



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

State Party under review: Bangladesh

March 2017

1.1 Introduction

The Humanitarian Organization for Migration Economics (HOME) is a non-governmental organization based in Singapore that serves the needs of the migrant community, especially low-waged migrant workers. Established in 2004, HOME has been granted United Nations ECOSOC status, and provides services to thousands of migrant workers in need through the provision of shelter, legal assistance, training and rehabilitation programmes. Up to 2,500 individuals are assisted each year, including domestic workers, construction workers, factory workers, shipyard workers and those in the service industries.

In the last two years, HOME has provided legal aid, employment advice and financial assistance to 776 workers from Bangladesh, most of whom are male construction and marine sector workers.

Transient Workers Count Too (TWC2) is a non-profit, non-governmental organisation based in Singapore and focussed on low-wage migrant workers. TWC2 has both advocacy programmes (including research) and direct services. 1,373 Bangladeshi workers sought assistance from TWC2 in 2015 and 1,461 in 2016, the vast majority with injury and salary issues.

This experience has given valuable insights into the exploitation and abuse of the men, as well as the different ways in which the Bangladesh government fails to comply with its obligations under the Convention on the Protection of Migrant Workers and Members of their Families.

HOME and TWC2 have drawn on numerous information sources within their organisations to compile the statements and recommendations set out in this report. These include survey data, case data, personal interviews with Bangladeshi workers and a collation of experiences of our social workers and volunteers.

1.2 Glossary

For the purposes of this report,

“Convention” refers to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).¹

Country of Employment is Singapore.

State Party, or Country of Origin, is Bangladesh.

“BOESL” refers to Bangladesh Overseas Employment Services Limited, a corporatized body set up by the government of Bangladesh as a manpower exporting company in “healthy and professional competition with other private agencies working in this sector and to ensure transparent and safe migration”.²

“BMET” refers to Bureau of Manpower Employment and Training,³ a department of the government of Bangladesh.

“MOM” refers to the Ministry of Manpower, Singapore – in the Country of Employment.

“Work Permit”, a class of work pass issued by MOM to foreigners permitted to work in Singapore in low-wage jobs. A Work Permit is linked to a specific employer, who can cancel the pass at any time, after which the worker has to be repatriated unless MOM issues the individual with a Special Pass.

“Special Pass” refers to an identity document issued by MOM to a foreign individual to legalise his or her stay in Singapore when this individual has a case still under investigation. Common cases that merit Special Passes include salary claims, injury treatment and compensation, criminal investigations or being a witness for a prosecution and thus being required to stay on in Singapore till the scheduled court hearing. The Special Pass disallows the individual from employment.

S\$ refers to Singapore dollars

2.1 Issues of concern

The issues of concern fall mainly into five broad groups:

- Failure to regulate recruitment agents within the Country of Origin;
- Insufficient pre-departure orientation and training;
- Failure to engage with Country of Employment over multiple issues related to the employment and living conditions of Bangladeshi migrant workers;
- Failure to protect and provide assistance in the Country of Employment;
- Access to justice and welfare services for returnee migrants.

¹ OHCHR, <http://www.ohchr.org/en/professionalinterest/pages/cmw.aspx> (accessed March 10, 2016).

² Bangladesh Overseas Employment & Services Ltd, <http://www.boesl.org.bd/> (accessed March 10, 2016).

³ Bureau of Manpower, Employment and Training, <http://www.bmet.org.bd/BMET/index>, (accessed March 10, 2016).

2.2 Failure to regulate recruitment agents within the Country of Origin

Bangladeshi migrant workers are often recruited in their country of origin through informal channels facilitated by their social networks, e.g. through recommendations of former work colleagues, friends or relatives. Most workers believe these are unlicensed agents, some of whom provide false promises about their wages and/or working conditions in Singapore. Migrant workers may be lured by these deceptive recruitment practices and pay substantial recruitment fees based on such promises. However, there is often no paper trail and workers have little recourse if the promises made by these unlicensed agents do not materialize or their working conditions are markedly different when they arrive in the State of employment.

This violates Article 66, section 2, of the Convention where it is understood that the public authorities of Bangladesh should authorize, approve and supervise intermediaries (whether private or public entities) in the recruitment of its citizens for work overseas.

