

# **Blacklisted: Imagined fears or unspoken reality?**

**A deep-dive into the blacklisting of work-permit holders in Singapore**



**An internship project by Varun Karthik  
December 2021**

## “இதுனால் எந்த பிரச்சனையும் வராதுல?”

A question often posed by Tamil workers when they call into our hotlines asking for help. In English, the phrase translates to “There will not be any problems because of this, right?”. When probed further, clients often mention phrases like “blacklist”, “passport blocking” or “IPA blocking”<sup>1</sup>.

There has been much written about work permit holders being deeply fearful of retaliation for speaking out against or reporting their employers for underpayment of salaries, illegal deductions to their salaries, being denied medical treatment etc. These fears can be broadly segmented into two categories. One is the fear of immediate repercussions, be it the cancellation of their work permits, repatriation, verbal and physical abuse or myriad other forms of ill-treatment by their supervisors and employers. The other is the longer-term fear of being denied future employment opportunities or being blacklisted because of their present-day actions.

The focus of this paper is the latter.

More specifically, through this paper, I want to explore:

1. Why workers fear being blacklisted, as well as the extent of their knowledge about blacklisting
2. What we know about MOM blacklisting, what is unknown and the problems with the existing system
3. The means available for an employer to blacklist an employee
4. Recommendations for a more efficient, more equitable system

To answer these questions, I relied on research papers, newspaper articles and other public information currently available about blacklisting. I also interviewed representatives from two local employment agencies, as well as a few migrant workers themselves. Lastly, relevant cases that TWC2’s social workers and volunteers have handled over the years informed the research paper as well. The identities of any and all individuals who participated in my interviews have been masked to allow them to speak freely, while the identities of the individuals whose cases are featured in this paper will also not be revealed to ensure confidentiality.

One key question I was frequently confronted with throughout my research was, what is blacklisting? The Cambridge dictionary defines a blacklist as “a list of people, countries, etc. who are considered by a particular authority or group to be unacceptable and who should be avoided and not trusted”. For the purpose of this paper, blacklisting will be broadly defined as

---

<sup>1</sup> The initials “IPA” stand for “In-principle Approval for a Work Permit”, a document issued by the Ministry of Manpower (MOM) when a work permit application is successfully approved, allowing the individual to travel to or stay in Singapore to complete the rest of the formalities before the issuance of the Work Permit pass card. The IPA includes information on the workers’ key employment terms such as salary, allowances and deductions.

any action or activity carried out by an external party that has the intent or the effect of negatively affecting a worker's employment prospects in a systematic manner. The key phrase here is "systematic manner". While for instance, a vindictive employer can use his own employees to "spy" for him, find out where an ex-employee is seeking his next job, call up the company on his own accord and then tarnish the employee's reputation<sup>2</sup>, to the extent that the worker is not "marked" or flagged up in any system, and "blocked" only from a single job and not all future employment opportunities, it will not be considered blacklisting for the purpose of this paper.

While blacklisting and employment bans do exist for foreign domestic workers as well, the focus of this paper will be on blacklisting as it pertains to the male, predominantly South Asian, work permit holders who work in the construction, marine and the process industries in Singapore.

## Why fear?

To better understand blacklisting, we first need to understand why the fear of being blacklisted looms so large in the minds of workers and how this fear of theirs is inextricably linked to the position of "permanent temporariness"<sup>3</sup> that they remain suspended in on many fronts, most acutely their precarious financial position and their tenuous employment.

When workers were asked in the interview whether they intended to keep working in Singapore past the expiration of their current work permit, the vast majority replied with an unambiguous yes. This is in line with the disproportionate number of workers who have made contact with us, both virtually and in-person, with inquiries about job transfers, SCAL's SCMX scheme<sup>4</sup> or otherwise seeking ways to remain employed in Singapore beyond their current work permits; as well as empirical evidence that suggests that workers are increasingly staying employed in Singapore for longer periods despite lower inflation-adjusted salaries<sup>5</sup>.

But why do these workers want to continue working here, despite having to "(toil) in transient conditions without access to pathways of citizenship, without labour rights, and ... living in a climate of fear, amidst systemic threats to their employment, health, and well-being"<sup>6</sup>; despite the traumatic ordeal that workers had to go through when they found their crowded unsanitary

---

<sup>2</sup> No, this is unfortunately not an hypothetical example, but one raised by an employment agent during my interview with him.

<sup>3</sup> Loong, Shona. 2018. "This Country, Law Very Strong": Securitization beyond the Border in the Everyday Lives of Bangladeshi Migrant Workers in Singapore." *Geoforum* 90 (March): 11–19. <https://doi.org/10.1016/j.geoforum.2018.01.012>.

<sup>4</sup> The SCMX (Singapore Construction Manpower Exchange) scheme is an ongoing retention scheme in the construction industry that aims to facilitate job-matching between work-permit holders (WPH) and companies in need of manpower, stemming the outflow of experienced WPHs from Singapore. Introduced by MOM in September 2021, the scheme is being run in conjunction with SCAL (Singapore Contractors Association Ltd).

<sup>5</sup> Rep. *Job Longevity, A Study on Migrant Workers of Singapore, Mar-Sep 21*. TWC2, October 18, 2021. [https://twc2.org.sg/wp-content/uploads/2021/10/job\\_longevity\\_survey\\_2021.pdf](https://twc2.org.sg/wp-content/uploads/2021/10/job_longevity_survey_2021.pdf).

