

## Introduction

Hello, Migrant Brother/Sister!

This booklet covers some of the problems you may face due to COVID-19, like:

- Salary;
- Transfer of work;
- Termination issues.

#### **DISCLAIMER**

- The information provided in this booklet is NOT legal advice. Information is based on the student team's interpretation of various sources of information and may not contain all information relevant to your specific case. If there are any questions on the content, you should enquire with the relevant authorities.
- It is purely for general information purposes only
- The information is accurate as of 15 June 2020.
- If you encounter any of the problems in this booklet, please contact your employer, or contact any of the organisations listed on <u>Page 12</u> of this booklet.

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# A. Overview

- 1
- Whether you work full-time or not, you should receive your normal salary.
- Whether you are working or not, your employer must provide for your upkeep and maintenance such as housing.
- 1(a)
- If you are not working, your employer may ask you to use up your leave. Your employer should pay you salary for those leave days.
- If you are <u>quarantined at dormitories gazetted as</u> <u>isolation areas</u>, your employer must pay your salary for that quarantine period up to the total number of hospitalisation leave you have.

#### OR

- 1(b)
- Your employer may ask to reduce your salary. You can discuss this with your employer and both you and your employer must say yes to your new salary.
- However, your employer may also terminate your employment.

From 1 April to 31 August, your employer may ask you if you want to be temporarily transferred to another employer. You can say yes or reject the transfer.

## 1. What must my employer pay me?

- a. Your employer should pay you your normal salary unless you and your employer agree to a lower salary.
- b. If you are working, your employer must pay your normal salary.
- c. If you are not working, your employer should still pay at least the monthly salary declared by your employer to MOM, the amount also written in your In-Principal Approval (IPA) letter.1
- d. If you are not working, but you still have leave, your employer may ask you to <u>use your leave</u> and will pay your salary for leave used.
- e. If your employer wants to put you on <u>no-pay leave</u>, your employer must obtain your consent in writing. Then you will not be paid your salary.
- f. If you are <u>quarantined at dormitories gazetted as isolation</u>
  <u>areas</u>, your employer must pay your salary for that quarantine
  period up to the total number of hospitalisation leave you have.

Such payment must be made not later than 7 days after the end of each salary period, which shall be agreed between the employer and the employee and which in no case shall exceed one month."

<sup>&</sup>lt;sup>1</sup> Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part III, paragraph 4: "Except where the foreign employee is on no-pay leave outside Singapore, the employer shall,

regardless of whether there is actual work for the foreign employee but subject to any other written law, pay the foreign employee not less than —

<sup>(</sup>a) the amount declared as the fixed monthly salary in the work pass application submitted to the Controller in relation to the foreign employee; or

<sup>(</sup>b) if the amount of fixed monthly salary is at any time subsequently revised in accordance with paragraph 6A of Part IV, the last revised amount.

# 2. Must my employer provide for housing and food?

- a. If you are a work permit holder, your employer must provide for your <u>upkeep and maintenance</u>, including <u>housing</u>.
- b. Your employer must ensure you have access to food and daily supplies if you live in a dormitory.<sup>2</sup>
- c. Your employer must ensure you have acceptable accommodation.<sup>3</sup>
- d. Do check that your employer does not deduct / take away from your salary other than for housing and food costs written in your contract or In-Principle Approval (IPA) Letter. If your employer wants to increase the amount deducted, your employer must get your written consent.<sup>4</sup>

<sup>2</sup> Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part III, paragraph 2B: "The employer must ensure that a foreign employee has access to food and daily supplies when the foreign employee is a resident of an unregulated dormitory or a licensed dormitory."

<sup>4</sup> Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part III, paragraph 6A.—(1) The employer shall not —

<sup>&</sup>lt;sup>3</sup> Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part III, paragraph 11B: "The employer shall ensure that the foreign employee has acceptable accommodation in Singapore. Such accommodation must be in accordance with the requirements in any written law, directive, guideline, circular or other similar instrument issued by any competent authority."