In 1984, the State Party set up the BOESL to provide recruitment services to its nationals going abroad. BOESL was envisioned as a “model institution for ethical and transparent recruitment of migrant workers, to be followed by the private recruitment industry”.⁴ Even though the State Party says that it has recruited 43,000 Bangladeshi migrant workers employed in 27 countries of destination, neither HOME nor TWC2 is aware of any worker who was recruited through this system. It has also been noted that just 1% of those going abroad for work go through the BOESL.⁵

Even though existing rules stipulate that no one can depart from Bangladesh for overseas employment without first obtaining migration clearance from BMET, neither TWC2 nor HOME is aware of any worker who has obtained migration clearance from the BMET. It is also a requirement for every recruiter of Bangladeshi migrant workers, whether in the private or public-sector, to broker an employment contract in which the terms and conditions of work of the worker concerned is detailed. The regulations also stipulate that the contract should be sent to the BMET and to the Bangladesh Mission abroad, with a view to enabling the officials to monitor the implementation of the employment contract. However, none of the workers that HOME or TWC2 have assisted has indicated they are in possession of such a contract or are aware of such a procedure.

Workers coming to Singapore are provided letters issued by Singapore’s MOM known as “In-principle Approval for Work Permit”, which lists some key details of the job, including salary and deductions. The information is generally provided by the prospective employer to MOM, but MOM has declared that these letters are not employment contracts and not enforceable as such. They therefore do not fulfil or replace the requirement for recruiters to submit employment contracts to BMET.

⁴ “Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Consideration of reports submitted by States parties under article 73 of the Convention, Initial reports of States parties due in 2012 —Bangladesh”, para 36, <https://tinyurl.com/BangladeshStateReportCMW> (accessed March 10, 2016).

⁵ Ibid., para 67.

The unregulated nature of the recruitment process in the Country of Origin leads to high recruitment costs for workers coming to Singapore, which in turns leads to abuses detailed in Section 2.4(a), Conditions akin to forced labour.

2.3 Pre-departure orientation and training

Bangladeshi workers often arrive in Singapore not fully aware of their employment rights. Even though the Convention stipulates in Articles 33 and Articles 37 that the Country of Origin is required to fully inform migrant workers about their rights and legal obligations, as well as conditions of their admission to and stay in the country of employment and also about their remunerated activities, many workers we have interviewed told us that not only are they not told about their employment conditions, some were also deceived by their recruiters regarding terms and conditions of their employment. BMET and private recruiters also do not work with civil society organisations in Singapore to educate migrant workers in Singapore about their legal entitlements here.

The above violates Articles 33 and 37 of the Convention.

2.4. Failure to engage with Country of Employment over multiple issues related to the employment and living conditions of Bangladeshi migrant workers

Neither TWC2 nor HOME have come across any reports of sustained engagement between the Bangladesh and Singapore governments to regulate and improve employment and social conditions for Bangladeshi migrant workers in Singapore. Some of these conditions are matters of concern.

(a) Conditions akin to forced labour

The International Labour Organization has identified 11 indicators of forced labour, including abuse of vulnerability, deception, restriction of movement, isolation, retention of identity documents, physical and sexual violence, withholding of wages, intimidation and threats, debt bondage, excessive overtime, abusive living and working conditions and excessive overtime.⁶ Bangladeshi workers in Singapore are susceptible to most of these indicators.

The vulnerability of Bangladeshi migrant workers in Singapore spring from the high fees demanded by recruiters and other intermediaries in Bangladesh. TWC2 and HOME do not see sufficient action by the Bangladesh government in controlling these fees and charges, as discussed in Section 2.2, with latest data showing that costs are escalating rapidly.

⁶ International Labour Organization, "Indicators of forced labour", http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf (accessed March, 8 2016).

A survey conducted by TWC2 and published in February 2017⁷ found that in 2015, there was a spike, with first-time Bangladeshi construction workers paying an average of S\$15,555 to work in Singapore. This compares with an average of S\$5,500 to S\$11,000 paid by first-time workers between 2007 and 2014.

Meanwhile, Bangladeshi migrant construction workers' salaries remain low, and basic monthly salaries mostly range from S\$300 to S\$600 a month. This means their recruitment fees could be equivalent to between 26–51 months of their wages. Bangladeshi construction workers are therefore 'migrant-debtors' for a significant period.