<sup>6</sup> Dutta, Mohan Jyoti. 2020. "COVID-19, Authoritarian Neoliberalism, and Precarious Migrant Work in Singapore: Structural Violence and Communicative Inequality." *Frontiers in Communication* 5 (August). <https://doi.org/10.3389/fcomm.2020.00058>.

dormitories quickly become Covid-19 clusters - infecting a large number of them<sup>7</sup> and placing nearly all of them under lockdown – as well as the continued imposition of draconian measures that severely restricts their mobility and their freedoms?

When asked, having to support their families financially is by far the largest motivating factor that pushes workers to remain employed in Singapore. In the South-Asian countries that all the workers interviewed and a significant percentage of worker permit holders come from, there continues to exist strong gender norms – both in the form of societal expectation for men to provide for their families as well as the stigmatisation of women working outside their households – that often results in migrant workers shouldering the responsibility of being the sole breadwinner for their families, who depend on their remittances for survival. The dearth of viable jobs and economic opportunities back at home often leave them with no option but to remain employed in Singapore, particularly to be able to handle their family's larger expenses like medical bills, dowries and school fees. Even as the pandemic has made their lives here more difficult on numerous fronts, the same pandemic has made the economic situation in their home countries even worse and therefore, made it more important than ever that they remain employed in Singapore.

It is against this backdrop, where workers often compare a return home to a death sentence – “if go home, die already” is a popular refrain used by Bangladeshi workers – that there exists a strong want, and often a necessity, to remain employed in Singapore beyond the term of their current work permit. The flip side of this desire is the fear of being blacklisted, the fear of being denied future employment opportunities in Singapore and the fear of being unable to provide for their families as a result.

## Every beanstalk needs a seed

While their desperation to remain employed in Singapore is a precondition for why workers fear being blacklisted, when asked how or when they first heard of “blacklisting”, “IPA blocking” or “passport blocking”, they frequently point to two sources – their employers and anecdotal hearsay from their friends and colleagues.

Employers, either implicitly or explicitly, wield the threat of blacklisting to instil fear in their workers and to get them to act in the company's interest. More than one worker has quoted his employer telling him “I will never let you come back into the country to work”, in line with research conducted over the years which has revealed that the threat of blacklisting is one of the main forms of employer retaliation that workers often face in the claim process, for both salary and injury claims.<sup>8</sup>

---

<sup>7</sup> Lim Min Zhang, “47 Per Cent of Migrant Workers in S'pore Dorms Have Had a Covid-19 Infection, Say Manpower and Health Ministries,” The Straits Times, December 15, 2020, <https://www.straitstimes.com/singapore/47-per-cent-of-migrant-workers-in-dorms-have-had-a-covid-19-infection-say-manpower-and-health-ministries>.

<sup>8</sup> Tamara Fillinger et al., “Labour Protection for the Vulnerable: An Evaluation of the Salary and Injury Claims System for Migrant Workers in Singapore” (Chen Su Lan Trust, February 2017), [https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3474&context=soss\\_research](https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3474&context=soss_research).

When then asked why they choose to believe their employer's threats, when it was possible that their employer could be making an empty threat with regard to their power to blacklist them, some of the workers pointed to the power asymmetry that characterises their relationship with their employers, as well as their limited social and political capital in the eyes of the state, and mentioned that it was against this context that they felt like they had good reason to believe that their employers did have the power to prevent them from returning to the country to work. One worker distilled this sentiment succinctly when he told me "I am a work permit holder and a second-class citizen, my employer has money and is a Singaporean. He can do anything he wants." Interestingly, while a few other workers were of the view that their employers did not have the ability to blacklist a worker, many other workers were uncertain about whether they should believe their employer's threats.

Another source of fear for many of the workers is anecdotes that they hear from fellow workers. These range from stories of ex-colleagues who have departed the country after a fall-out with their ex-employer and have since had multiple IPAs rejected – leaving them unable to return to Singapore – to more explicit advice from others telling them not to carry out a particular action for it might get them blacklisted<sup>9</sup>.

A recurring theme in conversations with workers when the idea of blacklisting was discussed is that of uncertainty. Workers whose employers had threatened to blacklist them were often unsure of whether their employers really did have the power to blacklist them and unaware of how an employer could potentially blacklist them. Other workers sent over photos of their passports on Whatsapp, asking us if their employer had "blocked" them. When probed further – they often mentioned stories of other workers who had their IPAs rejected or other friends who were subject to unusual circumstances<sup>10</sup> but were never very sure about whether their friends were blacklisted, who had blacklisted them, and if they themselves had been blacklisted.

"Blacklisting" in and of itself is a large, ambiguous concept that is hard to define. If grappling with the vague concept of blacklisting was not hard enough, there is also an arguably deliberate lack of public information about blacklisting and employment bans. The fact that this lacuna is then filled by threats from employers and unverified stories from friends only muddies the waters even further, leaving workers deeply puzzled as to how and why they might be blacklisted. The uncertainties of the blacklisting process, together with the long-term consequences that it will have on their careers and their lives, make the fear of being blacklisted a potent one.

## State vs Employer

As far as the fear of being blacklisted goes, workers are often more deeply concerned about their employer blacklisting them than they are about MOM, the police or ICA blacklisting them.

