



# PROTECTING LOW-WAGE FOREIGN WORKERS IN SINGAPORE FROM BAIT-AND-SWITCH CONTRACTS

A Legal Education Roundtable

**6 April 2017 5:00-6:00pm**  
**Reception to follow**

Hosted By

Herbert Smith Freehills LLP  
Prolegis LLC  
Justice Without Borders



**PROLEGIS** LLC

## **PROGRAMME OVERVIEW**

This Roundtable will introduce and discuss new legal analyses around contract law from a paper developed by Justice Without Borders (JWB), *Protecting Low-Wage Foreign Workers in Singapore from Bait-And-Switch Contracts* (March 2017). JWB addresses the following issue in the paper:

Front-line organizations in Singapore and Indonesia have reported that many of the low-wage foreign workers that they assist will take up employment in Singapore with the expectation of a certain salary, only to be paid a much lower amount after arrival. Burdened with debt and without any viable alternative employment, these workers often feel they have no choice but to accept the lower salary, even if they may be legally entitled to what they had been previously promised before leaving home.

The program will discuss the legal remedies available in Singapore to seek redress for low-wage migrant workers who migrate on the promise of a higher salary. Participants will engage with the legal analyses laid out in the paper as a potential roadmap to pursuing these remedies in civil court.

All participants will receive a copy of the paper in advance of the Roundtable.

## **OUTCOMES**

Participants will get an introduction to the relevant salary provisions of the Employment of Foreign Manpower Act and a key document generated under the Act, the In Principle Approval (IPA). Participants will learn that the IPA can be used as evidence of a higher-wage, home-country contract. Participants will also be re-introduced to three legal and equitable doctrines (consideration, duress, and unconscionability) that can be used to set aside agreements to perform the same work for less pay.

## **BACKGROUND**

Transnational labour migration is a rapidly growing phenomenon in the 21st century. In the region, Singapore is an active destination for migrant workers and has set up robust government mechanisms to address their legal needs. Unfortunately, unscrupulous brokers and employers exist everywhere, and in East Asia, the worst forms of exploitation deprive workers of over US \$51 billion annually (International Labour Organisation, *Profits and Poverty: The Economics of Forced Labour*, 2014). This amount does not include “lesser” forms of exploitation, such as underpayment of wages or non-payment of workers’ compensation for injuries, or abuse.

While the government’s dispute resolution mechanisms seek to solve the most common problems workers encounter, many issues must still be addressed by civil litigation. This is especially true for those who cannot remain in Singapore to pursue their claims through government channels. The problems faced by these workers take on an international dimension that lawyers across the region will need to begin addressing.

## **EVENT DETAILS**

- Event Date:** 6 April 2017
- Event Time:** 5:00-6:00pm (reception to follow)
- Venue:** Herbert Smith Freehills LLP  
50 Raffles Place, #24-01  
Singapore Land Tower, 048623  
(NRIC/FIN required for entry)
- Practice Area:** Others (Employment Law; Foreign Workers; Migration)
- Training Level:** Update
- CPD Accreditation:** **1 Public CPD Point.** For lawyers who wish to claim CPD Points, please email your AAS Number to *Seminars.SG@hsf.com*. For non-Singapore lawyers, this session has been designed to help you satisfy the continuing competence/CLE/CPD requirements of the jurisdiction in which you are qualified, for example Australia, England & Wales, subject to individual circumstances. It qualifies for 1 private CPD hour, where hours are relevant.
- Cost:** \$25 (fees will go to support the programs of Justice Without Borders)
- RSVP:** *Seminars.SG@hsf.com* by 31 March 2017.
- Attendance Policy:** Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. This includes arriving punctually, not leaving the activity before it has ended, and signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

## **ABOUT JUSTICE WITHOUT BORDERS**

Justice Without Borders is a not-for-profit organisation that supports victims of labour exploitation and human trafficking in seeking just compensation against their abusers, even after returning home. Operating at the regional level, JWB works with government and local support organisations along key migration routes to ensure victims can access legal aid, wherever they are. By building cross-border networks, knowledge and know-how, JWB seeks to empower victims of human trafficking and exploitation to pursue legal remedies against their abusers in targeted host countries.

## **BIOGRAPHIES**

*(Alphabetical by family name)*

**Rachel J. Hines** is a Pro Bono Officer at Justice Without Borders. She is an American lawyer and experienced litigator who worked for many years at the U.S. Department of Justice in Washington, DC, first as a trial attorney and later on the management team supervising federal employment and program discrimination cases. As a member of the District of Columbia Bar, Rachel donated her time to help those in need of legal services at the Bar's Advice and Referral Clinics, the Employment Justice Center and the Legal Counsel for the Elderly. Since arriving in Singapore in 2015, she has been actively involved in outreach activities involving migrant workers. She served as a volunteer coordinator for the Law & You program, a collaboration between the Humanitarian Organization for Migration Economics and the National University of Singapore to empower and train foreign domestic workers on their rights and responsibilities while employed in Singapore. Rachel clerked for the Honorable Sidney Thomas of the U.S. Court of Appeals for the Ninth Circuit and is a graduate of the George Washington University Law School.

**Fatim Jumabhoy** is Of Counsel with Herbert Smith Freehills LLP (HSF) based in Singapore. She leads the Asia Employment Law team with a particular interest in cross border and multi-jurisdiction employment law matters. With significant experience and exposure in Asia, Fatim helps her clients to navigate the complex and evolving labour laws across multiple jurisdictions. Her focus is on creating regionally consistent, yet locally compliant, solutions to employment law problems, particularly arising out of restructures/redundancies, employee due diligence on acquisitions/mergers and post-acquisition harmonisation. Fatim also has significant experience in the growing industrial relations space, and is often called upon to assist in negotiating with unions and local labour authorities in South East Asia. Fatim is called to the Bar in both Singapore and the UK, and prior to joining HSF worked as in-house Counsel for BlackBerry with employment law responsibility for APAC. Before relocating to Singapore in 2010, Fatim was an employment law barrister practising at No 5 Chambers in London. She is featured in the 2016 edition of Chambers & Partners as one of only three international lawyers, spotlighted for her employment law practice and in Legal 500 (2017).

**Sandra Tsao** is Of Counsel at Prolegis. She has been in private practice in both Singapore and London and her experience covers a broad spectrum of commercial and corporate finance work including equity capital markets transactions, private equity investments, private and public company mergers and acquisitions, joint ventures, corporate restructuring and general corporate advisory work. Sandra was commended as a leading lawyer for Corporate M&A in Chambers Global 2006. She is both Singapore and English qualified. Prior to joining Prolegis, she was a corporate finance partner in two leading Singapore law firms, and also practised in the London offices of two of the world's largest law firms. She read Law under a Singapore Public Service Commission Merit Scholarship and started her legal career as a Deputy Public Prosecutor at the Attorney-General's Chambers. She has an LLM in International Commercial Law from Nottingham University and the National University of Singapore and was awarded the Sloan Fellowship Women's Scholarship to pursue the Sloan Fellowship Masters in Leadership and Strategy at London Business School.