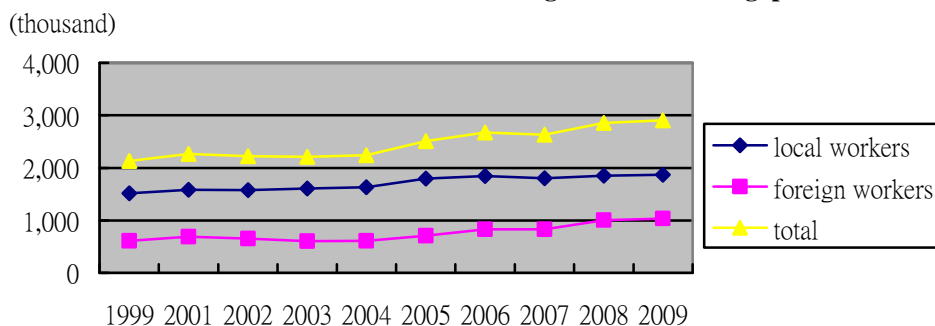
¹⁹ The central government has issued a number of circulars urging a clean up of the industry. In 2009, seven ministries launched a crackdown in which 146 people were arrested, 161 labour companies’ licenses were revoked, and 171 companies were denied renewal of licenses. Some 6,692 recruitment advertisements were deemed illegal, and the cost of these illegal practices reportedly totalled 260 million yuan.

contractors were accused of operating without a license and of charging some 800 workers between 76,000 yuan and 82,000 yuan each for a four-year contract.²⁰ In 2008, 500 Chinese workers in Tanzania went on strike demanding wage arrears and overtime payments. After an investigation, the Ministry of Commerce blamed the OLC responsible for subcontracting out the project to unlicensed companies.²¹ But the Chinese government has long been aware of the frequent abuses and malpractice in the labour export business -- even as far back as in the mid-1990s. In 1998, the then Ministry of Foreign Trade and Economic Co-operation issued a circular to other government branches urging them to strengthen the regulation of illegal practices, saying that since 1993, more than 10,000 workers from north-eastern China had been cheated out of several hundred million yuan while seeking work in Korea.²²

Singapore's labour import policies

The city state of Singapore has relied heavily on migrant labour ever since it gained independence from Malaysia in 1965. See Chart 2 below.²³ In 2009, there were about one million migrant workers in Singapore, accounting for one third of its workforce.²⁴ More than 80 percent of migrant workers are unskilled, doing the hardest, dirtiest and lowest-paid jobs that many Singaporean citizens deem to be beneath them.²⁵

Chart 2 - The number of local and foreign workers in Singapore



The Singaporean government refers to migrant workers as “foreign workers” and

²⁰ “我國最大非法輸出勞工案開庭 兩被告不認罪” (The largest case on illegal export of overseas workers in China opens trial, both defendants plead not guilty), *法制晚報* (Legal Evening News), 12 August 2010.

²¹ “商务部办公厅关于进一步强调对外承包工程项下外派劳务工作有关问题的紧急通知” (An emergency notice on further strengthening the management of overseas labour dispatching work under the overseas contracting projects issued by the Ministry of Commerce), 13 June 2008.

²² “1998 关于防范对外劳务合作为名进行诈骗的紧急通知” (An emergency circular on the prevention of fraud in the name of overseas labour cooperation), issued on 2 November 1998 by the Ministry of Foreign Trade and Economic Cooperation.

²³ *Singapore Yearbook of Manpower Statistics 2010*, Table A.1.

²⁴ *Singapore Yearbook of Manpower Statistics 2010*, Table A.1

²⁵ “探訪新加坡中國客工：背井離鄉為了家人的好日子” (Talking with Chinese migrant workers in Singapore: Working in a foreign land for the good of their family), *China.com.cn*, 18 May 2009.

classifies them according to their place of origin – the traditional source (Malaysia) and the non-traditional source (Bangladesh, India, Thailand, Myanmar, Philippines, Sri Lanka or Pakistan), north-east Asia (Hong Kong, Taiwan, Macao, and South Korea) and the People’s Republic of China. Given historical ties, Malaysian workers are subject to fewer restrictions than workers of other nationalities. Malaysians can find work while they are already in Singapore, and are generally treated better than other migrant workers in terms of wages, working hours and conditions.

All other foreign workers have to apply for a work pass from the Ministry of Manpower (MOM) before they can work in Singapore. There are three main types of work pass: An **Employment Pass**, for professionals earning more than S\$2,500 a month, an **S Pass**, for skilled workers with a diploma level education or relevant work experience, and earning a monthly salary of not less than S\$1,800, and a **Work Permit** for unskilled workers earning less than S\$1,800 per month. The majority of Chinese workers in Singapore are on a work permit.

In order to be eligible for a work-permit, applicants should be between 16 and 50 years old. The work permit can be for one or two years, and is renewable. In order to give Singaporean workers better job protection, a flexible **quota system**, referred to as the “dependency ratio,” restricts the proportion of foreign workers in various industries and sectors. In 2007, as the unemployment rate in Singapore fell to a ten-year low of 1.7 percent, the dependency ratio for foreign workers increased, from 80 percent to 87.5 percent in the construction and processing industries. The proportion of foreign workers in the service sector also increased from 45 percent to 50 percent, of which, the proportion of Chinese nationals also increased from five percent to 10 percent.²⁶

Table 2. The 2010 dependency ratio of foreign workers in Singapore²⁷

Industrial Sector	Dependency ratio limit for work permit and S-Pass holders
Manufacturing sector	65 percent
Service sector	50 percent
Construction sector	87.5 percent
Processing sector	87.5 percent
Marine sector	83.3 percent

²⁶ [Singapore's Unloved Chinese Labor Boom](#) Shu-Ching Jean Chen, Forbes.com, 5 August 2008.

²⁷ MOM Guidelines on Computation of Company’s Quota Balance (3rd Edition).

Employers are required to pay a **levy** for each foreign worker, ranging from S\$160 to S\$470 a month, depending on the type of work visa and industrial sector. Generally, the higher the proportion of foreign workers and the lower the skill of the foreign worker, the higher the levy will be. In 2010, the monthly levies for a foreign worker in the service and construction sectors were S\$300 and S\$310 respectively.²⁸ The levy also varies according to the employment situation. In February 2010, MOM announced that the levies on foreign workers employed on a work permit would be increased by between S\$10 and S\$30, and that the levies on S-Pass holders would double from the current rate of S\$50 per month.²⁹ Employers bringing foreign workers from “non-traditional” areas are, in addition, required to pay a S\$5,000-security-bond. The bond will be forfeited if either the worker or employer violates the conditions of the work permit.

Singapore started to import mainland Chinese workers in the 1980s. The numbers of workers and the value of labour contracts have steadily increased since. See Table 3 below.

Table 3. Value of economic cooperation between China and Singapore (US\$ million)

Year	Contracted projects	Labour services
2005	767.58	398.28
2006	832.53	417.85
2007	874.39	450.66
2008	1,320.48	527.34

China Statistical Yearbook 2006, Table 18-20; *China Statistical Yearbook 2008*, Table 17-20 and 17-23.

Initially, most workers were employed in the construction industry but the range of professions has broadened recently. According China’s Ministry of Commerce, as of 2007, there were about 100,000 Chinese workers employed on work permit in Singapore,³⁰ mainly in construction (42.8 percent), manufacturing (32.4 percent) and transportation (8.9 percent).³¹ However, these figures only include workers sent by

²⁸ See MOM website [Levies & quotas for hiring foreign workers](#), on 15 November 2010.

²⁹ “[Raising foreign worker levy will not solve problems, say critics](#)”, *The Online Citizens*, 26 February 2010. And “[新加坡收紧外籍劳务管理政策](#)” (Singapore tightens the policies on the management of foreign workers) Department of Outward Investment and Economic Cooperation, Ministry of Commerce, 7 May 2010.

³⁰ Ministry of Commerce. Annual Report on China’s International Labour Cooperation, 2007-2008, p. 33.

³¹ Ministry of Commerce. Annual Report on China’s International Labour Cooperation, 2005-2006, p.

licensed OLCs, and exclude those workers who came to Singapore through OEAs, unlicensed companies and personal networks. Based on the above, and information released by the Singaporean government on the total number of foreign workers in the country and the specific quotas for Chinese workers, CLB estimates that there are at least 200,000 Chinese workers currently employed in Singapore on a work permit.³²

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³² In 2009, the *Straits Times* reported that the proportion of foreign workers in the manufacturing, construction and service sectors were 51 percent, 70 percent and 25 percent respectively. Employers in the manufacturing and the service sectors can hire Chinese workers up to 25 percent and 10 percent of their total foreign workforce respectively. As Chinese workers are popular, it should be safe to assume that employers would fulfil these quotas. See *Straits Times*, “[Services sector feels pinch of foreign worker controls](#),” 28 August 2009. See also the [dependency ceilings and quotas](#) as specified by MOM. Also, Lin, Mei (2009). “新加坡的中国劳务人员状况调查分析” (A study of Chinese migrant workers in Singapore), *南洋问题研究* (Southeast Asian Affairs) 3:60.

Chapter Two: Coming to Singapore

While most of China's internal migrant workers have tended to move from the poorer inland provinces to the more developed coastal provinces, workers in coastal provinces are more likely to seek work overseas. See Map 1 below.



Map 1 - Provinces sending the highest number of workers overseas through labour cooperation companies and international contractors in 2007³³

The majority of Chinese migrant workers in Singapore come from the coastal provinces of Shandong, Jiangsu and the three north-eastern provinces of Heilongjiang, Jilin and Liaoning. These provinces, all with significant labour surpluses, have aggressively promoted labour export. In the rural Shandong district of Qingzhou,³⁴ for example, the local government has established links with more than 30 labour export

³³ China International Contractors Association (2009). *Annual Report on China International Labour Cooperation 2007-2008*.

³⁴ Zhao, Chuanjiang and Qiu, Xiaowen. “[青州市农村剩余劳动力转移的现状、问题及对策](#)” (Rural labour surplus in Qingzhou: current situation, problems and policies), *CSSCI 学术论文网* (CSSCI Academic Papers Net), 12 August 2010.

companies to help workers go aboard to earn “foreign money.”³⁵ Recruitment advertisements for work overseas can be found in towns and villages all over the province, and most Shandong workers interviewed by CLB said many people in their home villages were working overseas, and that they usually had friends and relatives employed in Singapore.

A survey of Chinese construction workers in Singapore in 2008 found that many had never even left their home town before they got a job in Singapore.³⁶ And this was backed up by CLB’s interviewees, all of whom said they had not worked outside their home province, or even their home town, before coming to Singapore.

Hope for a better life

For most Chinese migrant workers, especially those married with children, the primary motivation for seeking employment in Singapore was the chance to earn significantly more money than they could at home. As a construction worker in his early 40s³⁷ said:

I only earned 1,000 yuan a month at home. It was too little. Compared with other people in my village, my house was old and run down. The reason I decided to work overseas three years ago was because I wanted to build a new house. This is the second time that I have come to Singapore, and now my goal is to build a new house for my son.