This indebtedness enables employers to wield coercive power over workers, who are under immense financial pressure and in a poor position to resist employer demands and exploitative practices — conditions that resemble debt bondage. This coercive power arises from several factors, including:

- Work Permits tends to be of 12 or 24 months' duration — shorter than the period workers need to recover their sunk recruitment costs. Workers therefore feel unable to resist any demand by their employers since they need to have their permits renewed beyond 12 or 24 months.
- Work Permits are tied to specific employers who have the freedom to cancel permits at any time.
- Workers with cancelled permits are not generally allowed to seek alternative employment in Singapore, but must be repatriated.

In terms of the cases that both HOME and TWC2 see — and which we document regularly on our websites and reports⁸ — these are common reported problems:

- Long hours of work in excess of legal limits;⁹
- Multiple forms of wage theft (including arbitrary deductions, erroneous calculation and the withholding of wages);¹⁰
- Poor living conditions (including overcrowded, poorly-ventilated and unsanitary housing);
- The retention of workers' passports by employers;
- Hazardous working environments that put them at high risk of workplace accidents, and
- Denial or premature termination of medical treatment.

⁷ TWC2, "Average recruitment cost hit \$15,555 in 2015 for first-time Bangladeshi construction workers, February 5, 2017, <http://twc2.org.sg/2017/02/05/average-recruitment-cost-hit-15000-in-2015-for-first-time-bangladeshi-construction-workers/> (accessed March 10, 2016).

⁸ To access these articles and reports, please see their websites: HOME (<http://www.home.org.sg/>) and TWC2 (<http://twc2.org.sg>).

⁹ TWC2, *Work fatigue study* (Singapore: TWC2, March 2017), http://twc2.org.sg/wp-content/uploads/2017/03/workfatigue_report_final3.pdf (accessed March 10, 2016).

¹⁰ HOME, *Wage theft and exploitation among migrant workers in Singapore*, January 31, 2016, <http://www.home.org.sg/wage-theft-and-exploitation-among-migrant-workers-in-singapore/> (accessed March 10, 2016).

Complaints of intimidation and threats by employers — of blacklisting, dismissal and deportation — are prevalent. Employers are also known to hire repatriation companies to confine workers and/or send workers home; sometimes employers may also forcibly confine workers against their will.¹¹

That Bangladeshi migrant workers are exposed to such extreme forms of exploitation, many of which are indicators of forced labour, is an issue of grave concern.

In HOME's and TWC2's experience, the Bangladesh government has made no significant attempt to restrict recruitment costs levied within Bangladesh (which enable and lead to the abusive and exploitative practices enumerated above) nor to intervene with the Singapore authorities to stop these practices and improve conditions.

Nor is there any indication that the Bangladesh government engages in any sustained way with the Singapore government to address these issues.

The above constitute “cruel, inhuman or degrading treatment” and violate Article 10 of the Convention. To the extent that the above-mentioned conditions are akin to forced labour, the above also risk violation of Article 11. Albeit that these abuses may be taking place in the Country of employment, the roots lie in the unregulated and costly recruitment process within the Country of Origin.

The failure to engage with the Country of Employment to improve conditions and eliminate abuses is a violation of Article 64 of the Convention (duty to consult and co-operate).

(b) Inequality of treatment

Singapore has implemented a “Progressive Wage Model” for certain industry sectors including cleaning and conservancy work. The Model is in practical terms a form of progressive minimum wage. For cleaners, it stipulates a minimum wage of S\$1,000. However, it only applies to Singapore nationals,¹² and migrant workers are excluded from its benefits, being paid about half of that. The result is unequal pay for the same work.

The Bangladesh government is not known to have engaged substantially with the Singapore government to cure this defect.

This is a violation of Article 25 of the Convention.

Migrant workers' access to justice is also unequal compared to Singapore nationals. When migrant workers have salary or injury compensation claims that have exhausted administrative routes, they are advised to pursue their claims through the courts. To do so, however, they need time to arrange for legal representation and quite often, legal aid. However, their residency status is often guillotined within two to three weeks of the conclusion of the administrative process, even if that process proved fruitless. Unable to stay on in Singapore, they face difficulties getting legal

¹¹ HOME & TWC2, *Justice delayed, justice denied: the experiences of migrant workers in Singapore* (Singapore: HOME & TWC2, 2010), 8, <http://www.home.org.sg/what-we-do/research/> (accessed March 10, 2016); TWC2, “Held in windowless room, Shahjahan faced forced repatriation. TWC2 rescues him”, <http://twc2.org.sg/2016/12/18/held-in-windowless-room-shahjahan-faced-forced-repatriation-twc2-rescues-him/> (accessed March 10, 2016).

