

Annex

GUIDELINES FOR EMPLOYMENT AGENCIES PLACING FOREIGN DOMESTIC WORKERS

Introduction and coverage

- In these Guidelines, “clients” refers to employers and foreign domestic workers (FDWs) who have engaged the services of the EA.
- A breach of any provision of these Guidelines constitutes an action detrimental to the interest of the EA’s client¹ and may result in the imposition of demerit points and the suspension or revocation of the EA’s licence.

General duty to clients

As an EA placing FDWs, you should:

- Render professional and conscientious service to your clients and act with honesty, fidelity and integrity.
- Act according to the instructions of the client and protect and promote the interests of the client. *For example, if the FDW indicates she prefers to work for an employer with young children, the EA should promote her interests by making this information available to prospective employers who fit this profile.*
- Honour your agreements with your clients.
- Perform the following if you encounter any FDW who leaves her employer’s home without informing her employer:
 - a) inform the FDW’s employer of her whereabouts immediately.
 - b) inform MOM by the next working day.
 - c) render prompt assistance:
 - i. For FDWs who reveal breaches, bring the FDWs to the relevant authority (e.g. non-payment of salary to be referred to MOM, allegations of abuse to be referred to SPF) immediately or by the next working day.
 - ii. For FDWs who face employment relationship issues (e.g. employer disallowing FDW to transfer), mediate and resolve issues **within 7 calendar days after notifying MOM.**
 - iii. Provide accommodation for the FDW if needed.

¹ Section 11(1)(c) - The Commissioner may suspend or revoke a licence if he is satisfied that the licensee has carried on or is carrying on an employment agency, or has performed or is performing any work or activity referred to in section 6(2), in a manner likely to be detrimental to the interests of the clients of the licensee;

- Educate your clients, both the employer and FDW (before the FDW is deployed) that:
 - a) **The FDW must keep her own Work Permit (WP) Card.**
 - b) **The employer must not keep the FDW's salary or money on her behalf.** Consider having her salary credited to her bank account.
 - c) **The FDW's mobile phone is her personal property and she has a right to keep it**
Employers and FDWs can set mutually agreed house rules on when to use the mobile phone.
 - d) **The FDW's cultural and religious practices (e.g. praying or fasting) should be respected.**

As an EA placing FDWs, you:

- **Should NOT mislead or provide inaccurate information to your clients.**
For example, EAs should not provide wrong advice on MOM's regulations to employers and FDWs.
- **Should NOT declare inaccurate contact details in the work permit applications.**
This includes using your EA personnel contact details (mobile numbers and email addresses), in place of the official employers' details.
- **Should NOT withhold any relevant fact or information from the client that would affect hiring/employment decisions.** *For example, if the employer has an elderly family member who requires round the clock care, the EA must not withhold this from the FDW.*
- **Should NOT use threatening or harassing tactics or apply unreasonable pressure on your clients or prospective clients.** *For example, threatening to prevent an FDW from transferring employers, to compel her to continue working for her existing employer.*

Signing of documents

As an EA placing FDWs, you should:

- **Explain the provisions of any form or document given to your clients** and provide sufficient time for them to read through and clarify before signing.
- **Give your clients a copy of any form or document** that they have signed.
- Fill in the form fully before a signature is sought
- Convey information or explain to your clients **in the language that he or she understands.**

Advertising Practices

As an EA placing FDWs, you should:

- Ensure that all forms of advertising (for example on shop fronts, print media and websites) are **legal, decent, honest and truthful**.
- **Only show FDWs' biodata to potential FDW employers upon their request**, to protect the personal information of FDWs. EAs should not display FDWs' biodata such that they can be viewed by passers-by.
- **Obtain written consent from FDWs before posting their biodata online to be viewed by prospective employers**, and avoid presenting biodata in a fashion that casts the FDWs in an undignified light.

As an EA placing FDWs, you:

- **Should NOT post any forms of advertising (for example on shop fronts, print media and websites) that casts FDWs in an undignified manner.**
 - a) Examples of advertisements to avoid include but are not limited to:
 - i. any mention of fees or other financial terms such as FDWs' salaries or loan amounts, or payment modes e.g. post-dated cheques. EAs can however continue to communicate the full schedule of their fees and policies to prospective clients upon their request.
 - ii. terms such as "free replacement", "fast delivery" that liken FDWs to merchandise that can be purchased or replaced.
 - iii. subjective qualities or traits such as "obedient", "compliant", "smart", "hard-working".
 - b) Examples of acceptable advertisements include but are not limited to these:
 - i. Placement volume, transfer rates, or retention rates.
 - ii. Types of training provided.
 - iii. Facts which can be verified, such as "FDWs have received training in eldercare and childcare".
- **Should NOT demean FDWs by displaying them in an undesirable manner, including:**
 - a) **Having them sit outside EA premises.**
 - b) **Conducting training in a manner that gives the impression that the FDWs are on display.**
 - c) **Requiring FDWs to wear attire that gives the impression that the FDWs are used as walking advertisements**, for example by having terms such as "super promotion" and "free replacement".

Ongoing Duties to FDW who is client of EA

As an EA placing FDWs, you should:

- **Convey accurately to FDWs the demands of the job** especially if it involves more challenging caregiving duties, and **help the FDW adapt** by explaining the need to observe the terms in the employment contract as well as the employer's house rules.
- **Obtain consent from FDWs before submitting work pass applications.**
- **Advise FDWs on the responsible way to seek help.**
This includes educating FDWs on avenues to seek assistance in the event of any employment dispute, well-being issue or physical abuse.
- **Provide FDWs with EA's contact details (e.g. phone number, email) and remain contactable** by FDWs who are your clients to assist with their issues.
- **Render help and support unreservedly and promptly when sought by the FDW.** EAs should render FDWs support for at least the duration of the work permit (normally two years).

As an EA placing FDWs, you:

- should **NOT facilitate downward revision of salaries or number of rest days, without the FDW's consent.**
EAs should inform MOM if there was a downward revision.

Ongoing Duties to employer who is client of EA

As an EA placing FDWs, you should:

- Provide employers comprehensive information on the FDW insurance policies purchased by the employer, including the extent of coverage and any exclusion clauses. EAs must also inform employers that they could consider purchasing insurance policies with additional coverage for higher benefits.
- Refund any unused insurance premiums to the employer if the FDW's employment is terminated prematurely, as per mutually-agreed arrangements between the EA and the employer.

As an EA placing FDWs, you:

- Should **NOT advise or encourage employers not to give rest days to their FDWs**
If the employer has a genuine need that requires FDW to work on her rest day e.g. caregiving, this arrangement must be made known upfront and be agreed upon by the FDW.
- Should **NOT advise employers to keep the FDW's passport**
MOM has come across instances when employers were given the wrong advice by their EAs, to keep the passports of their foreign domestic workers. As a result, such employers face inconvenience and possible complications when workers come forward to lodge complaints with MOM.