---

<sup>9</sup> Refer to Annexe A, case study 1

<sup>10</sup> Refer to Annexe A, case study 2

This is not entirely a surprise, given that workers often draw a distinction between the state and their employers. While the two entities exert much influence on their lives, their roles manifest in different ways. The employer is given the responsibility of being the direct enforcer of rules, whereas the state, by and large, remains an indirect enforcer that ensures that employers adhere to their responsibilities and steps in when errant employers fail to do so. Therefore, when workers are subjected to ill-treatment or find themselves in unfortunate circumstances, they either accept it as an inevitability of their employment conditions or blame their direct superiors and employers for it while often continuing to hold a deep sense of respect for Singapore<sup>11</sup> – especially for its cleanliness and the state’s effectiveness and efficiency, vis-a-vis their own home countries<sup>12</sup>.

The fact that workers see themselves as an underclass working for errant employers in a prosperous, efficient state explains why (1) workers trust the state and do not fear being arbitrarily blacklisted by the state and (2) why they are more worried about the actions that a vindictive employer might take.

But is the state entirely deserving of the trust of these workers? And what powers do employers really have to “blacklist” a worker?

## A brief history of the mythical MOM blacklist

Under section 7 of the Employment of Foreign Manpower Act, the controller of work passes is given the rather expansive power to “at any time... debar any person from applying for or being issued with a work pass for such fixed period of time as may be determined by the Controller”.

While the law gives MOM the legal framework to impose employment bans as they deem fit, workers are typically debarred because they are either found to be guilty or suspected to be guilty of breaking a statutory law or Work Permit condition.

The distinction between the violation of a statutory law and the violation of a work permit condition is that statutory law applies to all citizens, residents and visitors in Singapore, while work permit conditions are only applicable to foreign workers. There are numerous and rather onerous conditions that work permit holders are to abide by during the course of their employment in Singapore. Examples include work-permit holders being barred from marrying a Singaporean or a permanent resident without approval from the state, having to notify their employers of any self-initiated changes in their addresses, and more broadly being forbidden

---

<sup>11</sup> “Foreign Worker Experience Survey 2018 Report on Findings” (Ministry of Manpower, June 9, 2019), <https://www.mom.gov.sg/-/media/mom/documents/press-releases/2019/0609-annex-fw-survey-2018.pdf>.

<sup>12</sup> Chatteraj, Diotima. n.d. Review of *The Grateful Migrants: Indians and Bangladeshis in Singapore in Times of COVID-19*. *Southeast Asia: A Multidisciplinary Journal* 20 (1): 44–62. Accessed January 4, 2022. <https://fass.ubd.edu.bn/SEA/vol20/SEA-v20-the-grateful-migrants.pdf>.

from “indulging in illegal, immoral or undesirable activities, including breaking up families in Singapore”.

While there is a public list of employers convicted under the Employment Act on the MOM website, no such list exists for foreign workers who have been convicted or debarred for breaking either a statutory law or a work permit condition. MOM has also not provided any data on the number of workers debarred from working in Singapore, or even acknowledged the existence of a blacklist. Journalists who ask for confirmation of a blacklist are directed to public material that states that workers who break their work permit conditions “might not be able to enter or work in Singapore in the future”<sup>13</sup>.

Despite being coy about the existence of a blacklist, MOM has not been shy about publicly announcing the imposition of employment bans on errant workers. Examples of offences for which the imposition of employment bans on multiple workers were publicly announced – presumably with the intention of sending a signal that they were clamping down on the offence and deterring other workers from committing said offence – include borrowing from unlicensed money lenders, purchasing fraudulent BCSS (safety) certificates and, during the ongoing Covid-19 pandemic, non-adherence to LOA/SHN<sup>14</sup> requirements as well as flouting of Covid-19 circuit breaker measures. More recently, as the Covid-19 cluster in karaoke lounges in July 2021 brought attention to work permit holders moonlighting outside their designated jobs, the Senior Minister of State for Manpower Koh Poh Koon’s response to a parliamentary question on the number of individuals debarred from working in Singapore for engaging in illegal employment was picked up The Straits Times and by Channel NewsAsia.

From research as well as conversation with volunteers and social workers who have dealt with a number of cases involving blacklisted workers, there exists a spectrum of punishments that can be meted out under the broad label of employment bans; ranging from workers who are told that they will be allowed to continue working in Singapore until their current work permit expires but will then have to return home and will have an employment ban imposed on them for a fixed period – typically a year or two – for less severe offences, to workers who are immediately repatriated and informed that they will not be able to work in Singapore indefinitely.

Blacklisting of workers who committed offences during their time in Singapore is not inherently problematic and in fact, employment bans are certainly a necessary tool in the toolbox of administrative powers that MOM should be given to ensure that foreign workers comply with both the Singapore law and MOM EFMA rules. Nor do we have any reason to suggest that workers are blacklisted arbitrarily at the request of their employers etc. However, the blacklisting system is also far from perfect – with its flaws being illuminated by Madan’s story.

---

<sup>13</sup> “She Faced the Threat of Deportation. Her Crime? Being Pregnant.” 2021. RICE. July 3, 2021. <https://www.ricemedia.co/current-affairs-features-pregnant-crime-deportation/>.

