



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

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Mr Felipe Gonzalez Morales
Special Rapporteur on the human rights of migrants

Ms E. Tendayi Achiume
Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance

Mr Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and
consequences

Dear Special Procedures Mandate Holders,

I refer to your Joint Communication dated 3 October 2022 [Ref: AL SGP 10/2022].

I would like to provide information on the measures Singapore has taken to safeguard the health and safety of migrant workers and on Singapore's change of employer framework, and clarify the misconceptions about them.

Singapore is committed to migrant workers' well-being

Singapore is committed to ensuring the well-being of all migrant workers in Singapore. The Singapore Government made clear, from the onset of the COVID-19 pandemic, that we have a responsibility to protect the health of our migrant workers.

Ensuring that the welfare of migrant workers is safeguarded during the pandemic

Employers have a legal obligation to ensure acceptable accommodation for migrant workers. The majority of our migrant workers live in dormitories, and most of these workers have access to onsite facilities that cater to their recreational and social needs. These include shops providing daily supplies, gyms, sports facilities, and recreation rooms. Some migrant workers do not live in dormitories but in public or private housing within the local community.

Epidemiological findings showed that the first large outbreak of COVID-19 in the first half of 2020 occurred in dormitories housing migrant workers. Given the high risk of disease transmission in dormitories, the Singapore Government took immediate steps to protect the safety and lives of our migrant workers:

- (a) We tested and isolated migrant workers with acute respiratory symptoms. Migrant workers who tested positive for COVID-19 received comprehensive medical support, free-of-charge – the same medical care as Singaporeans. The Singapore Government bore the full costs of testing and treatment for all migrant workers, as it did for Singaporeans. This is in step with the guidance of the International Labour Organization (ILO) on extending access to health services to migrant workers.
- (b) We made COVID-19 vaccinations available free-of-charge to migrant workers at the same time as our citizens. To-date, a higher proportion of our migrant workers are fully vaccinated than our citizen population.
- (c) We decreased the occupancy density of existing dormitories and created additional accommodation sites and bed spaces that can house up to 60,000 (or around 20% of the migrant workers who were residing in dormitories at that time). We also immediately increased the safety measures for dormitories and required dormitory operators to step up cleaning and disinfection measures.
- (d) We worked with our community partners, including non-governmental organisations, to ensure that our migrant workers' basic needs were met. In addition to meals and essentials such as thermometers and masks, we distributed data SIM cards to our migrant workers for them to keep in contact with their loved ones, as well as on-site and e-remittance services in their native languages.

- (e) We provided financial support to employers to assist them in paying for their migrant workers' salaries and upkeep. Even as work was disrupted by the pandemic, migrant workers continued to receive their salaries in a timely manner, and were able to continue remitting money to their families.

There were just two COVID-19 fatalities among migrant workers residing in dormitories early in the pandemic before vaccinations were available, and none thereafter. The COVID-19 mortality rate among migrant workers in Singapore (7.2 per million) was 35 times lower than the Singapore community (250 per million), which is already amongst the lowest in the world.

The Popular Places Pass policy

At the height of the COVID-19 pandemic, the Singapore Government implemented tighter movement controls for the health and safety of everyone residing in Singapore. Singapore as a whole entered a few phases of movement restrictions to combat disease transmission and save lives. In the case of dormitories, notwithstanding the high vaccination rates among our migrant workers, we were especially concerned with controlling transmission within the dormitories, given the communal living arrangements. Uncontrolled disease transmission in the dormitories could overwhelm national testing, isolation, and medical resources.

In the second half of 2020, once we ensured that the dormitories were cleared of COVID-19 infections, our priority was to protect our migrant workers from the disease which was still circulating in the community. A small cluster of infections reintroduced in a dormitory would transmit rapidly and widely among its residents. The Exit Pass arrangements for migrant workers residing in dormitories served to protect our migrant workers during their rest days, and spread out residents' visits to the community more evenly across the week.

