

Publication: TODAY Online

Date: 04 December 2018

Headline: Across borders: NGO helps domestic workers pursue claims even after they return home

Across borders: NGO helps domestic workers pursue claims even after they return home



Ms Shalini Jayaraj, head of the Singapore office at non-governmental organisation Justice Without Borders.

SINGAPORE — At the end of a lengthy criminal court case against her abusive employer, domestic helper Jane (not her real name) received just over S\$7,000 in compensation.

The amount was largely for unpaid wages and did not account for the abuse and wrongful confinement she endured.

For several months in 2012, the Filipina was slapped, kicked and punched by her employer. She was not given any day off for 11 months.

Jane, who was in her early 20s at the time, had to leave Singapore in 2016 after the criminal trial ended with her employer sentenced to jail for wrongful confinement and voluntarily causing hurt.

But with the help of Justice Without Borders (JWB), a regional non-governmental organisation (NGO), the matter did not end there.

JWB — which requested anonymity for its clients to protect their privacy — helped Jane to seek civil compensation after learning about her case from migrant workers' help group, the Humanitarian Organisation for Migration Economics (Home).

It identified a pro bono lawyer in the Philippines to support the work of Singapore-based lawyer June Lim from Eden Law Corporation. It also worked with students and Associate Professor Jaclyn Neo of the National University of Singapore to develop legal research and materials needed to kickstart the civil claim process.

The woman's former employer chose to settle the claim months later and paid more than S\$5,000 as compensation.

The money helped Jane and also allowed her to move on from the ordeal.

Founded in late 2013 by American lawyer Douglas MacLean, JWB opened its Singapore office in January 2014. The organisation later expanded to Hong Kong and Indonesia, and is now looking to set up an office in the Philippines.

Publication: TODAY Online

Date: 04 December 2018

Headline: Across borders: NGO helps domestic workers pursue claims even after they return home

JWB helps victims of labour exploitation and human trafficking seek just compensation from their abusers even after they have returned to their home countries.

Between 2015 and last year, the NGO reviewed more than 430 cases for potential claims. More than 200 involved domestic workers who worked here.

It now has 49 cases in progress, 15 of which involve Filipino or Indonesian domestic workers who worked in Singapore. The others worked in Hong Kong.

This is the highest number of ongoing cases it has seen so far, and JWB attributed it to partner organisations being trained in recognising civil claims more accurately and collecting evidence.

In Singapore, its partners include Home, the Foreign Domestic Worker Association for Social Support and Training (Fast), and the Filipino Family Network.

After JWB determines a case has grounds for civil action based on factors such as strong evidence, it ropes in partners who are pro bono lawyers and serves as the middleman between the lawyers and workers.

In its network, there are more than 30 lawyers from Singapore and international firms such as Drew & Napier and Allen & Overy.

Its Singapore office consists of two full-time staff members and a volunteer legal officer, and it also takes on university interns.

Ms Shalini Jayaraj, head of JWB's Singapore office, said that the common issues it handles include domestic workers who were overworked and underfed, abused or overcharged by employment agencies.

Some are not paid the salaries due to them, or are made to work outside their employers' homes without being paid extra wages, such as at the homes of relatives or friends, said Ms Jayaraj, a lawyer by training.

In another successful case, an Indonesian domestic worker in her late 30s had her claim of S\$7,000 in unpaid wages recognised as valid debt last year after her employer became bankrupt — five years after she returned home in 2012.

The woman had tried in vain for five years to seek help from Indonesian NGOs but they did not have connections with pro bono lawyers here.

JWB found out about her case when its Indonesia team did outreach activities in her community.

Lawyers from Drew & Napier in Singapore helped pursue the claim and the woman is now waiting to recover her unpaid wages, after her former employer settles debts with other creditors.

The domestic worker deemed this development a "victory", as it meant the Singapore authorities had recognised that she was still owed payment, said Mr MacLean, JWB's executive director. He is based in Jakarta and splits his time among Singapore, Indonesia and Hong Kong.

DEVELOPING A STRONG CASE

Publication: TODAY Online

Date: 04 December 2018

Headline: Across borders: NGO helps domestic workers pursue claims even after they return home

As many of the earlier cases it encountered were weak owing to a lack of evidence or information, JWB conducts training on collecting detailed case information and evidence needed to mount a strong case.

For instance, it may encourage workers to keep a journal of their daily activities in a diary or a private Twitter account.

Since 2016, it has trained more than 300 case workers, lawyers, volunteers, hospital employees and migrant workers here.

JWB also researches legal strategies that may guide pro bono lawyers on issues for which there is limited case law — law established by previous cases.

Last month, for instance, it put out a publication on how lawyers may approach civil compensation claims for workers whose employers make them work outside their homes. The practice unjustly enriches employers because they do not have to pay the workers extra wages.

Ms Jayaraj hopes JWB's work will deter errant employers who think they can "get away scot-free" after their workers have gone home.

Fear may prevent workers from voicing injustices while they are still employed here, she said.

Moving ahead, she said JWB hopes to take on more cases to put the legal strategies it has devised to the test.

"Ultimately, what we'd love to see are relationships being formed between the frontline organisations that help the workers directly and the law-firm partners we are working with on a pro bono level," she said.

"Maybe five or 10 years from now, these frontline organisations will be working together themselves so that our need (as a middleman) gets reduced," she said.