¹² Stephanie Chok, “Include migrant cleaners in Progressive Wage Model”, *TODAY*, December 21, 2016, <http://www.todayonline.com/voices/include-migrant-cleaners-progressive-wage-model> (accessed March 10, 2016).

representation and briefing their lawyers should workers wish to pursue their cases further through the civil courts. Moreover, since they have not been allowed to work while their cases had been ongoing through the administrative process (they would have been put on Special Passes), they are also disadvantaged financially. Yet the legal aid provisions do not extend to them. By way of contrast, Singapore nationals have the benefit of residency and time, and the right to seek alternative employment while their cases are ongoing.

The Bangladesh government is not known to have engaged substantially with the Singapore government to cure these defects.

There is therefore some impairment of equal treatment, when it comes to migrant workers exercising their right to justice, and is a violation of Articles 18 (right to equality before the courts and tribunals), 52 (freedom to choose their remunerated activity) and 54 (equality of treatment). Insofar as access to justice is a human right, this is a violation of Article 7.

(c) Restricted choice of residence and rent exploitation

Most migrant workers are required to stay in dormitories chosen by their employers. While some employers absorb the cost of rent, others deduct rent from workers' salaries. Migrant workers have no control over the amounts deducted — which can be increased at any time — and have they any means to ascertain if the deductions bear any relation to the actual rents paid by their employers.

The Bangladesh government is not known to have engaged substantially with the Singapore government to cure these defects.

The lack of freedom to choose the place of residence is a violation of Article 39 and potential exploitation through rent is a violation of Article 43, Section 1(d).

(d) Confiscation of identity documents and denial of the right to depart

Employers in Singapore routinely confiscate or retain migrant workers' passports. Some also retain their personal training certificates. The Bangladesh government is not known to have made efforts to work with the Singapore government to stop this practice.

Training centres in Bangladesh have also been known to demand that trainees deposit their passports with them till all fees are paid up. The Bangladesh government is not known to have made efforts to stop this practice.

The above violates Articles 8 and 21 of the Convention.

When a migrant worker in Singapore is issued with a Special Pass — to legalise his stay in Singapore while his case is being investigated or processed, or while he is needed in Singapore as a witness to a forthcoming court case — he is not permitted to leave Singapore, with rare exceptions allowed by MOM. The Bangladesh government is not known to have made efforts to work with Singapore authorities to amend this policy so as to protect migrant workers' right to depart.

The above violates Article 8 of the Convention (freedom to leave a state).

2.5 Failure to protect and provide assistance in the Country of Employment (role of Foreign Missions Labour Welfare Wing)

In 2014, the State Party allocated USD9.23 million to Bangladesh Foreign Missions to be used by Labour Welfare Wings for “inspection of work places, court-attendance, meeting with the employers, and for other similar purposes”. These financial resources were also to be used, where necessary, “to appoint welfare assistants, translators, and legal assistants in Labour Welfare Wings, with an ultimate view to reaching out services to migrant workers”.¹³

It is not clear the extent to which the labour section in Singapore does outreach work to the Bangladeshi worker community. Nor is it clear if the Labour Welfare Wing is involved in the inspection of worksites and meeting with employers for mediation of disputes. Despite assisting thousands of Bangladeshi workers with salary and work injury complaints, neither HOME nor TWC2 have ever heard about such services and outreach activities/inspections by the Bangladesh foreign mission in Singapore. In HOME and TWC2’s experience, the work of the embassy is usually limited to visits to the prisons and assisting workers to write referral letters to Singapore’s Ministry of Manpower in the event of a labour dispute. TWC2 and HOME have not heard of any follow-up efforts following the writing of such letters.

The absence of support and assistance by the Bangladesh mission leaves some Bangladesh nationals in precarious conditions. These are particularly those migrant workers who have lodged salary or injury claims with MOM and put on Special Passes. With no right to work and thus no income, and with ex-employers unwilling to continue housing them, temporary accommodation and livelihood support are usually needed.