As the COVID-19 situation improved in Singapore, we replaced the Exit Pass with the Popular Places Pass policy in mid-2022, in line with the easing of COVID-19 safe management measures for the broader community. The Popular Places Pass policy only applied to four specific locations (Chinatown, Geylang Serai, Jurong East, and Little India) on Sundays and Public Holidays. These four areas were identified as they are popular with migrant workers and had historically experienced overcrowding. The Popular Places Pass served to manage potential crowding in these four areas, and hence reduced the risk of potential disease super-spreading, which could then seed transmission in the dormitories. Migrant workers were asked to apply for a Popular Places Pass only

if they wanted to visit these four specific places on Sundays and Public Holidays. I emphasise that the Popular Places Pass is not needed for visits to the four popular locations on any other day of the week, or to anywhere else in Singapore on any day.

The Popular Places Pass policy only applies to dormitory residents due to our concern about the heightened risk of rapid disease transmission in communal living. It does not apply to persons (whether nationals or migrant workers) staying in other types of residential properties where the risk of rapid disease transmission is not as pronounced. The number of available Passes has been more than adequate, and no migrant worker who wished to visit any of the four locations was ever denied. In fact, the Passes were never fully utilised. We would like to highlight that the Popular Places Pass policy is not premised on any distinction based on race, national or ethnic origin and does not contravene Singapore's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Continuous review of public health measures

Even as COVID-19 measures and movement restrictions have been eased gradually and after careful consideration, the pandemic is not over. We remain vigilant about new variants and their effects on our community, even as we strive to ensure that the needs of the community, including migrant workers, to resume work, leisure, and personal activities can be met.

The Singapore Government has ensured that all residing in Singapore (including our migrant workers) had access to good medical support and COVID-19 vaccination, regardless of race, national or ethnic origin. Collectively, all residing in Singapore played their part in observing good infection control measures, including mask-wearing, social distancing, and movement restrictions. One should not look at our movement control restrictions in isolation, but in the context of our national strategy to combat COVID-19, and its results in terms of the good health, low mortality rate, and the protection of livelihoods and incomes of our migrant workers.

We also continue to review measures on the living arrangements of our dormitory residents, as part of enhancing liveability in the dormitories, and also ensuring that Singapore as a whole is better prepared for future health crises. In September 2021, the Singapore Government introduced improved standards for all new migrant worker dormitories. The new standards exceed the ILO's minimum standards for workers' housing. The Singapore Government will also expand the coverage of the Foreign Employee Dormitories Act (FEDA) to

include migrant worker dormitories with 7 or more beds by April 2023, increasing the number of dormitories regulated under FEDA from 53 to 1,600.¹ FEDA-licensed dormitories must comply with improved dormitory living standards. Regular inspections are and will continue to be conducted at all dormitories to ensure compliance with regulatory requirements and that the well-being of dormitory residents are taken care of.

Job mobility for migrant workers in Singapore

Migrant workers do enjoy job mobility in Singapore and are allowed to change employers: (a) at any time during their contracts, with their employers' consent; or (b) within the period of 21 to 40 days before the end of their contract with their employers, without the need for the employers' consent. This is to balance the interests of migrant workers with the need for employers to have a reasonable level of certainty on how long each migrant worker can be expected to be under their employ, especially since employers are legally responsible for the upkeep of each worker, including providing them with accommodation and medical insurance coverage.

An employer's consent for change of employer is not required if the employer has breached employment laws, such as non-payment of salary. In such cases, migrant workers can find alternative employment in Singapore, even if their employer terminates their work pass. The Singapore Government, and its NGO partners, such as the Migrant Workers' Centre, will facilitate a change of employer for the affected worker in cases where there is a valid employment-related claim. The Singapore Government investigates all breaches of our employment laws and will not hesitate to take necessary enforcement action against employers found in breach of the law.

The Singapore Government collaborates with industry associations to implement programmes to facilitate job-matching for migrant workers and to mediate disputes during the transfer process. Recognising that the COVID-19 pandemic and its consequential border restrictions may affect the livelihoods of migrant workers, we implemented a Retention Scheme to allow migrant workers whose work permits were cancelled or had expired to continue working in Singapore if they wished to do so. Industry associations and partners such as the Singapore Business Federation also implemented temporary job-matching schemes in various business sectors, to help match these migrant workers with prospective employers. These schemes benefited more than 50,000 workers and

¹ Currently, only dormitories of 1,000 or more beds are licensed under FEDA.

their new employers, at a time when migrant workers in many other countries were subject to job and income losses and repatriation.