The decision to work overseas was usually prompted by life changes, such as marriage, the birth of a child, or children going to university, which required them to earn extra money. As a factory worker in his mid-30s said:

³⁵ Qingzhou has a population of 900,000, with 300,000 labour surplus. “[青州农民工出国挣‘洋钱’成时尚](#)” (It is hip for peasant workers in Qingzhou to work overseas and earn “foreign money”), *Shandong News*, 19 August 2010.

³⁶ Low Sui Pheng, Liu Jun Ying; Soh Shan Shan (2008) Chinese foreign workers in Singapore’s construction industry, *Journal of Technology Management in China* 3(2): 211-223.

³⁷ Most Chinese construction workers in Singapore are over 30-years-old and married with children, although workers in manufacturing and the service sector have a broader age range, from late teens to late 40s. See the following recruitment websites for more information on age ranges for different sectors: 新加坡招聘网 (Singapore Recruitment Net), www.sin-job.com; 新加坡工作网 (Working in Singapore Net), <http://www.sinlw.com/index.asp>; 泰安市华诺劳资咨询公司 (Huanou labour consultancy in Taian City), www.taianlaowu.com/product.asp; 中劳网 (China Labour Net), chuguo.chinalao.com; 青岛盛路劳务派遣有限公司 (Qingdao Shenglu labour dispatching company limited), www.qdshenglu.com/gsjj.asp; 金坛市劳务开发有限公司, (Jintan Labour Development Company Limited), www.jtlwpq.com.

The idea of working overseas first came to me six months after I got married. I was living with my parents, but my wife wanted to have our own flat. I was a floor supervisor in a Japanese-owned factory when I was in China. Some of my apprentices went to Singapore and they seemed to fare well. I told my wife about the idea of going overseas and she agreed. I have been working in Singapore for more than five years now.

Another worker needed the money to pay for the fine that would be imposed on him by the local government for having a second child, in violation of family planning regulations. He had arrived in Singapore a year earlier when his wife was still pregnant and did not know exactly how much the fine would be. He estimated it would be between 10,000 yuan and 20,000 yuan. He hoped to save 50,000 yuan in two years by working in Singapore.

Most of the interviewees were earning a decent living in China, and were certainly not poor, by Chinese standards. Indeed, a manager of an employment agency in Fujian said his company did not recruit workers in the poorest areas of the province specifically because very few of them could afford to pay the commission. Most of the agency's clientele came from the provincial capital, Fuzhou, he said.

For many younger workers, pursuing personal dreams, such as setting up their own business, was more important than simply making money. A 23-year-old restaurant worker said:

After graduating from vocational school, I worked in a law firm as a clerk, and then in a hat factory in my home town as a production line supervisor, earning up to 3,000 yuan a month. After I quit my job, I stayed at home. I helped people in the village or friends to fix their computers. Sometimes I charged them for my services, and sometimes I did not. When I was lying around at home, I thought I might find a job overseas. If things worked out, I could save up some money and set up my own business. I could also see the world and learn some new skills.

Going overseas also meant that younger workers could live freely, away from the control of their parents, a desire shared by many young migrant women workers

inside China.³⁸ Yuling explained:

I will go back to China next year because my family wants to introduce a man to me so that I can get married. But in Singapore, I can enjoy a freer lifestyle and I am happy. I can do anything I want. I went to Malaysia last summer with my friends. If I can, I will come back after I get married.

For many workers, Singapore was not their first choice. Some had sought work in Japan and Korea before choosing Singapore. Indeed one interviewee only went to Singapore as he was deported from Japan after working illegally there for nearly five years. Other workers were told by their employment agencies that the commission for jobs in Singapore was cheaper than in Japan and that their chances of getting a work visa for Singapore, especially for older workers, were much better.³⁹ Language and culture were often cited as a plus for working in Singapore, with 75 percent of the population being ethnic Chinese. Other workers said they were attracted to Singapore because it was a wealthy and highly developed society.

Exorbitant commissions

Several workers ended up going to Singapore simply because they had relatives or friends there. Indeed many interviewees said they had relied on family or friends to help them make the arrangements, although sometimes this meant that friends and family could be used to coerce workers into paying commissions and other fees from labour export companies. A worker from Weifang in Shandong said:

My friend helped me to make all the arrangements. He has all the connections. He later asked me to go to Qingdao to sign a contract. I did not know the background of the company but I trusted him.

In a letter to the above worker, his friend wrote:

You need to pay the company as soon as possible. The company is calling me every day to urge you to pay the fee. As soon as you pay up, you can book the air ticket and leave right away. I heard from xxx that

³⁸ See Pun, Ngai (2005). *Made in China: Women Factory Workers in a Global Workplace*. Durham: Duke University Press.

³⁹ In 2009, Japan hosted 50,064 foreign trainees; almost 70 percent were in their 20s. See "[Japan: Critics Want Law on Foreign Trainees Scrapped, not Revised](#)," *Inter Press Service*, 23 July 2010.

you are 5,000 yuan short. You should find a way to pay, sooner rather than later; maybe by borrowing from relatives or friends. You will earn 6,000 yuan a month in Singapore, and very soon you will be able to pay back your debt.

If your visa expires, the company will hold you responsible. If they sue you, you may need to pay 5,000 yuan in compensation to cover their work in applying for your visa, in addition to another 5,000 yuan for breach of contract.

It is not easy for me to earn this commission. If you decide not to go, you also need to reimburse me... I hope that you can think seriously about this. After all, you now have the chance to work overseas. I hope that you will not waste it.

Chinese government regulations stipulate that OLCs can only charge a commission of 12.5 percent of the total contract value,⁴⁰ or a maximum of 19,000 yuan, in arranging the employment of a Chinese worker in Singapore.⁴¹ The commission charged by OEAs is supposed to be monitored and controlled by local government price bureaus (物价局),⁴² however, the Shandong Provincial Price Bureau told CLB on 29 September 2010 that it does not issue any guidelines regarding OEA commissions. Instead such commissions are now determined by the market forces. Chinese media reports, recruitment advertisements and interviews with workers and agencies, all showed that workers are routinely charged a lot more than the state limit. Commissions ranged from around 30,000 yuan to 50,000 yuan for a two-year contract, with higher commissions charged to higher paying jobs. Different provinces tended to charge different rates, with Shandong, for example, being cheaper than Jiangsu and Fujian.

⁴⁰ “对外经济合作企业外派人员工资管理办法的补充规定” (Supplementary regulations on the management of the wage of personnel dispatched by overseas labour cooperation companies) promulgated on 16 January 1997, jointly by the Ministry of Finance and the Ministry of Foreign Trade and Economic Cooperation; and “境外就业中介管理规定” (Regulations on the management of overseas employment agencies), promulgated on 14 May 2002, jointly by the then Ministry of Labour and Social Security, Ministry of Public Security and the State Administration for Industry and Commerce. However, as the law does not specify the meaning of contract value, employment agencies usually use wages, including overtime payments, to calculate the service charge.

⁴¹ “中国对外承包工程商会新加坡劳务合作业务协调管理暂行办法” (The China International Contractors Association temporary regulations on the management and the coordination of labour cooperation in Singapore), 21 September 2003.

⁴² “境外就业中介管理规定” (Regulations on the management of overseas employment agencies), promulgated on 14 May 2002 jointly by the then Ministry of Labour and Social Security, Ministry of Public Security and the State Administration for Industry and Commerce.

Some companies required workers to put up a monetary guarantee, of up to 20 percent of the contract value, to ensure completion of the contract. This guarantee would normally be deducted from an employee's wages, although occasionally companies would demand a lump sum payment in advance.

Chinese employment agency staff indicated that exorbitant commissions were the result of multiple layers of sub-contracting to smaller agencies and individual recruiters, fees paid to Singaporean agencies, and sometimes, kickbacks to Singaporean employers. As one senior manager explained:

Employers in Japan are still paying for our service, but Singapore's agencies ask us to pay them... We can only make several thousand yuan, but they can make about 15,000 yuan. In the end, workers have to pay about 25,000 yuan

The manager of another company also confirmed this practice:

At first Singapore employers would pay us for recruiting workers, for example, 3,000 yuan to 4,000 yuan for a worker. This was how it worked in the late-80s and early-90s when we first exported workers to Singapore. But you know how clever Chinese people are, and how well we can come up with bad ideas. Now, we have to pay Singaporean employers. As a result, the management fee is inflated.

Illegal and irregular practices

The Singapore government limits employment agency commissions to ten percent of the employee's first month's wage. Penalties for contravening this regulation are a fine of up to S\$5,000 and/or up to six months' imprisonment.⁴³ However, the law has been rendered ineffective because it is almost impossible to prove how much the employer, the Singaporean and the Chinese agencies separately charge the employee. In March 2010, the Singaporean media reported that a 37-year-old Chinese woman had paid S\$7,000 to get a job with a salary of just S\$1,000 a month.⁴⁴ If the *Employment Agencies Act* had been enforced, the report said, she should have only been charged a maximum of S\$105. Other reports suggested that employment

⁴³ *Employment Agencies Act* (Singapore).

⁴⁴ "[China woman pays \\$7,000 to work in Singapore](#)", the *New Paper*, 22 Mar 2010.

agencies in Singapore often ask for kickbacks,⁴⁵ and that some employers unilaterally terminate employee contract after a few months, or simply bring workers to Singapore without finding them work, in order to get additional commissions.⁴⁶ A worker from Shandong, who had been working in Singapore for four years, said:

Many agencies in my home town are dishonest. They sign a two-year contract with you, but after one year, the employer terminates the contract and sends you home. Some agencies refer you to a restaurant that is just about to shut down. They are only interested in the commission... My sister came a few months later than me. She came to Singapore, but there was no job for her. Soon afterwards, she was told to leave.

Under Chinese law, both OLCs and OEAs are required to sign a contract with workers before they leave for employment overseas. The contract should clearly state the rights and duties of both parties and contain information relating to the job, such as how wages are calculated, the job duties and the benefits, and how labour disputes should be resolved.⁴⁷ OLCs also have the duty to ensure that the salary and terms of the contract comply with the law in the destination country and that workers really do have a job when they arrive.⁴⁸ If the contract is not completed, and assuming the employee is not at fault, the OLC should refund the commission in proportion to the remaining contract period.⁴⁹ In reality, many workers, especially those who went through unlicensed agencies, do not have a contract, merely a verbal agreement about working hours and wages. Many of the workers who did have contracts only signed

⁴⁵ “新加坡华媒透析劳务中介行业：充斥着各种丑陋面” (An analysis of employment agencies by the Singaporean Chinese media: Full of a variety of ugliness), 27 Apr 2009.

⁴⁶ “人力部介入 新加坡中国客工与雇主纠纷获调解” (MOM mediates dispute between Chinese migrant workers in Singapore and their employer), 25 May 2009, *出国商旅网* (Overseas businessmen).

⁴⁷ “关于印发<劳务输出合同主要条款内容>的通知” (A circular on the main terms of an overseas labour export contract) issued by the Ministry of Foreign Trade and Economic Cooperation, on 13 February 1996, “关于防范对外劳务合作为名进行诈骗的紧急通知” (An emergency circular on the prevention of frauds in the name of labour cooperation), issued on 11 February 1998, by the Ministry of Foreign Trade and Economic Cooperation.

