



Response to Post-Circuitbreaker Amendments to the Employment of Foreign Manpower (Work Passes) Regulations HOME & TWC2

HOME and TWC2 are deeply concerned by certain of the latest amendments to the Employment of Foreign Manpower (Work Passes) Regulations, effective 2 June 2020. These appear to empower, indeed require, employers, to confine migrant workers in their accommodation. These regulations apply to Work Permit and S Pass holders, in all premises housing seven or more workers.

Employers' discretion to "consent"

Workers may only leave their accommodation with the employers' "consent". This is the most disturbing aspect of these amendments. Even if restrictions which discriminate against migrant workers could be rationalized as public health measures, it cannot be justifiable for workers' freedom of movement to be put in the hands of employers, who "may grant or refuse consent".

Practically, these regulations appear to give employers almost unfettered power over the workers' movement. The workers are left with no immediate recourse under the law. Even if they call for police help, the regulations lack clear objective criteria for first responders to evaluate and override employers' views. Employers' view of "emergency help" may be significantly narrower than the workers' actual needs, for example. Yet there are no checks on employers' discretion to determine these needs.

We are helping several workers whose employment was terminated when they claimed unpaid wages. Now after the circuit breaker, they are looking for new jobs. Others need advice and help for their ongoing case. Confinement in their accommodation has made what are already costly and onerous processes for migrant workers, even more difficult. This regulation offers no scope for the workers to leave their accommodation for seeking redress, case advice or job-hunting.

Temporary measures?

The new regulations are not time-limited, or pegged, for example to the *COVID-19 (Temporary Measures) (Control Order) Regulations'* effective period. Enacting them within the Employment

of Foreign Manpower Regulations—a keystone of the Work Pass legislative regime—symptomises their discriminatory and prejudicial nature.

The new regulations also adjure workers to “keep [the] living space...clean and tidy” as part of the work pass conditions. That is, slovenly habits could lead to penalties as severe as revocation of their work pass. While everyone should fairly take proportionate responsibility for clean living space, work permit conditions are not the appropriate means to enforce this. The main factors of the spread of Covid-19 among the workers were their overcrowded living, working and transportation conditions—not conditions of their own making.

Under this approach, migrant workers are not included in the community’s mutually responsible collective effort against Covid-19. Rather, migrant workers become a problem to be fixed, by coercion if necessary, regardless of their rights or personal agency.

HOME and TWC2 support robust measures to protect everyone in Singapore, including migrant workers, from Covid-19. But a blanket legislative sledgehammer to Work Permit and S Pass holders as a demographic, regardless of individual exposure or infection risk, cannot be justified by public health concerns.

Migrant workers are part of our community. Just like all of us, they want to stay healthy to provide for their families; they want to be socially responsible. This public health crisis unleashed forces that swept hundreds of thousands of them into situations beyond anyone’s control. As Singapore eases back the past two months’ restrictions, the draconian measures to contain and control Covid-19 among migrant workers should likewise be minimized—not entrenched in even more sweeping harsh laws.

Extracts reproduced from:

[Employment of Foreign Manpower \(Work Passes\) Regulations | Fourth Schedule](#), Part III

Accommodation in unregulated dormitories

2A.—(1) Without limiting paragraph 2, where the employer provides accommodation to the foreign employee in an unregulated dormitory that the employer operates or rents from another, the employer must have, or rent an unregulated dormitory the operation of which involves, appropriate policies, procedures and controls that conform to requirements by or under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020) and the Foreign Employee Dormitories Act 2015 (Act 3 of 2015) on the operation of dormitories.

(2) In this paragraph and paragraphs 2B, 2C and 2D —

“boarding premises” has the meaning given by section 2(1) of the Foreign Employee Dormitories Act 2015;

“licensed dormitory” means any boarding premises that is the subject of a licence under the Foreign Employee Dormitories Act 2015;

“resident”, in relation to an unregulated dormitory or a licensed dormitory, means any individual, who occupies or enjoys a right to occupy one or more beds or rooms, or spaces within a room, in the dormitory as the individual’s main or only residence in Singapore;

“unregulated dormitory” means boarding premises providing accommodation to 7 or more foreign employees and includes any place converted (temporarily or otherwise) for use as accommodation for 7 or more foreign employees, but excludes —

- (a) any boarding premises to which the Foreign Employee Dormitories Act 2015 applies; and
- (b) an isolation area within the meaning of section 17 of the Infectious Diseases Act (Cap. 137).

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Movement to and from dormitory, etc.

2C. The employer must not allow, or cause to be allowed, the foreign employee who is a resident of an unregulated dormitory or a licensed dormitory to leave the dormitory unless the employer is satisfied that the foreign employee —

- (a) has permission from the Controller to do so; or
- (b) is seeking medical treatment or help in an emergency, or is required by lawful authority to evacuate the dormitory,

and may grant or refuse consent to the foreign employee to leave the dormitory for this purpose.

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[Employment of Foreign Manpower \(Work Passes\) Regulations | Fourth Schedule, Part VI](#)

Responsibility for personal hygiene, health, etc.

11. The foreign employee is responsible for —

- (a) complying with requirements in the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 on —
 - (i) mask-wearing when outside his place of residence (such as but not limited to when using shared facilities in an unregulated dormitory, a licensed dormitory or any other accommodation);
 - (ii) maintaining a distance from other individuals; and
 - (iii) minimising physical interactions with other individuals;
- (b) keeping his living space (whether in an unregulated dormitory, a licensed dormitory or any other accommodation) clean and tidy;
- (c) practising good personal hygiene and monitoring his health status in accordance with any written law, advisory, guideline or other similar instrument issued by any competent authority in relation to epidemics and prevention or control of infectious diseases;
- (d) reporting to the employer, without delay, if the foreign employee is suffering from or is diagnosed with any of the following symptoms:
 - (i) coughing;
 - (ii) sneezing;

- (iii) breathlessness;
 - (iv) a runny nose;
 - (v) loss of sense of smell or anosmia; and
- (e) cooperating with the employer and the operator of any unregulated dormitory or licensed dormitory where the foreign employee is a resident, to enable the employer and operator to carry out their respective obligations under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020, the Foreign Employee Dormitories Act 2015 and any other relevant written law, in relation to the foreign employee.

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