

## **THEME : MIGRANT WORKERS : Access to justice**

Workers suffering salary non-payment or short-payment face difficulty in proving their claims because documentation is generally controlled by their employers, and yet documentary evidence is what our highly formal dispute resolution system requires.

This is compounded by poor enforcement of settlement agreements and tribunal orders, such that even when a worker wins his case, he is still unable to recover what is owed.

### **Roots of the problem**

Time cards and detailed itemised payslips are essential to proving a salary claim, together with bank statements showing what had been paid (if any) to the employee.

Almost universally, workers are not provided copies of time cards, jeopardising their claim to overtime wages. Many workers do not even get payslips, and among those that do, the payslips may be insufficiently detailed or completely false.

Additionally, when workers emerge from the dispute resolution process with a settlement agreement or tribunal order in hand, enforcement is considered a private civil matter, entailing costs. Many workers end up unable to recover what is proven as owed.

It is worse when the business of the employer has failed. There is no wage insurance system to fall back on.

### **National framework**

Since the last UPR cycle, Singapore has reformed the dispute resolution system through the Employment Claims Act. The new system is extremely formal and digitised, creating challenges for workers, but it has greater rigour than the previous, more discretionary Labour Court system.

Rigour however demands that workers present good evidence. Yet it is not required that workers be provided copies of time cards. While detailed itemised payslips are mandatory, there is no compliance monitoring system, and as far as can be seen, no penalties are imposed on employers for non-compliance.

There is no low-cost way to enforce settlement agreements or tribunal orders. Nor does Singapore have any insurance system to protect workers' wages in the event of business insolvency.

### **Recommendations from prior cycles**

There were no recommendations specific to this issue in previous cycles. But in the second cycle (2016), these recommendations were accepted by Singapore.

Peru recommended “deepen[ing] the legal initiatives and their enforcement”.

Cuba called for “safeguarding the well-being and rights of migrant workers”.

Mexico recommended “strengthen[ing] measures to ... prevent their exploitation”.

### **Suggested recommendations**

1. Make it mandatory for employers to issue time cards to employees alongside detailed itemised payslips, monitor compliance and enforce the rule with penalties.
2. Establish a low-cost way to enforce settlement agreements and tribunal orders so that workers have a practical way of recovering owed wages.
3. Establish a wage insurance system to protect workers' wages in the event of employers' business insolvency.