

The rules of employment



**ASSIGN
BUSTER**

You are currently working in the HR Department of a major Japanese construction company. Their major business revolves around the mechanical and ventilation installation of air-conditioning system for major clients like Land Transport Authority, Media Corps and other major property developers in Singapore. While the company employs professional engineers at the upper level of management, it has also hired many types of workers at the lower rung.

The majority of these workers are based at construction sites under the supervision of a foreman. There is currently a great deal of concern within the company about how such unskilled and semi-skilled construction workers are being employed and managed. Almost all of these workers are foreign (temporary migrant) workers from Thailand, India, Bangladesh and China. NB SEE ATTACHED NEWS ARTICLES FOR CONTEXT. Your CEO is not sure if the HR Department in your organisation is doing a good job. He is worried about all of the bad publicity that has been going on in recent months.

You have been asked to provide advice to him. Specifically your boss wants advice on TWO or THREE initiatives/changes he should introduce to ensure the firm is able to hire good productive foreign workers and retain them for the long-term competitive benefit of the organisation. Make sure you also suggest ways to ensure the proposed initiatives are successfully implemented. Write a proposal for your boss as specified. Heng, Janice (2012) Singapore will do more for foreign workers: Minister, The Straits Times, Singapore, Wednesday, December 19, 2012.

ACTING Manpower Minister Tan Chuan-Jin emphasised yesterday that the Government is neither pro-employer nor pro-worker but strives to balance

the employer-worker relationship while protecting vulnerable workers. However, in a blog post marking International Migrants' Day, he acknowledged that Singapore "can and will do more" for foreign workers here. His post on the Ministry of Manpower's (MOM) blog follows a spate of industrial disagreements involving foreign workers.

These include Singapore's first strike in decades by bus drivers from China. With foreigners making up a third of the workforce, disputes between them and employers are inevitable, said Mr Tan. But these should be handled through legitimate channels, he added, from raising the issue with bosses to approaching non-governmental organisations (NGOs) for help. Calling on Singaporeans to recognise the contributions of migrant staff - from construction workers to service crew and maids - Mr Tan also cited recent moves by MOM to improve their lot.

These include reviewing labour laws such as the Employment of Foreign Manpower Act (EFMA), which was tightened earlier this year. MOM is also stepping up education. It has drawn up a set of foreign worker housing standards to be disseminated to employers early next year. These standards will also be incorporated into the EFMA eventually, once the industry has had time to give feedback. MOM is also working with an NGO - Migrant Workers' Centre - to produce an educational pre-departure video for migrant workers so they can be better informed of their rights and how to settle disputes.

And enforcement continues, with some 600 labour claims on issues such as unpaid salaries being processed every month. More than nine in 10 of such cases are settled within a month. But even as MOM tries to do more for workers, it "cannot do it alone". The onus is on employers to be responsible

for their foreign workers and treat them fairly, said Mr Tan. " They must not simply look at the bottom line without caring for workers' welfare and well-being - this applies for local and migrant workers alike. " Singapore's economy will continue to tap foreign workers.

Such employees - who may not be as familiar with the laws and avenues for help - are vulnerable and " their rights should and must be protected", he concluded. Dr Noorashikin Abdul Rahman, vice-president of migrant workers' rights group Transient Workers Count Too, acknowledged MOM's efforts to revise legislation to protect workers. But they may not be adequate without " greater enforcement of laws on the ground", she said. This does not just mean more raids or the like but also better handling of worker grievances by ministry officials, she added.com. sg, Copyright, 2012, Singapore Press Holdings Limited

Lim Yan Liang (2012) Foreign workers say firm has not been paying them - Indian nationals claim they have not been paid for up to two months, The Straits Times, Singapore, Wednesday, December 19, 2012 ABOUT 20 foreign workers stayed away from work at a construction site yesterday over a pay dispute with their employer. These workers from India are among 28 workers of Sime Chong Construction who said they had not been paid for up to two months. The 28, including workers from China, were working on a Housing Board residential project in Yishun Avenue 6, where the company is a sub-contractor involved with the cement and structural work.

Following their action, officials from the Ministry of Manpower (MOM) and Migrant Workers' Centre (MWC) stepped in and met them with their employer for three hours in the evening at their worksite. Around 9pm, Mr

Edmund Ng, executive director of MWC, told reporters the workers had been paid their salaries in cash and would return to work today. Later, MOM said in a statement the outstanding payments were made with help from main sub-contractor Asiabuild Construction, a company that evolved from Teambuild Construction, the project's main contractor.

The grievances of the 28 follow complaints about salary arrears that four of their former colleagues from China had made to MOM last month. MOM said last night that since their complaints, its "labour relations officers have been working to resolve the workers' salary arrears". It added: "At the same time, we have been investigating the company for Employment Act infringements. " Under the Act, those convicted of not paying their workers can be jailed for up to six months and/or fined up to \$5,000. For serious breaches of the Act, the employer could, among other things, be barred from hiring foreign workers and could face prosecution.

Mr Ng said the four former workers, who are being housed at the Kranji dormitory of MWC, had each been given an initial payment of \$1,000. The remaining sum owed to them will be paid today when they meet their former employer at MOM, he added. Sime Chong is also expected to give them air tickets to return to China, he added. Workers of Sime Chong interviewed yesterday said the company had been struggling to pay their salaries, and that Asiabuild Construction had stepped in to help pay part of their salaries since last month.

MOM said last night it was not looking at prosecuting the workers. It said: "Based on the facts available, the ministry does not consider this to be a strike. " The employer had breached the terms of the employment contracts

when he failed to pay the workers their salaries on time. This is also a statutory breach of the Employment Act. " As a result of a breach of the employment contract, the workers may regard themselves released from their employment contract, and hence would not be contractually obliged to work.