⁴⁸ “财政部对外贸易经济合作部关于对外经济合作企业外派人员工资管理办法的补充规定” (Supplementary regulations on the management of the wage of personnel dispatched by overseas labour cooperation companies) issued jointly by the Ministry of Finance and the Ministry of Foreign Trade and Economic Cooperation on 16 Jan 1997; “进一步加强对外劳合作管理的紧急通知” (An emergency circular on further strengthening the management of overseas labour cooperation), issued on 30 August 2000, by the Ministry of Finance and the Ministry of Foreign Trade and Economic Cooperation.

⁴⁹ “财政部对外贸易经济合作部关于对外经济合作企业外派人员工资管理办法的补充规定” (Supplementary regulations on the management of the wage of personnel dispatched by overseas labour cooperation companies) issued jointly by the Ministry of Finance and the Ministry of Foreign Trade and Economic Cooperation on 16 Jan 1997.

them a few hours before they got on the flight to Singapore, and many contracts contained illegal clauses. These irregular practices, while seemingly convenient at the time, made it very difficult for workers to seek redress when a dispute with their Singaporean employer arose – see Chapters Four and Five.

Chapter Three: Working in Singapore

Almost as soon as their flight touches down at Changi International Airport, many Chinese migrant workers are deprived of rights guaranteed by Singaporean law. Even though it is against the law in Singapore to withhold or possess a passport belonging to another person,⁵⁰ and the Ministry of Manpower specifically warns employers not to withhold the passports of foreign workers, it is standard practice for employers to demand that workers hand over their passports when they first report to work. One international contractor even wrote this illegal practice in its employees' contract:

After a worker arrives in Singapore, he should hand in his passport and work permit to his employer for safe keeping. If he needs the passport to see a doctor, or for other reasonable causes, he can obtain his passport through the “borrowing” procedures, and return it to Party A. If he refuses to give it back, he will be subjected to a fine of S\$500, or be reported to the police.

All the workers interviewed for this report said their employers kept their passport. Some said their employers even kept their work permits, and gave them a photocopy. The practice is so widespread that not only do migrant workers not know it is illegal, even some Singapore citizens providing help to migrant workers are unaware of its illegality.

Accommodation

The *Foreign Manpower Act* requires employers to provide acceptable accommodation for foreign workers, be responsible for, and bear the costs of, the foreign workers' upkeep and maintenance.⁵¹ Employers are allowed to put up workers in purpose-built commercially-run dormitories; those converted from industrial or warehouse developments, and temporary dormitories in construction sites and approved temporary workers' quarters.

In 2010, there were only 35 government-approved and purpose-built dormitories for the approximately one million foreign workers in Singapore.⁵² As a result, many foreign workers live in on-site quarters, shared flats, or in illegal dormitories





⁵⁰ *Passport Act* (Singapore).

⁵¹ “[Conditions of Work Permits / S Passes](#)” Ministry of Manpower Website

⁵² See Ministry of Manpower, [List of Approved Housing](#)

converted from private buildings, or even cargo containers.⁵³

Although government-approved workers' dormitories and quarters have to meet hygiene and safety standards, the facilities and conditions in these dormitories vary considerably. A purpose-built dormitory in Tampines, for example, was clean and featured a large food court and Internet bar. Another dormitory for male workers in Fernvale, by contrast, was relatively crowded and unkempt. See photographs below.

	
<p>The exterior of an approved purpose-built commercial dormitory in Tampines</p>	<p>The food court with dozens of food stalls located in the Tampines dormitory complex</p>
	
<p>A smaller commercial dormitory in Fernvale</p>	<p>Another view of the dormitory in Fernvale</p>

On-site dormitories and temporary workers' quarters are in generally poorer condition than government-approved facilities. An on-site dormitory in Fernvale, for example, was a three-storey structure made from metal sheets. It had an open common dining area with six greasy, food spattered tables. The bathing area was primitive and was equipped with only shower heads. Hygiene was poor and mice were a common sight.

⁵³ [“Foreign worker housing woes hit firms - Costs up, productivity down,”](#) *Straits Times*, 27 August 2010.

A worker interviewee complained that the dormitory was infested with vermin and that the workers had bite marks all over their bodies. Despite the poor conditions, workers were required to pay S\$250 per month for a bed space, more than many purpose-built dormitories, which charged between S\$160 and S\$200 in 2010.⁵⁴

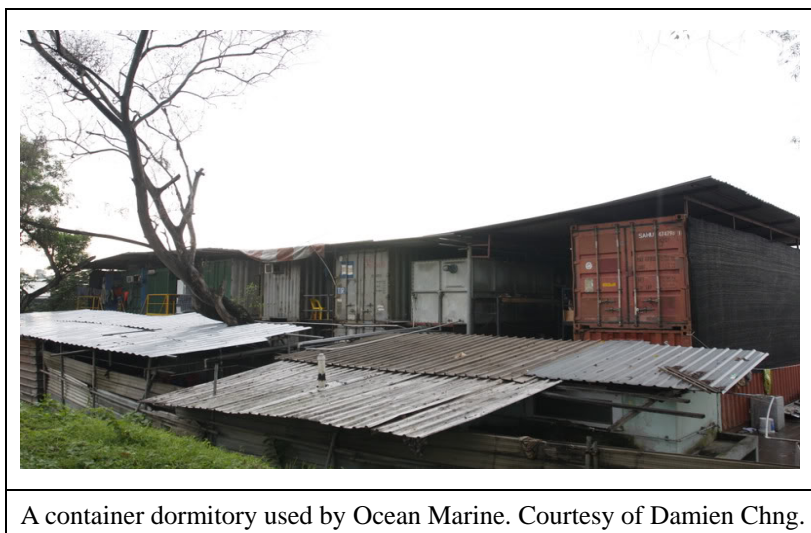
	
<p>An on-site dormitory in a construction site in Fernvale – a garbage bin right outside the dining area</p>	<p>Corridor leading to the kitchen, bathroom, toilets and living quarters.</p>
	
<p>Sleeping area</p>	<p>Bathroom</p>

Illegal dormitories are usually overcrowded, poorly ventilated, and malodorous. Around 40 percent of the 1,460 workers' quarters inspected by the government between 2009 and 2010 were deemed "unacceptable," while the number of foreign workers living in overcrowded, squalid and unsafe conditions has reportedly increased by three times since the beginning of 2009.⁵⁵ It is legal for workers in Singapore to be housed in converted cargo containers; there are limits on the rent employers can charge employees for their use. Many companies however charge far in excess of the legal limit. Ocean Marine Engineering, for example, placed 20 workers from Bangladesh in a container and charged them each S\$100 a month, 14

⁵⁴ *Ibid.*

⁵⁵ See, "Home Away from Home", the *Straits Times* 18 April 2009, "[Home truths about workers' dorms](#)", the *Straits Times*, 18 May 2010, "[Live in a box, bathe in a drain](#)," *The New Paper*, 1 July 2010.

times higher than the government's guidelines.⁵⁶ See photograph below.



A container dormitory used by Ocean Marine. Courtesy of Damien Chng.

Wages and working hours

The average work week for Singaporean workers in 2009 was 46 hours and the average monthly wage was S\$3,872.⁵⁷ Table 4 below shows the range of gross wages in Singapore, according to occupation.

Table 4. Gross wages by types of occupation in all industries as of June 2009⁵⁸

Occupation	Gross Monthly Wage (S\$)
Managers	8,245
Professionals	5,339
Associate Professionals and Technicians	3,529
Clerical workers	2,001
Service workers and shop and market sales workers	2,082
Agricultural and fishery workers	1,921
Production craftsmen and related workers	2,290
Plant and machine operators and assemblers	2,012
Cleaners, labourers and related workers	1,132

⁵⁶ Employers can charge a total of not more than S\$140 per container. Thus, if there are 20 workers housed in one container, they should only be charged a maximum monthly fee of S\$7 for the accommodation, amenities and services supplied. See. "[The men who lived in the containers](#)," the Online Citizen, 13 March 2009.

⁵⁷ *Manpower Statistics in Brief Singapore 2010*, Ministry of Manpower.

⁵⁸ *Singapore Yearbook of Manpower Statistics 2010*, p.p. B6-30.

Singapore does not have a minimum wage, and the Chinese migrant workers interviewed for this report earned significantly less than the norm for Singaporean residents. The interviewees received a monthly wage, including overtime, of between S\$780 for cleaners, and around S\$1,500 for construction workers and skilled workers.

Not only do foreign workers earn less than local workers, they also work longer hours. The *Employment Act* states that employees who earn a basic salary less than S\$2,000 should not work more than 44 hours a week, and should have at least one day off per week. Overtime should not be more than 72 hours per month and should be paid at one and a half times of the basic hourly rate. However, the workers interviewed for this report invariably worked ten to 12 hours a day. Construction workers and those in the service sector, in particular, were required to work long hours with only two days, or even less, off each month. Taking working hours into consideration, foreign workers in the construction and the service sectors earned around half of the average wage of local workers in the same position. Factory workers usually had better working hours, with one day off a week on average.

Most migrant workers knew they would be expected to work long hours even before they arrived in Singapore, and nearly all were prepared to do so. Indeed, recruitment advertisements and employment contracts often specify the overtime hours expected and that workers will not get paid an additional salary for working overtime. One advertisement for sales clerk offered a salary of S\$1,200 per month, working 11 hours a day, with one day off per week.⁵⁹ Caddies at a golf club would be paid a fixed rate of S\$1,000 per month with no extra overtime payment, working ten hours a day, six days a week.⁶⁰

One construction company employment contract seen by CLB stated that:

Employers do not pay according to working hours... For ease of calculation, for every eight hour shift workers will receive S\$28 or S\$3.5 per hour. The wage includes payment for overtime and annual leave. Workers should not ask for overtime payment.

Another contract stated:

Party B should work no less than ten hours a day, (unless they have a

⁵⁹ See [新加坡招聘网](#) (Singapore Recruitment Net)

⁶⁰ See [西祠胡同社区](#) (The community of XiCi Alley)

certificate from the hospital attesting that they are physically unable to do so). If he finishes the assigned work, he can earn S\$1,000-1,240 a month. Workers have to work overtime if required to. If the employee works less than 29 days [per month], S\$20 for each day will be deducted from his wage to cover the foreign worker levy, and another S\$50 will be deducted as a penalty.

Delayed payment and deduction of wages

Singaporean law states that employers shall pay workers not later than seven days after the agreed salary period, and that this period should not be more than one month.⁶¹ Overtime payments should be made no later than 14 days after the salary period.⁶² Withholding the wages of migrant workers is, however, common in Singapore. Indeed, some construction companies make it their “standard practice,” stating in employment contracts that workers will only get their first month’s salary at the beginning of the fourth month and that subsequent months’ salary will be paid on the fifth month etc, accordingly.

One construction worker said that, for the first few months in Singapore, the workers were only paid their basic salary with their overtime payment withheld for three months. Management did not confirm this practice but their salary record (see Table 5 below) showed no overtime payment, just the basic salary calculated at S\$26 per day, before deductions.