TWC2 and HOME have not come across any sustained efforts by the Bangladesh mission to engage with the Singapore government on the above-mentioned issues that fall short of sound, equitable and humane conditions, nor does the Bangladesh mission provide any meaningful assistance and support to its nationals, despite extensive and growing media and non-governmental organizations’ (NGO) coverage of such incidents over the years. Nor does the mission operate a shelter for its neediest nationals.

The above is a violation of Article 64 of the Convention which says that State Parties shall “consult and cooperate with a view to promoting sound, equitable and humane conditions” for migrant workers, and of Article 65, section 2 (provision of adequate consular and other services).

2.6 Access to justice and welfare services for returnee migrants

Many workers, especially those who have been cheated by recruiters often return to Bangladesh not knowing how to seek redress. They are not aware of their legal rights. Many are also not aware that

¹³ Bangladesh country report, para 38, <https://tinyurl.com/BangladeshStateReportCMW> (accessed March 10, 2016).

they can file complaints through the BMET, which deals with disputes concerning recruiting agents about fraudulent activities, malpractices, loss of money, exploitation at the work place and ill treatment. They are also not aware that redress can be sought from the National Human Rights Commission (NHRC).

There are also many workers who become injured in the course of employment in Singapore or have been terminated by their companies when they become ill and are unable to work. They may be repatriated without completing treatment,¹⁴ or may have suffered permanent disability which may require long-term rehabilitative care. Many returnee migrants are unable to access medical treatment when they return because of the lack of financial resources.

This is in violation of Article 67, which says that State Parties should cooperate to promote “adequate economic conditions” for migrant workers’ resettlement, including facilitating “durable social and cultural reintegration” in their State or origin.

3.1 Recommendations

1. State Party should enter into a bilateral agreement with Singapore to eliminate private profit-making intermediaries in the recruitment process; to partner only with such agencies in both Country of Origin and Country of Employment whose recruitment practices and pre-departure training and orientation adhere to international labour standards.

BOESL has recruited workers for employment in South Korea under the latter’s government-sponsored employment permit system (EPS), with such recruitments by the BOESL involving low migration cost, and the migrant workers receiving better protection. This government-to-government arrangement is a means to ensure better regulatory oversight on recruitment.

State Party should initiate a dialogue with the Singapore government with a view to establishing similar recruitment arrangements for Bangladesh nationals seeking to work in Singapore.

2. In the absence or pending the conclusion of the above, State Party should promptly reform the regulatory framework for recruiters in Bangladesh to ensure that workers are only charged fees and recruited in accordance with standards set out in the ILO Private Employment Agencies Convention.

3. State Party’s Ministry of Expatriates Welfare and Overseas Employment (MoEWOE) should require (and enforce the requirement) that recruiters provide a Bangla-translated copy of employment contracts to workers going to Singapore. This Ministry should work closely with MOM to ensure there is coherence with Singapore’s In-Principle Approval system and that standard employment contracts are lodged on both sides that respect labour laws and adhere to international labour standards.

4. State Party should actively and regularly engage with governments of Countries of Employment to ensure that work, living and social conditions for migrant workers are humane and in

¹⁴ TWC2, “Employers should purchase more insurance, salutary lesson shows”, February 14, 2017, <http://twc2.org.sg/2017/02/14/employers-should-purchase-more-insurance-salutary-lesson-shows/> (accessed March 10, 2016).

keeping with international standards for labour and standards prescribed by CMW.

5. State Party through its missions abroad, including in Singapore, should set up shelters providing temporary accommodation to workers who are destitute and in distress.
6. Develop an insurance policy for all returnee migrants so that they can have access to affordable treatment for illnesses which they were afflicted with while working in Singapore.
7. A program should be set up to raise awareness among returnee migrants as to how they can seek redress for being overcharged by recruiters when they return to Bangladesh. The missions in countries of employment such as Singapore should intensify such outreach efforts.
8. The services and functions of the BOESL should be made known to all Bangladeshi workers residing in Singapore.

For more information, please contact:

**Humanitarian Organization for Migration
Economics**
511 Guillemard Rd
#01-06 Grandlink Square
Singapore 399849

Email: contact@home.org.sg
Phone: (+65) 6344 0224
Website: www.home.org.sg

Transient Workers Count Too
5001 Beach Road
#09-86 Golden Mile Complex
Singapore 199588

Email: info@twc2.org.sg
Phone: (+65) 6427 7001

Website: www.twc2.org.sg