<sup>14</sup> The ministry of health places individuals on LOA/ SHN to minimise and control the spread of covid-19 in Singapore. Individuals placed on a Leave Of Absence (LOA) are to minimise social contact and remain in their place of residence as much as possible, with exceptions made for essential activities. Those placed on Stay Home Notice (SHN) are not allowed to leave their place of residence or the facility where they are serving their SHN until their SHN is lifted.



Madan wanted to return to Singapore to work, as he found his savings from his previous employment here dwindling. Various companies have made IPA applications for him only for the IPA to be rejected every single time. Madan eventually reached out to us and TWC2 emailed MOM on Madan's behalf, enquiring why his IPA applications were being rejected. TWC2 eventually received a call from a MOM officer who verbally mentioned that Madan had been "blocked" – although the specific reason was not given – and that on our appeal, MOM was willing to "unblock" Madan for a period of a month, during which an employer could proceed to make an IPA application for Madan, which would be approved if he took a series of very specific steps.

Madan's story raises two big issues with blacklisting: (1) Lack of transparency on who gets blacklisted and (2) The absence of a formal appeal process.

## Who gets blacklisted and what to do?

While Madan maintained that he did not have any skirmishes with the law during his previous stints in Singapore, TWC2 managed to form a working theory on the work permit condition that MOM likely suspects Madan of breaching – giving them reason to "block" him.

The problem here is that on an individual level, Madan was not informed or notified that he had been "blocked" or "blacklisted" from working in Singapore, or had been suspected of breaching a work permit condition – both when he was in Singapore as well as later on when he made the IPA application from his home country – until TWC2 wrote in to MOM on his behalf. To this day, at no point has MOM revealed why Madan was blocked.

Further complicating the reality that blacklisted workers are not always notified of the fact that they have been blacklisted is the fact that the mechanism by which an individual can be blacklisted is unclear.

Typically, when an employment agent or a prospective employer keys in the details of a worker in the WP (Work Permit) Online portal<sup>15</sup> to make an IPA application for him, an error message may be presented<sup>16</sup> ("This worker has an adverse record, do you wish to proceed with the application")<sup>17</sup>. The vague error message does not give more detail as to the nature or the severity of the worker's adverse record, nor is it clear whether the adverse record was created by a previous employer, employment agent or MOM.

---

<sup>15</sup> WP Online is a portal that allows business employers and employment agencies to perform Work Permit transactions, such as applying and requesting for issuance of a Work Permit. Businesses that perform Work Permit transactions can sign up for an account with MOM.

<sup>16</sup> Beyond workers with an adverse record, the other group of workers whose IPA applications will trigger an error message at this stage are those who had previously made a successful workman compensation claim above a certain amount - with the implication that they have some level of permanent incapacitation that might make them unsuitable for a work permit.

<sup>17</sup> One of the EAs I spoke to mentioned that back when the processing fee for an IPA was only 10 dollars, his agency had at times chosen to proceed with the application even when alerted of an "adverse record", but could not remember such an IPA ever being successfully approved.



However, in Madan's case, the company that made the IPA application on Madan's behalf was not prompted about any adverse record and was allowed to proceed with the application, only for it to then be rejected with the message "This worker is ineligible for a work permit". This led Madan to approach TWC2 for help.

While even under the first method of blacklisting (adverse record), employment agents and employers may not always inform the worker that he has an adverse record in the system, an individual blacklisted under the second method ("ineligible") is presented with a practically useless message that makes no mention of being blacklisted and leaves workers, EAs and NGOs with no information to figure out why the IPA was rejected and what can be done, if anything, to improve an individual's chances of future IPAs being approved. While one can reach out to MOM asking for more information, a significant number of workers whose IPAs have been rejected have already returned to their home countries, making it difficult for them to contact MOM. In any case, MOM, by default, is rarely forthcoming with a clear, explicit answer as to why an IPA is rejected – an experience shared by non-governmental organisations, employment agents, employers and workers alike.

On a macro level, there are a large number of situations like Madan's that fall short of a worker being investigated for and convicted of an offence or a crime and yet it is often unclear if workers who find themselves in these scenarios have been "blacklisted" and whether they can return to Singapore to work. Examples of such scenarios include:

1. Being suspected of committing an offence, but no formal investigation ever being opened and never being made aware of any investigation;
2. Being investigated for an offence, but eventually being acquitted due to a lack of evidence and released with a stern warning;<sup>18</sup>
3. A complaint made by an ex-employer in-absentia, after a worker has been repatriated.

Even if a worker is somehow able to find out that he has an adverse record, there is no formal appeal process or designated channel for workers who have been blacklisted to get unblocked. While workers who are alerted of an adverse record under their names or find their IPA applications being rejected repeatedly are able to reach out to MOM, it is unclear if there are any established guidelines by which MOM decides which individuals can be removed from the blacklist, or any established protocols governing what information MOM officers should reveal to an individual about any employment bans imposed on him.

Another question of particular interest to us is why some workers are blacklisted more overtly, with the employment agents or the prospective employer being notified of an "adverse record", while others are "ineligible for a work permit". It is plausible to suggest that workers blacklisted by the police or the ICA fall under the first category of workers with an "adverse record" (but see the section below too), while those blacklisted by the MOM are "ineligible for a work permit".