Table 5. Basic salary record (in Singaporean dollars) for Chinese workers at a Singapore construction site, May 2010

Staff ID	Name	Days of Attendance	Basic Salary	Meals	Tax	Accommodation	Utilities	Actual salary paid
xx	xxx	31	806	-120	-50	-250		386
xx	xxx	30	767	-120	-50	-250		347
xx	xxx	31	806					686
xx	xxx	31	806					686
xx	xxx	12	312	-48				264
xx	xxx	28	728	-112				616

⁶¹ [“Conditions of Work Permits / S Passes, Paragraph 5,”](#) Ministry of Manpower website

⁶² Section 21, *Employment Act* (Singapore).

The Singaporean government allows employers to deduct up to 50 percent of an employee's salary in one salary period.⁶³ It also allows employers to deduct income tax from foreigners who work more than 183 days and hence are taxed at the same rate as residents. However, it does not allow employers to transfer the expenses incurred during the recruitment process, such as the levy and the security bond and medical insurance, to the worker. And those who earn less than S\$20,000 a year should not be taxed at all.⁶⁴ Nevertheless, as can be seen from the above table, two workers had income tax deducted at source. In addition, the employer, a member of the International Contractors Association, withheld wages, made excessive deductions, and transferred the cost of insurance onto the workers. Moreover, the workers were told to sign a consent form authorizing the contractor to make deductions for accommodation, tax, insurance and meals.

Another company stipulated in its employment contract that workers should "request" their employer to deduct a proportion of their wages:

In order to make sure that Party B (worker) does not commit any crimes in Singapore (including not paying tax according to the law), and follows the lead of the Singaporean employer, and to make sure that the employer's financial interests and reputation will not be harmed, Party B requests his employer to withhold a proportion of his wage... From the first month of the first year, every month S\$450; In the second year, S\$300 every month; In the third year, S\$200 every month.

The workers were told that they could get back the money after they finished the contract, provided they did not contravene company rules, including:

- Changing employer, going missing.
- Engaging in any illegal or immoral or indecent activities.
- Gambling or visiting prostitutes.
- Making trouble.
- Participating in any form of strike.⁶⁵

It is the employer who determines whether any of its rules have been broken.

⁶³ Section 32 *Employment Act* (Singapore).

⁶⁴ [Inland Revenue Authority of Singapore](#).

⁶⁵ These rules are, in fact, in line with the conditions of the security bond.

Moreover, the employer usually has the power to enforce unilateral decision. For example, when more than 30 construction workers at the Marina Bay Sands Casino complained that their three months' salary had been reduced to only S\$500, their employer simply threatened to report them to the police as missing. If an employer reports a worker missing, the worker will be considered in breach of the conditions of work permit and subject to deportation.⁶⁶

Work-related injury and illness

Singapore has implemented several laws and policies to improve work safety, including the 2006 *Workplace Safety and Health Act*, and construction workers are required to attend a safety training program before they start work. Nevertheless, the accident and death rates, especially in the construction and marine sectors, remain relatively high.⁶⁷ In 2000, Singapore's overall death rate per 100,000 workers was 2.9, but it was 8.1 per 100,000 in construction and 11.1 per 100,000 in the marine sector. The vast majority of workers in these two sectors are foreign workers.

Apart from the usual construction site hazards faced by workers such as falling from a height or being hit by falling objects, construction workers in Singapore also have to deal with searing temperatures all year round. Many workers, especially those from northern China, complain about the heat, and heatstroke is not uncommon. One worker reportedly died and another suffered permanent brain damage from heat stroke in 2009.⁶⁸ The employer of the worker who died was fined S\$20,000 for not providing a safe working environment, and not allowing employees to gradually acclimatize to their new environment.⁶⁹

Transport to and from construction sites can be equally hazardous for workers. More than 200,000 construction workers are transported to and from their worksites each day on the back of flat-bed trucks. And, on average, four workers are either injured or killed on their way to work each week. On 22 June 2010, for example, a lorry skidded and crashed into a central divider, resulting in the death of three workers and injuring 14 others. These workers were sitting on the back of the truck next to a pile of construction materials, including metal rods, one of which impaled a worker. The following day, another lorry crashed while transporting 40 workers, leaving six

⁶⁶ See "[China construction workers taken by repatriation companies](#)", 12 December 2008.

⁶⁷ See Ministry of Manpower website - "[Number of work injury compensation claims and total compensation awarded \(\\$m\) 2005 to 2009](#)."

⁶⁸ "[Chinese workers coping with heat here following heatstroke death, they say they have a responsibility to take care](#)", the *Straits Times*, 11 December 2010

⁶⁹ "[Construction worker dies from heatstroke; employer fined](#)," *Today*, 10 December 2010.

injured.⁷⁰

The *Employment Act* guarantees employees up to 14 days paid sick leave each year for outpatient medical problems and 60 days for medical conditions requiring hospitalization. Most worker interviewees, however, said they received no paid sick leave. Employers are also legally obliged to bear the cost of medical consultations, and according to the *Foreign Manpower Act*, employers should provide a work permit holder with sufficient insurance to cover charges for inpatient care and day surgery.⁷¹

In reality, some employers do not even allow workers to see a doctor if they think their illness is not serious. And even if they are allowed to visit a doctor, employees are usually required to report back to work right away. If workers refuse to work, they will lose a day's pay and, in some cases, will even be fined for absenteeism.

A young man who worked in a café described his attempts to get medical treatment:

I worked for ten to 12 hours each day in the kitchen washing dishes... My boss gave me a pair of boots, but after a while, they leaked, and I developed skin disease because my feet were soaking in washing liquid all the time. I told my boss that my feet had started to bleed. He gave me some cream, but it did not help. In the end, he agreed that I should see a doctor, but I had to pay for myself and I got no medical leave.

A bus driver explained how her boss refused to provide any medical care or grant medical leave after a work-related accident:

My husband and I were employed by a private bus company. We drove the same bus. He was on night shift and I was on day shift. One night, my husband had a dispute with a passenger. When the passenger got off from the bus, he scratched the side of the bus. My husband got off and gave a chase. Before he could get hold of him, he slipped and hurt his leg. He was so much in pain that he could not move. I managed to carry him back to our dormitory and told our boss. He told him to take a rest but said that I should cover his shift. I told him that I want to take

⁷⁰ "[Safety calls grow after 2nd accident](#)", the *Straits Times*, 24 June 2010.

⁷¹ Employers are required to purchase and maintain a minimum medical insurance coverage of S\$15,000 per year for each Work Permit holder for inpatient care and day surgery. Additional medical benefits depend on the specific agreement between the employer and employee. See Ministry of Manpower website – [Medical Insurance](#).

my husband to see the doctor and take care of him, but he insisted that as my husband was not able to work, I should take his place. Later, when my husband's situation did not improve, our boss fired us. He did not give us any money to see the doctor or grant my husband medical leave.

Singapore's *Work Injury Compensation Act (WICA)* requires employers to report any work injury which renders a worker unfit for work for three days or more. If employers do not make a report, workers can make a report themselves. However, some employers have been known to order injured workers not to report an accident to the authorities. Some employers delayed sending workers for treatment, and instructed them to lie about the cause of the injury. Others threatened to repatriate workers or even hired thugs to silence them.⁷²

The WICA stipulates that work-related compensation should be awarded on a "no-fault basis," thereby guarantying employee compensation as long as the employee suffers an injury arising out of and in the course of his employment. However, some employers have tried to trick employees into believing they would not be compensated if they caused their own injuries. For example, one employment contract read:

If Party B is sick or injured at work because of his own fault, Party B should be responsible for his own medical fees. He will not be regarded as absent without leave only if he has a certificate from the doctor appointed by the employer. Party B will not have a salary during sick leave.

Two workers interviewed for this report suffered serious work injuries; one, Cui Zhaowei, sustained a head injury and the other suffered an eye trauma. Although both were sent to the hospital immediately, their employers only agreed to provide basic medical treatment, which, in the end, hindered the recovery process.⁷³ Cui's employer failed to report the accident to MOM for over a month, and only then because Cui insisted. A psychiatrist who examined Cui reported that he suffered from significant cognitive impairment. However, he was not given any treatment to help him to

⁷² *Justice Delayed, Justice Denied – The Experience of Migrant Workers in Singapore*. Published in 2010 by Humanitarian Organization for Migrant Economics, and *Transient Workers Count Too*, p.12.

⁷³ The WICA requires employers to pay up to S\$25,000 for medical expenses incurred within one year from the accident. However, apart from life saving medical care, hospitals require a written consent from employers to pay for the treatment given to the workers. In the eye injury case, the government hospital also required the employer to pay in advance.

recover.

Similarly, the worker who suffered an eye injury explained.

I was sent to a hospital assigned by my boss. After preliminary evaluation, the doctor said I would go blind. I went to another hospital to get another diagnosis, and the ophthalmologist said, they may be able to help me to get some of my eyesight back. I told my boss, but he refused to pay for the treatment. It is cheaper to let me go blind than to provide treatment.

It is quite common for employers to send injured workers only to a hospital designated by them. One employment contract seen by CLB stated:

If Party B sustains an injury at work, he should follow the instructions of the employer and go to a designated clinic or hospital for treatment and for assessment. Party B is not allowed to seek consultation or treatment from another clinic or hospital without the approval of the employer. The employer will not be responsible for the cost of medical treatment if workers are in breach this article.

Specifying the hospital that workers can go to allows employers to influence the medical professionals there and often persuade doctors to only grant two days' medical leave in order to get around WICA's requirement to report work injuries which render an employee unfit for work for more than three consecutive days.

Discrimination and harassment

Singaporeans think that they are superior. They look down on people from China.⁷⁴

Although most Singaporeans do acknowledge the importance of foreign workers in the development of their city state, they usually have a low opinion of them. Unskilled foreign workers are seen as dirty, rude, greedy and loud, even dangerous and criminal.⁷⁵ Many Singaporeans seek to keep a distance from migrant workers, and, for the most part, migrant workers are kept apart from the general population, being

⁷⁴ A 37-year-old odd job worker from Shandong.

⁷⁵ Loi, Soh Loi (2004). "[Locals' perception of foreign labour in Singapore.](#)"

housed in isolated and self-contained dormitories that minimize social interaction with Singaporean residents. Nearly all of the 35 purpose-built dormitories for foreign workers, for example, are located in the outskirts of the city (See Map 2 below).

Map 2 - The distribution of the 35 purpose-built dormitories for foreign workers in 2010



In 2008, the government built two dormitories for 12,000 workers in the remote area of Lim Chu Kang (See Map 2), next to a cluster of Muslim, Christian and Chinese cemeteries. (See photograph below). The nearest housing estate and shops are in Jurong West, at least five kilometres away.⁷⁶



Dormitory at Lim Chu Kang. Photo courtesy of Damien Chng.

If dormitories are built near local residential areas, the government seeks to keep the perceived nuisance caused by foreign workers to a minimum. In 2008, the

⁷⁶ [“Foreign workers to be housed next to cemetery”](#), the *Straits Times*, 2 March 2008.

government approved controversial plans for a temporary dormitory for foreign workers in Serangoon Gardens (See Map 2) to relieve the shortage of bed places before permanent dormitories were ready in 2010 and 2011. When the dormitory was opened in November 2009, fences were erected to separate the facility from adjacent housing, and workers were picked up and dropped off by trucks within the compound so that the residents would not see them on the pavement outside. A canteen and several shops were also built in the compound to minimize the workers' interaction with local residents.⁷⁷



Picture of Serangoon Gardens dormitory courtesy of Stephanie Chok⁷⁸

Many worker interviewees, especially those in the service sector, felt discriminated against either at work or socially. A woman who worked in a cafe said:

Workers from China worked longer hours and got much less. Our boss shouted at us whenever he felt like it, but he would not do this to local workers. Local workers worked eight hours and enjoyed a number of benefits.