<sup>(</sup>a) reduce the foreign employee's basic monthly salary or fixed monthly allowances to an amount less than that declared as such in the work pass application submitted to the Controller in relation to the foreign employee; or

<sup>(</sup>b) increase the amount of fixed monthly deductions to more than that declared as such in the work pass application submitted to the Controller in relation to the foreign employee, except with the foreign employee's prior written agreement.

### Salary Issues

### How will my employer pay me?



- If you live in a dormitory, your employer must pay your salary electronically even if you do not want it electronically.5
- If you do not have a Singapore bank account, your employer must create a POSB account for you in your sole name.



### Reduction of Salary

- Your employer may ask to reduce your salary or arrange for some other cost-saving measure such as no-pay leave. Your employer may not do so unless you agree in writing.
- b. If your employer has at least 10 employees and reduces your salary and other employees' salaries to less than 75% of your basic monthly salary, your employer must notify MOM.

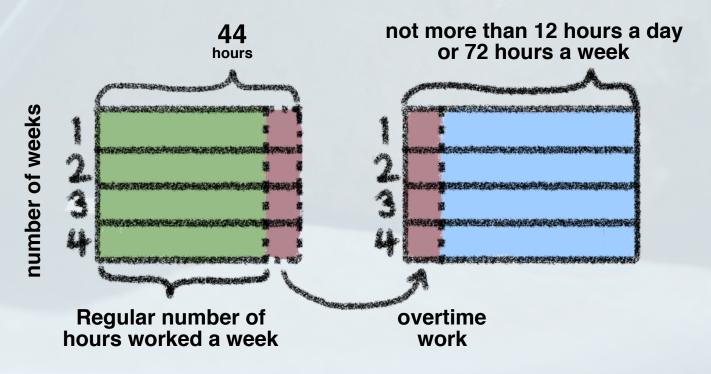
<sup>&</sup>lt;sup>5</sup> Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part III, paragraph 6A.—(1) The employer shall not —

<sup>(</sup>a) reduce the foreign employee's basic monthly salary or fixed monthly allowances to an amount less than that declared as such in the work pass application submitted to the Controller in relation to the foreign employee; or

<sup>(</sup>b) increase the amount of fixed monthly deductions to more than that declared as such in the work pass application submitted to the Controller in relation to the foreign employee,

## 5. Flexible Work Schedule (FWS)

- a. If you are entitled to a monthly salary and your employer places you on FWS, you will receive your basic salary based on 44 hours of work a week.
- b. If you work less than 44 hours a week now, you may have to 'pay back' your employer those hours not worked next time with overtime work. But, you will not receive overtime pay, rest day pay or public holiday work pay when you are 'paying back' your employer in future.
- c. Your employer cannot ask you to work more than 12 hours a day or more than 72 hours a week when you are 'paying back' the hours.



### 5. Transfer of Work

- a. From 1 April to 31 August 2020, your employer might ask you to transfer to work for another employer. You can say no if you do not want to.
- b. Note: When your employer offers you this transfer, it is because they have too many workers and no longer need so many workers. They are trying to transfer you to another employer to allow you to continue working in Singapore, instead of terminating you.
- c. Your new employer must apply to transfer you to them.
- d. If your new employer applies more than 40 days from expiry of your work permit, your current employer must agree.<sup>7</sup>
- e. If your new employer applies less than 40 days but before 21 days from expiry of your work permit, your new employer can hire you and your current employer does not need to agree to this.8
- f. But, if your current employer has already renewed your work permit by this time, your new employer cannot apply for the transfer.

<sup>&</sup>lt;sup>7</sup> FAQs for the SBFManpowerConnect Scheme, question 6. See <a href="https://www.sbf.org.sg/images/2020/05-May/ManpowerConnect\_FAQs\_15\_May\_2020.pdf">https://www.sbf.org.sg/images/2020/05-May/ManpowerConnect\_FAQs\_15\_May\_2020.pdf</a>

<sup>&</sup>quot;For transfers of WPHs with more than 40 days to work permit expiry (including inter-sectoral transfers), companies can approach SBF at manpowerconnect@sbf.org.sg or visit SBF's website for more information.Agreement from the current employers is required. All prevailing WorkPermit criteria apply for new applications."