---

<sup>18</sup> Webmaster, "Worker Acquitted of Charges. Yet, Is He Barred from Working in Singapore?," TWC2, December 15, 2021, <https://twc2.org.sg/2021/12/18/worker-acquitted-of-charges-yet-is-he-barred-from-working-in-singapore/>.

However, this is purely speculative on my part and the real reason could be any number of other things.

## The almighty employer

Broadly speaking, employers have two methods of blacklisting a worker.

The first method by which a disgruntled employer can blacklist an employee involves creating an “adverse record” for the worker – thereby creating an obstacle for them in returning to Singapore or even seeking employment elsewhere. This often involves employers making police reports against their employee or ex-employees for offences like theft of property when company items were not returned by the worker during the off-boarding process etc. Employers often make these complaints after the worker has been repatriated, denying the worker the opportunity to testify against the employer’s complaint while nevertheless being subject to an employment ban.<sup>19</sup>

The other mechanism that exists for an ex-employer to be able to negatively affect the future employment opportunities of the ex-employee is the MOM online “reference channel”<sup>20</sup>.

Started in 2010 and originally called a “feedback channel”, the system, in MOM’s words, aims to “help prospective employers make an informed decision”, “similar to how companies conduct reference checks on candidates<sup>21</sup>”. The system was later renamed a “reference channel”, although there is no indication of this renaming being accompanied by any substantive changes to the system.

The reference channel starts with an online form that allows an ex-employer to key in a 3000-character feedback about a particular work permit holder, and even to attach supporting documents. The individual himself is not alerted about any feedback that a current or former employer may have keyed in about him or her. However, when an IPA application is made by a prospective employer or an EA on the WP Online system, the entity making the application is alerted to the fact that an ex-employer has left a “personal reference” for the worker. Interestingly, the employer or the employment agent is not provided the actual feedback directly as a text or allowed to access any attachments, but rather, only provided the contact details of the former employer, whom they are to contact if they desire. The ex-employer is thereafter free to make any unsubstantiated allegations about the employee when contacted.

---

<sup>19</sup> “Justice Delayed, Justice Denied: The Experiences of Migrant Workers in Singapore” (H.O.M.E and TWC2, October 2010), [https://static1.squarespace.com/static/5a12725612abd96b9c737354/t/5a1fe5ccec212d3c9706d3fc/1512039899030/Report\\_Justice-Delayed-Justice-Denied.pdf](https://static1.squarespace.com/static/5a12725612abd96b9c737354/t/5a1fe5ccec212d3c9706d3fc/1512039899030/Report_Justice-Delayed-Justice-Denied.pdf).

<sup>20</sup> Joanna Seow, “Employers Share Feedback on Maids,” *The Straits Times*, April 15, 2017, <https://www.straitstimes.com/singapore/employers-share-feedback-on-maids>.

<sup>21</sup> Joanna Seow, “Employers Share Feedback on Maids,”

While MOM has publicly commented on the feedback channel<sup>22</sup>, it has done so only in the context of the system being used by employers against foreign domestic workers and has never commented on the reference channel being used by Construction, Marine or Process sector employers.

In such public comments, MOM maintains that its role is confined to facilitating voluntary reference checks by would-be employers through a prompt that a former employer has offered to provide comment. Employers or employment agents are free to interview the worker to understand their side of the story. While this is true in theory, the reality is that any attempt to reconcile a worker's account with feedback from his ex-employer involves time and resources over a game of he said-she said. Especially when questions arise about a worker's behaviour or attitude, employers are unlikely to risk hiring a potentially "problematic" worker. Hence, it is no surprise that the employment agent I spoke to mentioned that nine times out of ten employers would choose not to hire a worker should he have received prior feedback from an ex-employer – with exceptions only made when the severity of the feedback is relatively minor and the employers themselves are desperate for a worker under prevailing market conditions.

Beyond the fact an employer is able to unilaterally jeopardise a work permit holder's chances of returning to the country through an entirely straightforward mechanism that MOM provides, what makes the system profoundly unfair is the fact that no equivalent system exists for work-permit holders to leave feedback on employment agents and employers, or for employers to leave feedback for other Singaporeans or permanent resident employees<sup>23</sup>.

But, despite the large amount of power the feedback channel gives employers over their ex-employees, there are many unanswered questions about how the system works.

The first question is about the textbox available on the feedback form. If a prospective employer or agent is not provided the feedback directly and only given the contacts of the ex-employer, this then raises the question, why have a text box on the form in the first place? It is plausible to suggest that MOM does read through the feedback and open an investigation into a worker or place an "adverse record" under the worker's name should the feedback provided be of sufficient severity to warrant such steps. However, this is entirely speculative on my part and it is equally possible that the text box is just a redundant feature that MOM has overlooked.

The second question pertains to instances in which MOM chooses not to provide the contact details of an ex-employer. MOM has previously stated that they might decide not to provide the details of an ex-employer should the work-permit holder have any substantiated complaints against the employer. This is to prevent the reference channel from being abused<sup>24</sup>. This reveals that MOM does indeed exercise discretion in screening out some feedback. However, no information is provided on what rises to the threshold of a "substantiated complaint" and

---

<sup>22</sup> Ibid

<sup>23</sup> "International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Shadow Report for Singapore" (H.O.M.E and TWC2, October 2021), [https://twc2.org.sg/wp-content/uploads/2021/11/ICERD-report-submission-copy-HOME\\_TWC2.pdf](https://twc2.org.sg/wp-content/uploads/2021/11/ICERD-report-submission-copy-HOME_TWC2.pdf).