A middle-aged Singaporean woman who worked at the same cafe confirmed that:

My boss was very mean to workers from mainland China. He often scolded them and told them that they were stupid and slow. He would not dare to talk to us like that. Some workers from mainland China cried and complained to me. I just told them; 'It is your choice. You

⁷⁷ See "[Foreign workers' dormitory in Serangoon to open in November](#)," *Temasek Review*, 27 September 2009; and "Strict rules at Serangoon dorm," *The Straits Times*, 18 December 2009

⁷⁸ See "[Overreaction? Or under-reaction on issues that matter?](#)" *The Online Citizen*, 27 April 2010..

chose to work in Singapore.’

A computer company delivery worker had an even more extreme example of employer harassment:

My boss installed a loudspeaker in our living quarters, and he would suddenly play loud music or make sudden announcements. He was sick, very sick.

In nearly all cases, foreign workers were expected to follow the instructions of their boss unconditionally. Some companies even stipulated such obedience in their contracts. If employees did not obey the management without question, they would be fined and even dismissed.

If Party B acts unreasonably and repeatedly violates management rules and, as a result, is sent back to China, the management fee that Party B paid Party A will not be refunded... The cost incurred from the repatriation and administrative expenses will be deducted from the wages of Party B.

Another contract stipulated that the employees should:

Accept the discipline of the employer unconditionally... If the worker does not [accept his disciplinary punishment], he will be doubly punished or even sent back to China.

Chapter Four: The reluctance of Chinese migrant workers to file a complaint

I paid 40,000 yuan to sell myself to the agency and the boss. My life is now decided by the agency and the boss.

~ A 29-year-old worker from Shandong

Workers in Singapore, both local and foreign, are entitled to file a complaint at the Ministry of Manpower (MOM) if their employer violates the *Employment Act*. After reviewing the case, the Advisory Officer at the Labour Relations and Work Place Division (LRWD) will conduct a mediation session, at no charge, for the worker and the employer.

If mediation fails, either the worker or the employer can take their case to the Labour Court for adjudication. The application cost for a Labour Court hearing is just S\$3.00. After both the employer and employee present their cases, the Assistant Commissioner for Labour (ACL) will issue a judgment.⁷⁹

However, foreign workers are far less likely to file a complaint than local workers. In 2009, there were 19,455 claims filed with MOM,⁸⁰ and 1,894 claims were filed with the Labour Court;⁸¹ of these, only 3,700⁸² and 220⁸³ respectively were by foreign workers. Based on these figures, the rate of claims to MOM among residents was 8.4 per 1,000 employed persons compared with 3.6 among foreign workers. About six percent of claims filed by foreign workers were carried forward to the Labour Court, compared with 11 percent of those by local residents.

It is unlikely that the lower proportion of claims among foreign workers is due to their being better protected than local workers or because they suffer fewer rights violations. A more probable explanation is that foreign workers are more reluctant to file a complaint. Those who do seek redress for their grievances are more ready to

⁷⁹ See [Justice Delayed, Justice Denied – The Experience of Migrant Workers in Singapore](#). Published in 2010 by Humanitarian Organization for Migrant Economics..

⁸⁰ *Singapore Yearbook of Manpower Statistics 2010*, Table E10.

⁸¹ Email correspondence with the Labour Court in October 2010.

⁸² Email correspondence with the Ministry of Manpower, 22 Sept. 2010. See also “[新加坡外劳向雇主索偿个案激增 达三年来新高](#)” (The number of claims made by foreign workers against their employer reaches a three year high), *联合早报 (Lianhe Zaobao)*, 26 April 2010.

⁸³ *Ibid.*

settle their cases through mediation.

Lacking legal awareness

Although nearly all of the workers interviewed for this report had suffered some kind of rights violation, such as having their passport withheld, not being paid overtime or suffering from illegal wage deductions, many took no formal action because they were unaware of or unsure of their rights. Others simply suffered in silence or attempted to settle their dispute directly with their supervisor. Nearly all interviewees had talked to their bosses or supervisors repeatedly about unpaid wages and other disputes. One worker, for example, sent text messages to her employer almost every day. However, most employers could use stalling tactics, making empty promises or paying a few hundred dollars, to brush workers off.

Before foreign workers arrive in Singapore, they are issued with an In-Principle Approval (IPA) letter that contains information about their expected occupation and basic monthly salary, as declared by their employers. The IPA letter also informs workers that all employment-related expenses should be borne by employers and cannot be passed on to the worker. However, the IPA letter is written in English, a language most Chinese workers do not understand. Similarly, the MOM website contains a lot of information about workers' legal rights, the procedures for filing complaints, downloadable forms and online appointment booking. But once again, almost all these documents are in English.⁸⁴

Upon arrival, workers are given leaflets in their native language, which introduce their basic rights whilst in Singapore. However, many workers soon disregarded these pamphlets, and instead relied on their co-workers or friends for information about their legal rights. Almost all of CLB's worker interviewees were aware of the regulations on the 44-hour working week and that overtime should be calculated at time and a half the regular wage. They generally knew that it was illegal to withhold wages, although they were not sure whether employers had the right to withhold their work permit or passport. Some workers were not sure whether it was illegal for employers to transfer the cost of security bond on to them or whether they were entitled to medical leave and annual paid leave. In summary, although workers were not completely ignorant of the law, their legal knowledge was patchy at best.

⁸⁴ One exception is MOM's "[Guide to the Work Injury Compensation Benefits and Claim Process](#)," which is available in four languages (Chinese, English, Malay and Tamil).

No one to turn to

Many migrant workers in Singapore are reluctant to ask family or friends back in China for help in resolving their disputes because they fear being seen as failures or becoming an object of ridicule. The couple who worked as bus drivers, for example, explained that before they came to Singapore, their families and friends had opposed their plan, saying that they were pretty well-off, although not rich, and that there was no need for them to take the risk. The husband said:

I can't sleep at all, and can't concentrate. Whenever I think about what happened, I can't stop crying. I should not have come. Many of my friends told me that I had everything in China, and I should not come.

Other workers blamed themselves for their problems, saying they should have been more careful in keeping documentary evidence, or should have been smart enough not to sign a receipt for payment when none was forthcoming, or an agreement not to pursue a claim. Many workers felt alone, with no one to turn to in Singapore.

The Chinese embassy in Singapore and the International Contractors Association are, in theory, responsible for helping workers resolve labour disputes.⁸⁵ However, the embassy has until now only intervened in extreme cases,⁸⁶ and there is little evidence of the International Contractors Association doing anything to help workers. Neither party responded to CLB's requests for an interview.

Only one of the workers interviewed by CLB, a technician from Jiangxi, had sought help from the Chinese Embassy. Most interviewees said they would rather seek help from the Singaporean authorities such as MOM than go to the Chinese Embassy. This was indeed the case in January 2009, when 224 Chinese workers protested in front of MOM demanding wage arrears from two Chinese contractors. It was only after this protest that the embassy got involved. The Chinese Ambassador visited the workers and appealed to them to use legal means rather than public protest.⁸⁷

Workers are often advised to seek help from their employment agency in resolving

⁸⁵ “商务部关于处理境外劳务纠纷或突发事件有关问题的通知” (Circular on how to handle overseas labour disputes, labour related emergencies and related issues), issued by the Ministry of Commerce on 13 July 2003.

⁸⁶ “[中國工人抗議獅城勞資衝突](#)” (Chinese workers protest in Singaporean labour disputes), *亞洲周刊* (Asia Week) 18 January 2009.

⁸⁷ “[新加坡二百餘中國客工投訴僱主欠薪 中使館介入](#)” (More than 2000 Chinese foreign workers demand wage arrears – Chinese embassy intervenes”, *中國新聞網* (Chinese News Net), 4 Jan 2009.

disputes, but most workers found these agencies unhelpful. Employment agencies usually have a close relationship with the employer, and in order to maintain that, they usually ask workers to just put up with the situation, discouraging workers from seeking redress, as the following agency contract clause indicates:

Party B should solemnly promise that he will let the employer handle all compensation claims. He should agree that MOM's verdict on the dispute is final, and that the employer will not provide additional compensation. Party B should solemnly promise that he will not get directly involved in the compensation claim by filing a complaint to relevant authorities (MOM, or insurance companies). He should not seek assistance from a lawyer or employ other means to, or via legal channels, pursue a compensation claim... Otherwise, the employer will hold him responsible for any financial damages or damage to his reputation.

Even though Singaporean law prevails when employment or agency contract terms violate the law,⁸⁸ many workers still feel constrained by these contracts and are fearful of filing a complaint or are unwilling to do so. Employers on the other hand can use the contracts to control, threaten or intimidate their employees.

Moreover, legal professionals and NGO workers have attested that all too often employers can get away with illegal clauses in their employment contracts. MOM case officers have reportedly allowed employers to deduct "breach of contract fees" from wage arrears settlements before workers were repatriated, while other officials reportedly dissuaded workers from seeking claims based on unfair contract terms.⁸⁹ Even the co-chair of Singapore's National Trade Union Congress (NTUC)-sponsored Migrant Workers Centre, Yeo Guat Kwang, admitted in an interview with CLB that if workers had signed an agreement to forfeit their rights before they came to Singapore, there was little the Singaporean trade unions or other authorities could do for them.⁹⁰ Rather, Mr Yeo blamed the Chinese authorities for not properly supervising employment agencies in the mainland. "Do something for your countrymen," he said. "Don't point the finger at us."

⁸⁸ Section 8, *Employment Act* (Singapore). "Every term of a contract of service which provides a condition of service which is less favourable to an employee than any of the conditions of service prescribed by this Act shall be illegal, null and void to the extent that it is so less favourable."

⁸⁹ CLB interview with a legal professional on 10 June 2010. See also "[A response to MOM but rejected by the Straits Times](#)", 30 January 2009, *The Online Citizen*.

⁹⁰ CLB interview with NTUC official Yeo Guat Kwang, 19 May 2010.

Employers' control over employees' right to work

Migrant workers on a work permit are not allowed to switch employers during their stay in Singapore without the approval of their original employers. However, employers can cancel an employee's work permit if they no longer require their services. And once the work permit is revoked, the former employee has to be repatriated.⁹¹

The *Employment Act* states that when employees believe they have been dismissed without just cause, they can make a written representation to the government asking for reinstatement.⁹² However, employers are not required to give any justification for firing a foreign worker: they are simply advised to give workers reasonable notice of their repatriation and take responsibility for the cost of repatriation.⁹³

Under this system, clearly all the power resides in the hands of the employer. And as such, foreign workers will always be wary of defending their rights or be reluctant to do so because of the risks involved. Only one of the workers interviewed by CLB, a skilled worker with a several years experience abroad, had been able to successfully switch employers in Singapore, but even then his work documents were withheld by his new employer and he still had to work excessively long hours:

In the middle of this year, I sued my boss at the Labour Court for not paying me according to the labour laws. He promised that he would raise my wages after I finished the probation period, but he did not. I was very upset and decided to find another job. But my boss did not let me go. I sought help from an NGO here, and the case was finally settled. My new boss now pays me S\$2,300 a month, but I have to work 12 hours daily and only get one or two days off a month. Like my previous boss, he also withholds my work pass. He paid me more because I am very capable and am able to help him. New workers from China are paid only about S\$1,000.⁹⁴

⁹¹ First schedule of the *Employment of Foreign Manpower Act* (Singapore). Employers have to return the work permit to the Controller within seven days of the worker's work permit being revoked.