<sup>&</sup>lt;sup>8</sup> FAQs for the SBFManpowerConnect Scheme, question 6. See <a href="https://www.sbf.org.sg/images/2020/05-May/ManpowerConnect\_FAQs\_15\_May\_2020.pdf">https://www.sbf.org.sg/images/2020/05-May/ManpowerConnect\_FAQs\_15\_May\_2020.pdf</a>

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# C. Termination Issues

### 1. What happens if my employer terminates my employment?

- a. Your employer should terminate you according to your contract.
- Your employer should give you termination notice and pay your salary for the notice period.
- c. Your employer should pay all your unpaid salary before you are sent home.
- d. If you have any valid employment or work injury claim against your employer, your employer may not send you home before your claim is resolved.9

<sup>&</sup>lt;sup>9</sup> Employment of Foreign Manpower (Work Passes) Regulations 2012, Fourth Schedule, Part III, paragraph 15. Unless requested by the Controller of Immigration or the Controller of Work Passes, the employer shall not repatriate the foreign employee when such repatriation would frustrate or deny any statutory claim that has been filed before 1 April 2017 by the foreign employee for salary arrears under the Employment Act (Cap. 91), any claim lodged or intended to be lodged by the foreign employee for salary arrears under the Employment Claims Act 2016 (Act 21 of 2016), or work injury compensation under the Work Injury Compensation Act (Cap. 354).

# C. Termination Issues

### 2. How do I go home if I am fired?



If you have a

#### **Work Permit**

Your employer must pay for your flight ticket back to your home country (and check-in luggage allowance).





If you have a

#### S Pass

Unless your contract states otherwise, your employer must pay for your flight ticket to your home country (and check-in luggage allowance).

- However, you must check your contract. If your contract says you will pay for your own flight home, you must pay for your flight ticket
- If you sign any document that says you have to pay for your own flight home, you have to pay for your flight ticket.

However, note that during this time of COVID-19, this is subject to flight availability and your home country allowing travel.

# C. Termination Issues

# 3. If I am fired, can I get my agency fees back?

- If you used an employment agent from Singapore, you can get a <u>refund</u> of the agency fees paid to them if you were fired <u>during the first 6 months of work</u>.
- You will be refunded at least 50% of the agency fees that you paid.<sup>10</sup>
- The money must be refunded within 7 days
   after you are fired. If you are sent home, the money
   must be given to you before you leave Singapore.<sup>11</sup>
- But you cannot get your agency fees if:12
  - i. The work is finished, or
  - ii. Your contract is only for 6 months or less, or
  - iii. You quit your job.

<sup>&</sup>lt;sup>10</sup> Employment Agencies Rules 2011, Rule 13(1)(b)

<sup>&</sup>lt;sup>11</sup> Employment Agencies Rules 2011, Rule 13(3) Every licensee who is required to make a refund to an applicant for employment under this rule shall do so within 7 working days of the termination of the employment of that applicant for employment or before the applicant for employment (being a foreign employee) is repatriated, whichever is the earlier.

<sup>12</sup> Employment Agencies Rules 2011, Rule 13(1)(b)

# Useful Contacts

### 1.HealthServe

For legal assistance, counselling, social assistance and healthcare issues.

HealthServe Hotline: +65 31384443

HealthServe Official COVID-19 Information page: covid19.healthserve.org.sg

# 2.Transient Workers Count Too (TWC2)

For assistance with salary payments, personal injury claims, legal assistance and healthcare issues.

TWC2 Hotline: +65 6247 7001

TWC2 Online Contact: twc2.org.sg/find-us/

#### 3. HOME

For legal, medical, financial or psychological assistance

Helpline for domestic workers: +1800-797 7977 (Toll Free)
Helpline for migrant workers: +65 6341 5535

HOME Online Contact: www.home.org.sg/contact

# 4. COVID-19 Migrant Worker Support Coalition (CMSC)

For immediate needs, engagement activities or casework assistance

CMSC WhatsApp Number: +65 83205774

CMSC website: cmscsg.com and sgmigrant.com

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