<sup>24</sup> Ibid

whether there are other instances or circumstances under which MOM might choose not to provide feedback about a worker.

The third question is about how often the feedback channel is used. While MOM did mention in 2017 that around 150 employers provided feedback about their ex-domestic helpers each month and that the figure has remained fairly stable<sup>25</sup>, this number is applicable only for foreign domestic workers and there has been no indication of how many CMP employers use the reference channel and how often CMP work-permit holders receive feedback. Unfortunately, the EAs that I spoke to were unable to give me much clarity as well. One of the employment agents I spoke to initially mentioned that it was “quite normal” to be alerted of feedback from an ex-employer. Approximately two in ten IPA applications came with such feedback, he said. However, he later walked back on this figure. The other employment agent I spoke to, interestingly, did not recall being alerted to feedback from ex-employers when an IPA application was made – adding that if his subordinates had come across such instances, it was never brought to his attention.

Other questions include:

1. The number of references that MOM receives for CMP work permit holders;
2. The distribution of the references among employers (are a few employers disproportionately prone to using the reference channel?);
3. What happens in the event that a particular employee has multiple references from multiple employers? (are the contacts of both employers given or does the more recent reference supersede the previous reference)

## Recommendations

The state has and should have the ability to determine who is allowed to come into the country to work. The ability to control entry into a country is, after all, one of the fundamental prerogatives of a sovereign nation. Thoughtfully crafted and robustly implemented immigration laws are crucial in creating a safe, prosperous society for both citizens and immigrants alike.

However, a more transparent IPA application system – both as it pertains to blacklisting and the system as a whole – is one that will be beneficial to all parties involved. Therefore, I propose three concrete policy recommendations that will make the system more efficient and more equitable.

- 1. Any employment ban imposed on a worker must be communicated to him or her, with the right to an appeal**

---

<sup>25</sup> Ibid

Before an IPA application can even be made on behalf of a worker, there needs to be job-matching done to find the right workers with the right certifications and right skill sets for the appropriate employer, a shortlisting of the available candidates, as well as interviews conducted by agents and prospective employers. When workers are unaware of the fact that they have been blacklisted, the worker will likely make multiple IPA applications through multiple EAs with multiple companies, only to be rejected each time and in doing so, using up the time and resources of various individuals and organisations. Companies are affected when an IPA is not approved and they have to go back to the drawing board to find another candidate, who will then only be able to join the company belatedly – with such delays potentially affecting the company's ability to finish a project in time, particularly for smaller contractors. With their savings dwindling over time, workers are placed in a position where they are deeply puzzled by the repeated rejection of their IPAs and deeply stressed about their inability to return to work in Singapore, as well the implications this will have on their ability to pay their children's college tuition and parent's medical bills.

All of this can be solved by (1) making it a default to communicate any employment ban that is imposed on a worker to him or her together with (2) the reason for the imposition of the ban, (3) clarity on the duration of the employment ban and (4) an avenue to challenge or overturn the employment ban.

In a case like Madan's for instance, where MOM has reason to suspect a worker of having committed an – infringement – the worker should have been alerted to this and given the ability to air his side of the story. MOM might decide to err on the side of caution and be conservative in overturning employment bans, making exceptions only when the defence provided by the worker absolves him of culpability beyond any reasonable doubt; but the knowledge that he has been blacklisted and being aware of the duration of the employment ban allows worker to make alternative arrangements like seeking job opportunities in other countries etc. After all, the only thing worse than not being able to return to Singapore is being stuck in a limbo, wanting to return but being unable to do so due to rejected IPAs yet being unaware of any reason for rejection.

Such employment bans should then be subsumed under the "This worker has an adverse record" error message that agents or employers are alerted to before an IPA application is made, saving them time and resources and allowing them to find other suitable candidates, without having to pay \$35 dollars for an IPA application and waiting for an indefinite period only for it to be rejected.

## **2. Abolish the reference channel for work permit holders**

The reference channel, as it exists today, is highly opaque and allows much room for abuse. The biggest problem with the system is that it allows for an ex-employer to adversely affect the future employment opportunities available to a worker who is no longer under their employment. While this is already unfair when taken in isolation, the fact that workers are failing to report injuries sustained at the workplace and accepting illegal deductions to their salaries due to the fear of being "blacklisted" by their employers makes the reference channel all the more problematic. These are fundamental issues inherent to the reference channel system, and

cannot be ‘designed’ or modified away, making the abolishment of the reference channel necessary.

There are also various other safe-guards in place that allow for employers to make an informed decision when hiring a worker, without a need for the reference channel.

Firstly, if a worker were to have committed any crime or serious offence during their employment tenures – these should be reported to the relevant authorities, who should then carry out an investigation and mete out an appropriate sentence if deemed necessary. The punishment, should they be found guilty, can be an employment ban of a suitable duration that may or may not be served together with a fine or a jail term. This will act as a first line of defence.

On the second level, employers are already privy to the employment histories of workers on the work permit online system. While the system, as of now, does not show the details of their previous employers and the reason why their work permit was terminated or not renewed<sup>26</sup>, the system does show the number of employers a worker has worked for and the length of their employment tenures under each employer. Both the employment agents I spoke to mentioned that if frequent job-hopping and premature termination of previous work permits feature in a prospective candidate’s employment history, they are flagged up to the employer for their consideration.