⁹² Section 14, *Employment Act* (Singapore).

⁹³ First schedule, *Employment of Foreign Manpower Act* (Singapore).

⁹⁴ Workers on an S-pass should be paid at least S\$1,800 monthly. They are allowed to stay in Singapore for a month after their employer terminates their work permit. If they can find a new employer during this period, they are not required to go back to China. However, it is not uncommon for employers, who are on bad terms with foreign workers, to refuse to terminate their work permit.

Chapter Five: Limits to justice for migrant workers

CLB interviewed 13 Chinese workers in Singapore who were actively seeking redress for labour rights violations. Eight of them were seeking overtime payments but so far only one, a 30-year-old delivery worker, has been compensated in full. Three others only received a small fraction of their demands in a mediated settlement. They were owed between S\$5,000 to S\$10,000. However because their employer had filed for bankruptcy, MOM agreed to pay only S\$1,000 each in compensation. One employer refused to pay even after the Labour Court ruled in favour of the worker. The overtime case involving the two bus drivers is still pending as the employer has refused to settle. An odd-job worker's claim for overtime was turned down by the Labour Court. He had officially been employed in a monastery as a monk, and the Labour Court deemed that monks were not eligible for overtime payments.

Two other workers had sued their Singaporean employment agencies for breach of contract, and in both cases, the Small Claims Tribunals ruled in their favour, but only one, a factory technician from Chongqing, was able to get compensation.

Four workers had sought work-related injury compensation. Two claimants had their medical fees reimbursed or got compensated. One worker is currently bringing a civil lawsuit, while another has reached a settlement after MOM mediation. However, the employer has so far refused to pay.

All these workers received assistance from NGOs in filing their cases. Indeed, without such legal advice and support, many of the workers said, they might not have been able to proceed.

The imbalance of power and language problems

In response to criticism from a migrant worker activist, in 2009, MOM published a letter in *The Straits Times*, the largest English language newspaper in Singapore, to defend its work:

Wage claims of foreign workers are usually resolved before they return to their home countries, except in certain situations, such as when the company is being placed under liquidation. In those circumstances, it would take longer to pursue the workers' wage claims. Nevertheless, as long as foreign workers have lodged their claims with the Ministry

of Manpower, their cases will be investigated and pursued, even if they have returned to their home countries. Any money recovered will be remitted to them.⁹⁵

In addition, MOM stated in an email to CLB that about 90 percent of claims could be resolved within six weeks of registration.⁹⁶ However, MOM did not elaborate on exactly how these cases were “resolved.” And as the above mentioned activist pointed out, “workers may have accepted settlement terms and agreed to return home, but whether or not the settlement terms equal a fair and just outcome is a different matter.”⁹⁷

Mediation is supposed to be conducted on a voluntary and equal basis. However, most workers, by the time they file a complaint, are already owed several months’ wages and face serious financial difficulties. Moreover, when a salary case is pending, workers are not allowed to take another job. Some are left homeless and have to rely on friends or charity organizations for food and shelter. In order to avoid a long-drawn-out dispute process, workers often have no choice but to accept a small proportion of their legally entitled compensation.

Knowing that workers are in a vulnerable position, some employers deliberately stall for time in order to wear them down. In 2002, for example, around 100 Chinese workers were forced to go through six separate mediation sessions at MOM, after which they were told they could only get about 30 percent of their wage arrears. The workers had paid about 50,000 yuan each in commission in order to work in Singapore. After they had worked for about a year, their employers stopped paying them. The workers had been housed in a converted cargo container, but the electricity and water supply had been cut off and the container was scheduled for demolition. Their work permits had also been revoked. Feeling desperate, about 30 of these workers resorted to staging a demonstration outside the home of their boss in an attempt to get back their wages.⁹⁸

More recently, in 2009, a construction company that owed three months’ wages to more than 870 workers ended up paying less than one third of what it owed. The workers were owed about S\$3,200 each but after MOM’s mediation they only

⁹⁵ “[A response to MOM but rejected by the Straits Times](#)”, 30 Jan 2009”, *The Online Citizen*.

⁹⁶ Email correspondence with the Ministry of Manpower, 22 September 2010.

⁹⁷ “[A response to MOM but rejected by the Straits Times](#)”, 30 Jan 2009”, *The Online Citizen*.

⁹⁸ “[在新加坡被骗中国工人向劳务中介老板讨公道](#)” (Chinese workers in Singapore, cheated by their employment agency, attempt to get their money back), *中国新闻网* (Chinese News Net), 15 March 2002.

received S\$1,000. Moreover, in order to get the settlement, the workers had to agree to return to China, regardless of how long they had been in Singapore or how much they paid in commission. One worker had been in Singapore for only four months and had paid more than S\$10,000 in commission. Workers who refused to return would be given job interviews, but if they could not find another job within seven days, they would be repatriated with only S\$500.⁹⁹

To ensure that both employers and employees stand on an equal footing in labour dispute cases, neither workers nor employers can be represented by a lawyer during a mediation session or in the Labour Court. In reality, however, while workers nearly always have to represent themselves, employers can appoint a manager or a staff member familiar with the law to represent them.¹⁰⁰ An NGO worker told CLB:

We can only brief workers before the mediation session or during the break. Even though workers might have a vague idea about their rights, many don't know how to respond when challenged.

Although language support is given to workers during a mediation session, in most cases, only the most crucial information is translated, and many workers complain that they do not get as much information as they need.¹⁰¹ Moreover, almost all the information and forms relating to labour dispute claims are in English. It is almost impossible for Chinese workers, who barely understand English, to file a claim on their own. The language problem is even more serious for foreign workers who do not speak any of the four official languages of Singapore (English or Chinese, Malay, and Tamil), such as workers from Bangladesh. Many of these workers felt “inferior” or like an “outsider” at mediation and Labour Court proceedings, and as such they often lacked the confidence to really push for a fair settlement.

Even if an employer does agree to a mediated settlement, workers may still not get the money owed. There are reports of employers deducting varying amounts from the mediation settlement in the form of fines and penalties, simply refusing to pay, or cajoling workers into signing a receipt for payment even though no payment was

⁹⁹ “[新加坡中国客工事件或平息 八成人领遣送金回国](#)” (Labour disputes involving Chinese foreign workers in Singapore may be resolved; 80 percent accept repatriation money and will return to China), *中国新闻网* (China News Net), 6 May 2009.

¹⁰⁰ Section 120, *Employment Act*. An employee may be represented by an officer of the trade union of which the employee is a member; an employer may be represented by one of his employees, but shall not be represented by an advocate or solicitor or a paid agent.

¹⁰¹ For example, See “[The men who lived in the containers](#),” *Migrant Workers in Singapore*, 13 March 2009.

made. Some lied to workers, saying they would pay them only after they entered the restricted area at the airport.¹⁰²

Documentary evidence

When labour dispute mediation fails, either party can take their case to the Labour Court. The *Employment Act* states that when the Commissioner for Labour hears a case, he shall not be bound to act in a formal manner or in accordance with the *Evidence Act* but may inform himself on any matters and in such manner as he thinks just; and shall act according to equity, good conscience and the merits of the case without regard to technicalities.¹⁰³ In reality, written evidence still remains the key to winning a case. The Labour Court expects claimants to bring original copies of all documents relevant to the claim, such as letter of appointment, service agreement contracts, salary slips and payment vouchers.¹⁰⁴ However, few workers actually sign a contract with their Singaporean employer. Only six of the workers interviewed by CLB had signed a contract with their employer, and only one, a construction worker, was given a copy of the contract. In some cases, the contract was only signed by workers but not their employer. Even obtaining pay slips or time cards can be difficult. One interviewee, for example, asked a co-worker to obtain her monthly pay slip from the company but she was accused by the employer of stealing company property. The employer then presented forged pay slips, IOUs and contracts to the court. Even though the Labour Court eventually ruled in her favour, the proceedings caused this worker enormous stress and took up a considerable amount of her time.

The common practice of arbitrary fines, fees and other deductions makes it difficult for workers to understand how their wages are actually calculated. The complexity of pay slips and wage documents also makes it very difficult to prove that the employer has transferred expenses related to hiring a foreign worker, such as the security bond, on to the employee.

In some cases, workers find it hard to pursue claims because they do not even know who their main employer is, or who should be responsible for their wages.¹⁰⁵ Three CLB interviewees, for example, said they had been told by their manager to work in

¹⁰² See "[The men who lived in the containers](#)", *Migrant Workers Singapore*, 13 March 2009; and "[一名中国客工在新加坡的遭遇](#)" (A story of a Chinese foreign worker in Singapore), *Lianhe Zaobao*, 2 August 2001.

¹⁰³ Section 119(2), *Employment Act* (Singapore).

¹⁰⁴ See Ministry of Manpower website [A Guide to Labour Court Inquiry](#).

¹⁰⁵ See "[Government's pledge to protect foreign workers' rights should go beyond mere empty talk](#)," *Sgpolitics.net*, 16 January 2009.

several different cafes but did not know who owned them. After they filed their claims at MOM, they were informed that they were working in businesses owned by someone other than their “employer” (the person who applied for their Singaporean work visa). Other workers knew that they had been illegally deployed by their employers but dared not report this to the authorities because they feared deportation.¹⁰⁶

And, as with mediation agreements, the enforcement of Labour Court verdicts cannot be guaranteed. Even MOM admits that about 40 percent of Labour Court verdicts are not enforced.¹⁰⁷ As this figure includes cases brought by both local and foreign workers, the proportion of foreign workers not being paid could be even higher. If employers fail to comply with the ruling, workers can either execute a Writ of Seizure and Sale; or apply for a Garnishee Order.¹⁰⁸ However, the costs of pursuing either of these options is beyond the reach of most migrant workers who are already in debt and left penniless after waiting for months on end for a resolution of their cases.

Limitations on work-related injury claims

Singapore’s *Work Injury Compensation Act* (WICA) provides workers with compensation on a no-fault basis. However, compensation awards are limited and are worked out on the basis of loss of future income and medical expenses, the latter capped at S\$25,000. Workers who are permanently incapacitated can get a maximum payment of S\$180,000, with an additional 25 per cent for those who are completely incapacitated. Workers seeking additional compensation have to make a claim in the civil courts, a costly and time consuming process with stringent legal requirements.¹⁰⁹ Foreign workers are not entitled to legal aid, making it virtually impossible for them to file a claim without the assistance of an NGO or other support group. Moreover, Singapore does not allow foreign workers who are seeking claims in a civil court to stay in Singapore, making the process even more complicated.