Employers cannot dismiss or repatriate migrant workers without giving them prior notice, as required under the Employment Act. It is inaccurate to suggest that they are discriminated against in this regard. Migrant workers, like resident employees, enjoy all the protections under the Employment Act (EA). The EA requires both employers and employees to give the other party notice of their intention to terminate the employment contract, and that the notice period be the same whether it is the employer or the employee giving notice. Employers must compensate workers if they wish to terminate the employment without giving due notice. Migrant workers are also protected from wrongful dismissal under the EA, just like resident employees.

Singapore's legal framework for the protection of migrant workers and strong stance against discrimination of migrant workers

You have sought information about how Singapore addresses discrimination against migrant workers in line with our obligations under the ICERD.

Under our Constitution, which is the fundamental law of the land, all persons (including migrant workers) are equal before the law and entitled to equal protection of the law. We have a strong and comprehensive legal framework comprising various pieces of legislation including the Penal Code that deters anyone from causing racial or religious conflict, whether through hate speech or otherwise.² The Singapore Police Force investigates the facts of each case and apprehend offenders regardless of their race, colour, descent, nationality or ethnic origin. Depending on the facts of the case, offenders may be charged and convicted in accordance with the prescribed laws and due process.

We also take specific measures to address discrimination in the workplace. In 2006, the Singapore Government, in partnership with the National Trades Union Congress and the Singapore National Employers Federation, issued the Tripartite Guidelines on Fair Employment Practices (TGFEP), which require employers to recruit and select employees based on merit, regardless of age, race, religion, gender, marital status, family responsibilities, or disability. The

² For example, the Penal Code makes it an offence for a person to engage in conduct to knowingly promote or attempt to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups. The law also proscribes acts which are prejudicial to the maintenance of harmony between different religious or racial groups, and which disturbs or is likely to disturb public tranquillity.

Singapore Government looks into all complaints of non-adherence to the TGFEP from both local and migrant workers, and imposes sanctions against employers found to have unfair or discriminatory hiring practices. In August 2021, our Prime Minister announced that the Singapore Government will be introducing workplace fairness legislation, to give the TGFEP more teeth and expand the range of actions that can be taken against errant employers.

Our labour legislation also specifies basic employment terms and conditions as well as rights and obligations of employers and employees. The EA stipulates basic employment entitlements such as salary protection and minimum employment terms, regulates working conditions, and provides for recourse for resolving employment-related disputes. This is complemented by other legislation that specifically protect migrant workers, such as the Employment of Foreign Manpower Act, which provides comprehensive coverage on matters such as proper accommodation and adequate rest, a safe working environment, and timely payment of salaries.

We ensure that workers understand their right to be treated fairly at all phases of employment. All migrant workers have to undergo a mandatory Settling-in-Programme (paid for by employers) to educate them on their employment rights. Information on the rights of migrant workers is published on the Ministry of Manpower's (MOM) website, circulated to migrant workers through e-bulletins in their native languages, and disseminated through a network of migrant worker ambassadors. The MOM's customer care teams are available to address migrant workers' queries. Migrant workers may also file employment-related claims with the Tripartite Alliance for Dispute Management, which provides advisory and mediation services for employees and employers to resolve salary-related claims and employment disputes. If mediation is not successful, they can have their claims heard at the Employment Claims Tribunal.

Ratification of other human rights treaties

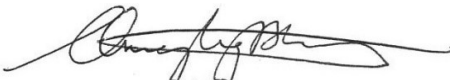
As we have shared at various fora, Singapore takes our international obligations seriously. Through platforms such as our Inter-Ministry Committee on Human Rights, we actively review Singapore's ability to ratify additional human rights treaties and to ensure the full and effective implementation of our existing treaty obligations.

While Singapore is not a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, our policies are aligned with their intent. We are also constantly seeking to improve our policies in a manner that is in line with the spirit of these treaties and suited to our national context and realities.

Conclusion

Singapore remains firmly committed to setting acceptable labour standards and safeguarding the well-being of migrant workers in Singapore. I hope the above clarifies your understanding of our policies and efforts relating to migrant workers and demonstrates that the Popular Places Pass policy and the change of employer framework for migrant workers do not contravene Singapore's international human rights obligations, including those under the ICERD.

Yours sincerely,



UMEJ BHATIA
Ambassador and Permanent Representative