Lastly, if an employer does indeed want a reference for a work permit-holder, they are free to ask the worker himself to provide the contact details of an ex-employer who can vouch for him. Given that this is the standard HR practice in place for a Singaporean civil engineer in the construction industry or a Singapore Permanent Resident who works in the accounts department of a marine firm, there is no reason for a double standard between them and the work permit holders being employed by the same companies. There is also certainly no reason why the state needs to get involved in this process.

### **3. Greater transparency in the IPA application process**

Both the employment agents I spoke to mentioned that the rather significant rate at which IPA applications were being rejected was one of the biggest problems they faced. One of the EAs placed the rate of rejection at around 20 percent, while the other EA mentioned that this was trending upwards and closer to 25 percent in recent times.

The fact that they had little insight into why some IPA applications were being accepted and even lesser information as to why other IPA applications were being rejected was a source of deep frustration for them. The same opacity with regard to why IPAs were being rejected is what leads workers to suspect that their disgruntled ex-employers had blacklisted them or “blocked their passport”, which they then articulate to other workers, feeding the fear of being blacklisted in the migrant worker community at large.

---

<sup>26</sup> The minister of state for Manpower announced in parliament in Nov 2021 that employers will be able to [access more information about the employment histories of a prospective domestic helper](#), including which party initiated the termination of employment. However, it is unclear if construction, marine and process (CMP) work permit holders are affected by these changes as well.

Instead, if agents and employers were given more information than just the fact that a “worker is ineligible for a work permit”, like the specific reason why the worker is ineligible for a work permit and what can be done to make him or her eligible for a work permit once again, it spares everyone the trouble of reaching out to MOM and hoping for a clear response, while it spares MOM the trouble of having to respond to these individual requests for more information.

Additionally, more clarity on the eligibility criteria for an IPA, both for workers coming to Singapore for the first time and workers returning to Singapore after previous employment tenures here, will allow agents to incorporate additional steps in their screening process to make vetting more effective. That way, fewer futile IPA applications will be made, saving prospective employers, agents and the MOM work pass division much time and trouble.



# Annexe A

## Case study 1

- Worker's Name is "Kamal"
- Kamal reached out to TWC2 through Facebook direct-message
- Kamal has a distant relative in Singapore, who is the owner of a welding subcontracting company here and frequently collaborated with Kamal's previous employer – an electrical works contractor. Kamal holds his relative, who is a mentor of sorts to him, in high regard.
- Kamal recently switched to working for another company but does not like the working conditions under his new employer. His old employer (the electrical works contractor who collaborated frequently with his relative), however, was supposedly open to taking Kamal back into his company.
- He had previously asked his current employer to furnish a transfer letter, but the employer had refused. He then formally presented a resignation letter and did not turn up at work for a week. However, his employer was holding his passport and told Kamal that he would have to pay for his own flight ticket, as well as PCR test, to go back home.
- In the meantime, his relative, as well as his ex-boss, convinced him that if he were to head back home, he would be "blacklisted" and prevented from returning to work here in Singapore and hence, advised that he should hang on until his work permit at his current company expired in Apr 2022, before trying to transfer back to his ex-employer's company.
- As such, for fear that going through with his resignation would preclude him from ever returning to Singapore to work again, he returned to work at his current company (not being paid for the one week of "leave" he took)
- He contacted TWC2 after he returned to work and found himself being ill-treated by his employer as well as his colleagues, to ask if there was any way for him to transfer to his old employer without a transfer letter. We advised him that there wasn't any but that if he did want to return to India, his employer would have to bear the expenses for the repatriation and that we could help him craft an official resignation letter.
- Kamal asked for some time to think about whether he wanted to resign again
- Upon further prodding about what he had been told about being "blacklisted", Kamal mentioned that the relative had himself "blacklisted" two workers who feared catching the virus and insisted on being repatriated home at the start of the covid-19 pandemic, and that both those workers were now desperate to return to Singapore and begging

Kamal's relative to bring them back. He, however, did not know the mechanism by which his relative had blacklisted the two workers.

- To quote Kamal "The single thing that kept him away from carrying through with his resignation and pushing to return home was hearing the word blackmark"
- Kamal ultimately decided not to resign again.

## Case study 2

- Worker's name is "Amul"
- In light of a family problem back home, Amul served his employer an official resignation letter, with a one week notice period and asked to be repatriated back home
- Amul first contacted TWC2 on his last working day, telling us that his employer had yet to cancel his work permit. We advised Amul that his employer had one week from his last working day to cancel his work permit and that if his employer failed to do so, he could reach out to us and we would escalate this to MOM.
- About a week later, Amul sent us a photo of his passport and asked "Can you check sir my passport inside my boss any problem give or no", "Bcz i need come Singapore again".
- When called, Amul mentioned that his boss had cancelled his work permit, sent him for a pre-departure PCR test the day before and that his flight home was that afternoon.
- However he was worried because "my company man, when go back Bangladesh other company cannot come back. Only this company can come back"
- When I probed further, Amul mentioned that out of the last 10 workers to leave his company, 3-4 workers found any IPA made by other employer's rejected. Having faced multiple rejected IPAs each, out of desperation, the workers had eventually reached out to Amul's employer and asked to return to the same company again. When Amul's employer had applied for an IPA for the same workers, bizarrely, the IPAs were approved in short-order.
- Amul did not know how his employer had done so and also mentioned that his employer had no point threatened to blacklist him. (Refusing to communicate was his employer's ill-treatment of choice)
- Amul was, therefore, deeply frightened at the prospect of being forced to return to work for the same "no good" employer – who had supposedly never given Amul a pay raise during the course of his 6 years at the same company, asked for \$3500 in kickbacks for

his work permit to be renewed in previous years, made Amul and his colleagues fork out their own money for medical expenses when they fell sick and as a farewell gift, made deductions from his final salary for his pre-departure PCR test.