Of the worker interviewees involved in work injury claims, the construction worker who suffered an eye injury in May 2010 eventually got S\$85,900 in WICA

¹⁰⁶ [“Complaints of workers deployed illegally up from 16 to 412,”](#) *Migrant Workers Singapore*, 9 April 2010.

¹⁰⁷ “新加坡外劳向雇主索偿个案激增 达三年来新高” (The number of employment claims made by foreign workers has reached a three year high), *联合早报 (Lianhe Zaobao)*, 26 April 2010.

¹⁰⁸ A garnishee order absolute is directed at the garnishee, requiring him to release to the judgment creditor any moneys which he owes the judgment debtor. See [Subordinate Courts Practice Pamphlets: Garnishee Proceedings](#).

¹⁰⁹ For more discussion, see *Justice Delayed, Justice Denied*, HOME, 2010.

compensation in November 2010, and the bus driver injured while chasing a passenger who vandalized his vehicle eventually had his medical expenses reimbursed. However, construction worker Cui Zhaowei's suit against his employer in Singapore and his employment agency in China remains unresolved. Cui decided not to apply for statutory compensation because he was not convinced the amount offered would be sufficient, given the extent of his cognitive impairment. He is in addition seeking a refund of part of his 28,000 yuan commission from his employment agent in Shandong on the grounds that he sustained his injury only two months after beginning work in Singapore.¹¹⁰

Cui is now recovering in his home town in Shandong. Even though his superficial wounds healed in March 2010, he still suffers from headaches, hearing problems, sleeping difficulties, poor appetite and personality changes. Friends and colleagues said he had become very slow. His psychiatrist concluded at the time of examination, that he was unfit for a construction worker's duties, and that it was very unlikely he would be able to work in a physically and mentally demanding job such as construction again in the future.

One-sided justice?

Most of the worker interviewees who had gone through mediation and Labour Court proceedings said Singapore was strict in terms of evidence and procedures, and that in general the courts were impartial. A young woman claiming overtime payments, for example, wrote to the presiding judge:

This incident has made me see the ugly side of human nature. What is comforting, however, is that Singapore's laws and judges are impartial and fair. I also believe that there is still justice in this world. After all, what is false cannot be made true. The judge will deliver justice to the innocent party.

However, she was less confident in the ability of the law to protect her once she left Singapore. She was concerned that her boss would report her to MOM, and as a result she would not be able to find future employment in Singapore.

Several other workers noted that even though it was their employers who broke the

¹¹⁰ According to Chinese law, an OLC should refund in proportion the "service charge" to a worker if the contract cannot be fulfilled due to causes that are not attributed to the worker.

law, it was usually workers who got punished. Two workers, for example, had their work permits cancelled by their boss after they filed a complaint demanding wage arrears, and both were subsequently charged with working illegally.

A factory technician from Fujian made this comparison of the judicial process in China and Singapore:

Q: What do think about the justice system in Singapore? Do you think it can help you redress grievances?

A: My boss did not pay me. If this happened in China, I would call my friends and relatives to force him to pay.

Q: Why didn't you do that in Singapore?

A: The police will arrest me here.

Q: Would the police in China arrest you?

A: They probably would, but at least they would get my boss to pay my wages first. In Singapore, you need all sorts of evidence and go through complicated procedures. However, we simply did not have the required evidence nor have the resources to go through these procedures. We can't do anything but my boss can act outside the law.

Indeed, when this worker did complain noisily to his employment agency, the police were called and he was given a warning. The Small Claims Tribunal eventually ruled in his favour but he still returned to China empty handed because his boss refused to pay.

Chapter Six: Migrant workers' rights in the international context

The human rights of all migrant workers, regardless of their status, should be promoted and protected.

~ ILO Multilateral Framework on Labour Migration, 2006. P.15

When we look at the migrant workers' issue, we are not looking at it from the perspective of human rights. We are looking at it on a need basis... Like it or not, we need to sustain and grow an economy that is able to generate an annual per capita [GDP] of US\$35,000. At the end of the day, whatever factors would be able to help us to sustain the growth of the economy for the benefit of our countrymen, for the benefit of our country; we will definitely go for it.

~ Yeo Guat Kwang, Member of the Singaporean Parliament, National Trade Union Congress official, and Co-Chairman of the NTUC-SNEF Migrant Workers Centre.¹¹¹

The Singaporean government has, over the last two decades, taken several steps to enhance and protect migrant workers' rights. The 1990 *Employment of Foreign Manpower Act* states that employers who forge or who unlawfully alter a work pass or use false information to obtain a work pass are liable to a fine of S\$15,000 or to imprisonment for a term not exceeding 12 months or both. And employers who contravene the conditions of the work pass, for example by illegally deploying workers or recovering employment-related expenses from workers, shall be liable to a fine of S\$5,000 or imprisonment for a term not exceeding six months or both. They will also be blacklisted from hiring foreign workers in the future. Furthermore, employers who violate the *Employment Act*, by not paying on time, not paying sick leave, etc shall be liable to a fine of S\$5,000 or to imprisonment for a term not exceeding six months or both.¹¹² In 2007 the *Employment Agencies Act* was amended to prohibit agencies and employers from sharing the brokerage fee.¹¹³ And in 2009, the medical coverage for foreign workers was increased from S\$5,000 to S\$15,000.¹¹⁴

¹¹¹ Interview with CLB, 19 May 2010.

¹¹² Section 53, *Employment Act* (Singapore).

¹¹³ Section 15, *Employment Agencies Act* (Singapore).

¹¹⁴ "[Security bond conditions revised, insurance coverage increased for foreign workers](#)" *Channel NewsAsia*, 25 September 2009.

Regular inspections are made and prosecutions brought against employers who illegally employ foreign workers. And in early 2009, a taskforce was set up specifically to track down errant employers, including those owing wages.¹¹⁵ In March 2009, four employers were prosecuted for failure to pay salaries and for illegally hiring about 300 foreign workers.¹¹⁶ Since early 2009, warning letters have been issued to nearly 1,600 employers for accommodating workers in illegal dormitories. Another 242 employers – all repeat offenders – were fined between S\$200 and S\$5,000.¹¹⁷

To further enhance the legal awareness of foreign workers, a number of labour rights information pamphlets have been published in the native languages of migrant workers. And in 2009, the government-affiliated National Trade Union Congress (NTUC), along with the Singapore National Employers Federation established a centre for migrant workers to help them adapt to life in Singapore, provide training, legal advice and shelter.¹¹⁸

Despite all these efforts, violations of migrant workers' rights remain commonplace, and Singapore's legal protection still falls short of internationally accepted standards. There are currently three main conventions on the rights of migrant workers; the International Labour Organization (ILO) *C97 Migration for Employment Convention*, *ILO C143 Migrant Workers Convention*, and the United Nations *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (ICPRMWF).¹¹⁹ Singapore has not signed any of them.

Singapore does recognize some international standards relating to workers' rights. It has, for example, ratified a number of ILO conventions, including the convention on forced labour (C29), conventions on child labour (C138 and C182), equal remuneration (C100), and the rights to organize and collective bargaining (C98).¹²⁰ However, many of the rights specified in these conventions do not apply to migrant workers, either in law, or in practice.

¹¹⁵ [“Employer charged in court with 100 counts of non-payment of salary”](#), *SG Recruiters*, 4 June 2009.

¹¹⁶ [“Update on tipper case; MOM prosecutes four employers”](#), *SG Recruiters* 19 March 2009.

¹¹⁷ [“Home truths about workers' dorms”](#), *The Straits Times*, 18 May 2010.

¹¹⁸ See “Migrant workers centre opens its doors at Rangoon Road.” NTUC website 2 September 2009.

¹¹⁹ Adopted by General Assembly resolution 45/158 on 18 December 1990, entered into force in 2003. Currently 43 countries have ratified the Convention. For a list of the basic rights provided by the ICPRMWF, see [Migrant Watch On the Protection of the Rights of All Migrant Workers and Members of their Families](#).

¹²⁰ [Conventions ratified by Singapore](#) ILO website.

The *Migration for Employment Convention* and the ICPRMWF both guarantee the **right of migrant workers to social security**, and by social security is meant the “legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme”¹²¹ Although Singapore’s *Employment Act* gives workers the right to maternity leave, childcare leave and unpaid leave for infant care, foreign workers on a work permit are unable to enjoy these benefits because the *Employment of Foreign Manpower Act* (EFMA) stipulates that foreign workers are not allowed to get pregnant or give birth in Singapore.¹²² The EFMA also stipulates that if a foreign worker is certified medically unfit, his/her work permit shall be revoked.¹²³ Furthermore, foreign workers are specifically excluded from Singapore’s compulsory social welfare savings scheme, the Central Provident Fund (CPF),¹²⁴ which was first introduced in 1955 and now covers not just pensions but healthcare costs and housing as well. This despite the fact that foreign workers employed in Singapore for more than 182 days are taxed at the same rate as local workers.

The *Employment Act* allows workers to appeal against **wrongful termination of employment**. In practice, this provision does not apply to foreign workers because employers can unilaterally cancel the work permit of a foreign worker without any explanation or justification. Other rights regarding the number of working hours, overtime payments and annual leave are routinely bypassed or ignored by employers, and under the existing system, workers are unlikely to file a complaint.

The ICPRMWF guarantees migrant workers the right to legal assistance. However, foreign workers in Singapore are not eligible for **legal aid** in civil claims.¹²⁵ And without legal advice and assistance, many Chinese workers are simply unable to pursue a claim for wage arrears or compensation.

The widely promoted and internationally-accepted ILO concept of “**decent work**” states that all men and women of working age, including migrant workers, should obtain decent and productive work in conditions of freedom, equity, security and

¹²¹ C97 Migration for Employment Convention (Revised), 1949, Article 6(1)b and [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), Article 28.

¹²² See EFMA Chapter 91A – Conditions of Work Permit, Part IV, Clause 9.

¹²³ EFMA Chapter 91A – Conditions of Work Permit, Part IV, Clause 5.

¹²⁴ See Central Provident Fund website – [Employees who are Exempted from CPF Contributions](#).

¹²⁵ Currently, the legal aid scheme is only available to Singaporean citizens and permanent residents. See [Legal Aid Bureau](#), Singapore.

human dignity.¹²⁶ However the conditions of Singapore's **work-permit scheme**, which require employers to monitor migrant workers for "immoral" or "undesirable" activities, including "breaking up families in Singapore," clearly violates the freedom, security and basic human dignity of those migrant workers. Foreign workers who engage in so-called "immoral" or "undesirable activities," will have their work permit revoked,¹²⁷ and can be blacklisted from returning to Singapore after repatriation. The system lacks transparency and workers do not have the chance to refute such accusations. Indeed, workers are often unaware of the fact that they have been blacklisted until they apply to work in Singapore again. Although Singapore is not the only country to adopt an employer-sponsored work visa policy, it pushes the system to such an extreme that employers not only sponsor but basically own the visa and control the life and behaviour of the workers as well.