## Case study 3

- Worker's name is "Ramon" and he is a work permit holder in the fire-protection industry
- Ramon was experiencing much shoulder pain that was interfering with his ability to work. Thus, Ramon wanted to return home to get his shoulders checked and therefore handed in a resignation letter.
- Upon receiving his resignation letter, his company's boss asked him to sign a non-compete clause before his work permit could be terminated.

This has reference to your resignation dated 23-Nov-2021.

With consideration to your reason given of unfit health condition and to seek medical treatment in India, the management is whereby accepted and you will be released from the Company's employment on **25-NOV-2021** subjected to the completion of your clearance / settlement with all relevant parties.

Please return all Company-owned property on or before your last day of work, including keys / tag for all access, materials, tools, equipment / kits, site ID badge / pass and any other Company-owned property.

In view of knowledges sharing / skills training given on your commitment to serve the Company and where you are now failed to deliver, you are hereby to serve the non-compete clause in order to protect legitimate proprietary interest of the Company for a period of 2 years from above-mentioned last day.

During the restrictive period, you shall not, directly or indirectly, as employee, agent, consultant, stockholder, director, co-partner or in any other individual or representative capacity, own, operate, manage, control, engage in, invest in or participate in any manner in, act as a consultant or advisor to, render services for (alone or in association with any person, firm, corporation or entity), or otherwise assist any person or entity (other than the Company) that engages in or owns, invests in, operates, manages or controls any venture or enterprise that directly or indirectly engages or proposes to engage in any element of the business anywhere in Singapore of same industry or direct / indirect trade connections.

We wish you all the best and speedy recover.

Authorised Signatory,

### The non-compete that Ramon was asked to sign

- Ramon did not recall anyone else in his firm being asked to sign such a form.
- When Ramon expressed his shock at being made to sign such a form, his boss told Ramon that if he refused to sign the non-compete, he would "escalate it to MOM,

blacklist him and ensure that he would never come back to Singapore, spoiling his career”.

- When Ramon had asked a senior engineer in the company how his boss could blacklist him despite him not having done anything wrong, the engineer said that the boss “could do anything he wants” because he was “a singaporean, while you are just a lowly worker”
- Ramon had additional cause for concern because two previous colleagues of his had been reported to the police when they had indicated their intention to transfer to another company.
- One of them had left the dormitory to meet the employer that he was going to transfer to, without informing anyone in the company when his permit was in red- which his current employer found out and reported to the police. The employer shared the fact that they had made a police report against the individual in a Whatsapp group with all the workers in it, which Ramon speculated was to intimidate the other workers in the company. The police investigation impeded his colleague’s transfer, who then remained in the dormitory under a special pass. Ramon claims that at the colleague’s urging, he was repatriated after around a month despite the case remaining unresolved – although Ramon is unsure about the details.
- The other colleague had transferred to another company but failed to check-out of the dormitory on his last day – which the employer then swiftly reported to the police as well. Ramon is unsure about what happened to the case or to the ex-colleague thereafter.
- The employer had also previously threatened to report Ramon himself to the police a few months ago, for going into the community without an exit pass when he had gone to a coffee-shop near a worksite to take-away lunch before he went over to his next site.
- Despite much coercion, intimidation and fear, Ramon refused to sign the non-compete clause and eventually his work permit was terminated, and Ramon was repatriated without any further incidents.

## Case-study 4

- Worker’s name is “Ghani”.
- Ghani came into TCRP with a few enquiries and agreed to be interviewed after his enquiries were answered.
- When asked if he had ever heard of the phrase blacklisting or “IPA block” before, he mentioned that he had not and in fact said he did not understand what “blacklisting” meant

- However, when asked if he thought his boss had the ability to stop him from returning to Singapore, he revealed that his current boss had threatened him a mere 10 days ago to “block his passport” to stop him from returning to the country. “I think this one he say, angry, angry talking” Ghani said.
- Ghani then mentioned that before he went back home after his last stay in Singapore, he had asked any MOM officer if his passport had been blocked and the officer had told him that he “again can coming, no problem”
- After Ghani once again mentioned that he thought his boss was “angry,angry talking”, I asked him if he thought his boss was just making an empty threat and he concurred.
- Ghani then mentioned that he had “many many” complaints against his boss but that he did make the complaints because “I worker, again I want to working Singapore ... any problem coming I don’t want to face any problem”.
- However, when asked if he thought his passport would be blocked if he reported his employer, he said “This one I no thinking ... but if I make problem my boss, my boss also make me problem”.
- He did not know of anyone whose passports had been blocked, and professed towards the end of the interview that he had not thought too deeply about “passport blocking”.