Singapore's Constitution guarantees private sector workers the **right to join a trade union**. In practice however there are many restrictions. Union organizing is subject to the approval of the Registrar of Trade Unions who has the power to refuse or cancel registration. The rights to strike and to collective bargaining are also limited. Moreover, the NTUC adopts a so-called tripartite model of labour rights protection that does not consider the interest of the workers alone, but also those of the employers and the overall economic development, productivity, and the interest of the state.¹²⁸ The rights of migrant workers to join a union are even further restricted. Foreigners are allowed to join a union; but they are not allowed to be trade union officers or be employed by a trade union.¹²⁹ Although the *Societies Act* does not prohibit non-citizens from forming social organizations, any attempt to establish a group promoting human rights or migrant workers' rights would have to go through a lengthy registration process and it is presumed that citizenship would be an issue.¹³⁰

¹²⁶ See the ILO's [Facts on Decent Work](#), International Labour Organization..

¹²⁷ First Schedule of the *Employment of Foreign Manpower Act* (Singapore). This condition does not apply to professionals and it obviously discriminates against low-skilled migrant workers. See [MOM website](#).

¹²⁸ CLB interview with Yeo Guat Kwang, Member of the Singaporean Parliament, National Trade Union Congress official, and Co-Chairman of the NTUC-SNEF Migrant Workers Centre on 19 May 2010

¹²⁹ The *Trade Union Act* (Singapore).

¹³⁰ Piper, Nicola,(n.d) [Migrant Labor in Southeast Asia](#). Asia Research Institute, National University of Singapore, p .8.

Conclusion and Recommendations

*I think we should make an important distinction between foreign workers and immigrants... and citizens. Foreign workers are transient. We need them to work in the factories, in the banks, hospitals, shipyards, construction projects. When the job is done, they will leave. When there are no jobs here, they will go... So, please bear with the larger numbers for the time being.*¹³¹

~ Prime Minister of Singapore Lee Hsien Loong

Prime Minister Lee's speech at a National Day rally in 2010 perfectly encapsulates the attitude of the Singaporean government, and of most citizens, towards foreign workers. They are welcome when there is a need, but should leave when their services are no longer required. They are, simply put, hired on sufferance.

Although the government has made some efforts to better protect the rights of migrant workers, it is clear that Singapore still sees migrant workers primarily as tools for its own economic development, with those tools tightly controlled by the employer. And this fact lies at the root of the problems faced by migrant workers in Singapore. Workers are essentially at the mercy of their employer, who can deduct or withhold wages at will and cancel employees' work permits without any reason or justification.

For many Chinese migrant workers, however, the problems begin even before they arrive in Singapore. Prospective employees generally have to pay commissions of between 30,000 yuan and 50,000 yuan for a two-year contract. Nearly all have to borrow money from friends or family to make the payment. And many contracts contain onerous and often illegal conditions that significantly constrain their civil liberties on arrival.

Once in Singapore, workers routinely have their passports withheld and work excessively long hours for relatively low pay in often hazardous conditions. Their accommodation ranges from adequate to appalling, and they are frequently subject to discrimination and abuse both at work and in society as a whole.

Violations of migrant workers' rights are widespread, but many workers choose not to

¹³¹ [National Day Rally Speech \(English\) by Prime Minister Lee Hsien Loong on 29 August 2010](#), at University Cultural Centre, National University of Singapore..

take legal action because they lack the knowledge and confidence to pursue a claim. Many feel alone, with no one to turn to for help. Others fear reprisals from their employer if they make a fuss.

Those that do seek legal redress have to face numerous hurdles, including properly understanding the legal process and collecting sufficient documentary evidence to file a lawsuit. Although workers are entitled to work-related injury compensation on a no-fault basis, payments are limited and many workers are coerced into not even applying for compensation. In general, the workers interviewed for this report felt there was one law for the boss and another for the workers.

Neither China nor Singapore have signed the three major international conventions related to migrant labour, namely; ILO C97 *Migration for Employment Convention*, ILO C143 *Migrant Workers Convention*, and the United Nations *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. The unwillingness of both countries to sign these conventions clearly suggests they still put their own national interests before those of migrant workers.

In light of the above findings, China Labour Bulletin makes the following recommendations to the authorities in China and Singapore.

China

- The Chinese government should **sign the three major international conventions** on migrant workers' rights and ensure that the rights outlined in the other ILO conventions it has ratified apply to international migrant workers as well.
- There is an urgent need for the Chinese government to significantly tighten its **monitoring and supervision** of the country's rapidly expanding and increasingly chaotic labour export business. Overseas labour cooperation companies and overseas employment agencies should be held strictly accountable and be penalized severely if they fail to honour the agreement signed with the employee, or fail to protect the employee's rights and interests whilst they are abroad.
- **China's embassy in Singapore**, as well as its embassies in other countries with large numbers of Chinese migrant workers, should take a far more proactive role in helping resolve labour disputes involving Chinese citizens. The government should consider stationing an official at its embassies to specifically deal with labour issues.

- The **All-China Federation of Trade Unions** should seek to protect the rights of Chinese workers overseas by offering free legal advice and assistance to workers seeking redress from the foreign employer and/or the domestic employment agency that arranged their placement overseas.

Singapore

- The Singapore government should **sign the three major international conventions** on migrant workers' rights and ensure that the rights outlined in the other ILO conventions it has ratified apply to migrant workers as well, especially ILO C98, the *Right to Organize and Collective Bargaining Convention*, which Singapore ratified in 1965.
- Singapore should **abolish its employer-sponsored work visa policy**, which gives employers excessive power and control over foreign workers. It should allow foreign workers to change employers within the time period and within the industrial sectors listed on their work permit. Those employees who have suffered rights violations should be allowed to change employers without conditions or restrictions. The government should relieve the employers of their responsibility to monitor and control the moral behaviour of their employees and set up a system that allows foreign workers to appeal against wrongful dismissal.
- Foreign workers should get **equal pay for equal work**. Employment contracts should clearly state the employee's remuneration, rights and benefits, and should be available in the worker's native language, with a copy submitted to the Ministry of Manpower. The government should introduce a **minimum wage** to protect the most vulnerable workers. And foreign workers should be entitled to the same social welfare benefits as local workers, including maternity leave, medical care and access to pensions through the Central Provident Fund.
- To **protect foreign workers from complicated and long-drawn-out wage arrears cases**, the government should set up a fund, supported by the foreign worker levy, to ensure that workers can get their back pay.¹³² The government should simplify the procedures for workers claiming wage arrears and if employers fail to pay arrears within a certain period of an order being made, the worker should then be empowered

¹³² A suitable model might be Hong Kong, where the Protection of Wages on Insolvency Fund pays up to four months salary preceding the last day of service. Ch 380, *Protection of Wages on Insolvency Ordinance*.

to apply to the Fund for payment. In addition, the Singaporean government should take steps to ensure that employers who deliberately and wilfully withhold wages are criminally prosecuted.

- The government should **extend its legal aid scheme to cover foreign workers**, to ensure that all employees have equal access to judicial redress.
- To further facilitate the above, the Ministry of Manpower and all other government and judicial organizations, should ensure that all official **documents related labour disputes are available in Chinese** and all the native languages of migrant workers in Singapore. These documents should be freely available on the organizations' websites and in their offices. In this way, all migrant workers could become fully aware of their legal rights.

Appendix

Chinese migrant workers interviewed by CLB in Singapore, June 2010

ID	Age, Sex, Job	Marital status	Place of origin	Labour rights claims
# 1	Male, factory technician, 35 years old	Married with three children	Fuqing, Fujian	NA
#2	Male, restaurant cleaner, 24 years old	single	Qingdao, Shandong	Overtime payment, unpaid wages.
#3	Male, construction worker, 35 years old	Married with two children	Linyi, Shandong	NA
#4	Female, waiter, late twenties	single	Xuzhou, Jiangsu	Overtime payment
#5	Male, construction worker, 40 years old	Married with two children	Jiangsu	NA
#6	Male, construction worker, 36 years old	Married with three children	Juxian, Shandong	Work injury claim – civil lawsuit
#7	Male, factory technician, 47 years old	Married with a child	Chongqing	Claim against employment agency
#8	Male, factory technician, 35 years old	Married with a child	Jiujiang, Jiangxi	Employer refused to cancel work permit
#9	Male, an odd job worker in a monastery, 37 years old	Married with two children	Weifang, Shandong	Seeking overtime payment
#10	Female, factory worker, 23	single	Weifang, Shandong	NA

	years old,			
#11	Female, dish washer, 47 years old	Married with a child	Shenyang, Liaoning	Overtime payment, unpaid wages
#12	Male, bus driver, about 40 years old, married to #13	Married, no children	Taiyuan, Shanxi	Work injury claim and overtime payment
#13	Female, bus driver, about 40 years old, married to #12	Married, no children	Taiyuan, Shanxi	overtime payment
#14	Male, construction worker, 46 years old	Married with one child	Qidong, Jiangsu	NA
#15	Female, restaurant cleaner, 39 years old	Married with one child	Weihai, Shandong	NA
#16	Male, factory technician, 28 years old		Nanan, Fujian	Seeking refund of commission from a Singaporean employment agency
#17	Male, delivery worker, 30 years old	Married with one child	Changchun, Jilin	Overtime payment claim.
#18	Female, restaurant cleaner, 48 years old	Married with one child	Yanji, Jilin	Overtime payment and unpaid wages
#19	Male, construction worker, about 40 years old		Yanchang, Jiangsu	NA
#20	Male, construction worker, 47 years old	Married with two children	Donghai, Jiangsu	Work injury claim

#21	Male, 35 years old, a cleaner	Married with a child	Zhangqiu, Shandong	NA
#22	Male 39, cleaner	Married with two children	Weifang, Shandong	NA
#23	Male, 29 years old	Married with a child	Weifang, Shandong	NA

Other interviewees

ID	Position	Date of interview	Location
#24	Manager of a licensed overseas employment agency	Personal interview, 15 March 2010	Fujian
#25	Yeo Guat Kwang, Member of the Singaporean Parliament, National Trade Union Congress official, and Co-Chairman of the NTUC-SNEF Migrant Workers Centre.	Personal interview, 19 May 2010	Singapore
#26	General manager of a company licensed to carry out labour cooperation projects and employment referral services	Telephone interview, 10 August 2010	Changzhou, Jiangsu
#27	Manager of a company assisting licensed overseas labour cooperation companies recruit workers.	Telephone interview, 3 August 2010	Jiaozuo, Henan
#28	Manager of a licensed overseas labour cooperation company.	Telephone interview, 2 August 2010	Yangzhou, Jiangsu
#29	Manager of an overseas labour cooperation company.	Telephone interview, 5 August 2010	Neijiang, Sichuan
#30	Singaporean priest whose church runs outreach programs for Chinese construction workers.	Telephone interview, 15 April 2010	Singapore
#31	Legal professional specializing in helping Chinese workers.	Personal interview, 10 June 2010	Singapore
#32	NGO worker	Personal interview, 8 June 2010	Singapore

CLB's Research Reports

China Labour Bulletin is committed to promoting workers' rights, as well as raising international awareness and understanding of labour issues in China. To this end, we have produced an extensive series of Chinese and English language research reports that provide an in-depth analysis of some of the key labour rights issues in China today, and offer a series of recommendations designed to resolve the most pressing problems. Titles marked with an asterisk are available in a bound edition.

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