

FDW Weekly Rest Day

A GUIDE FOR EMPLOYERS



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Foreword

Dear Employer,

All foreign domestic workers (FDWs) whose work permits are issued or renewed from 1 January 2013 onwards will be entitled to a weekly rest day or compensation in-lieu.

As this is a new requirement, we have produced a guide to help employers implement the new rest day requirement with confidence and ease. In this guide, we hope you will find answers to questions on the details of the rest day requirement in the law and employers' responsibilities. We also hope the guide provides practical guidance on how to approach certain situations that may arise.

If you need more information, please visit the MOM website at www.mom.gov.sg.

Thank you.

Sincerely,

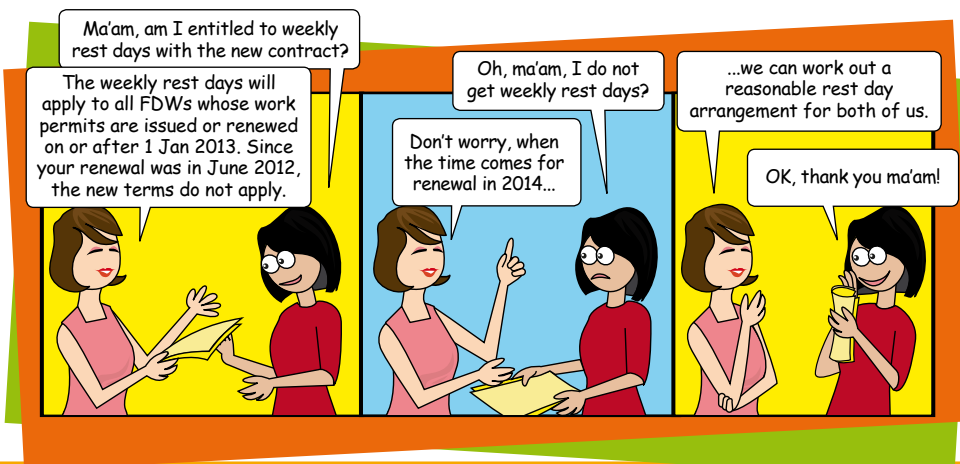
Aw Kum Cheong
Divisional Director
Foreign Manpower Management Division
Ministry of Manpower

COMMON QUESTIONS from EMPLOYERS

The weekly rest day requirement will apply to you when you renew the permit, or engage a new or additional FDW on or after 1 January 2013.

1 How does the new requirement of a weekly rest day with the option for compensation in lieu impact me come 1 January 2013?

- This new requirement **will not** affect you if your FDW's work permit is issued or renewed before 1 January 2013.
- It is **applicable** to you when you renew the permit after 1 January 2013, or engage a new or additional FDW on or after 1 January 2013. In this case, you have to give your FDW a weekly rest day, or compensate her for work on her rest days if she agrees in writing to work on her rest days.
- Your FDW has to be paid **at least** one day's wage for each rest day forgone. The FDW's daily wage is calculated by dividing her monthly salary by 26 working days, as there are typically 4 weeks (and therefore 4 rest days) in a month.
- You and your FDW have to mutually agree on which day of the week her rest day should fall on.



2 I have family members who may require constant attention and I have to compensate my FDW if she agrees to forgo all her rest days for compensation. This will increase my cost of hiring the FDW.

- To help families who hire FDWs to care for family members who require constant attention such as young children, elderly and disabled family members, the Government has given a FDW Levy concession of \$95 per month to such employers. These families pay a concessionary levy of \$170 instead of the full FDW levy of \$265.
- To provide more support to families who care for frail elderly or persons with disability, as long as he/she has moderate to severe disabilities, the Ministry of Social and Family Development (MSF) will give a \$120 grant per month to households with a per capita monthly income of up to \$2,200. This will include those with sensory impairment, autism or more severe intellectual disabilities. This is over and above the FDW Levy concession of \$95 per month for households with elderly, and covers the rise in costs from having to compensate a FDW for working on her rest days.
- The FDW Grant is administered by the Centre for Enabled Living (CEL). More details, including the application process and pre-requisite training is available on the CEL website (<http://www.cel.sg>). For further clarification, employers may wish to contact CEL at their infoline **1800 8585 885**, or visit the Centre for Enabled Living at City Square Mall (180 Kitchener Road, #B2-19/20, Singapore 208539).



I have family members who require constant attention and care. What alternative care options do I have?

- There are various home and community-based eldercare services available today:
 - Senior Home Care offers in-home care services for the persons who require assistance with at least one Activity of Daily Living (ADL) and/or Instrumental ADL. Services offered include personal hygiene care, housekeeping, and other personal care services (e.g. tube feeding and cleaning, monitoring of vital signs). Weekend services are available from most providers.
 - Senior Care Centres (SCCs) provide community-based care services for frail seniors aged 55 and above, who require supervision and care when caregivers are absent or working. SCCs provide day care (ranging from frail elderly to those with dementia), community rehabilitation services and nursing services.

To help defray the cost of care services for caregivers, a means-tested subsidy would apply to eligible Singapore Citizens and Permanent Residents in accordance to the prevailing Intermediate and Long Term Care Means Test Framework.
- There are also Children Disability Homes and Adult Disability Homes that provide children and adult disability respite care services. The homes provide short term respite care services for families who, for various reasons, are unable to care for their dependents with disabilities, or where the caregivers need some brief respite for themselves.
- For more information, you may contact the Centre for Enabled Living at **1800-8585 885**, visit their website www.cel.sg or the Centre for Enabled Living at City Square Mall (180 Raffles Road, #B2-19/20, Singapore 208539). Alternatively, you may approach any of the service providers as shown on page 5:

Senior Home Care

For Senior Home Care:

NTUC Eldercare: www.ntuceldercare.org.sg
 Thy Hua Kwan Moral Charities: www.thkmc.org.sg
 TOUCH Community Services: www.touch.org.sg
 ECON Healthcare Group: www.econhealthcare.com
 Lentor Residence: www.lentorresidence.com

Senior Care Centres

For Senior Care Centres:

NTUC Eldercare: www.ntuceldercare.org.sg
 St Luke's ElderCare: www.slec.org.sg

Children Disability Homes

For Children Disability Homes:

Metta Home: www.metta.org.sg
 Red Cross Home:
www.redcross.org.sg/articles/red-cross-home-for-the-disabled/
 MINDSville@Napiri – Children's Wing: www.minds.org.sg

Adult Disability Homes

For Adult Disability Homes:

Metta Home: www.metta.org.sg
 Singapore Cheshire Home: www.cheshirehome.org.sg
 Red Cross Home:
www.redcross.org.sg/articles/red-cross-home-for-the-disabled/
 Moral Home for the Disabled: www.thkms.org.sg
 MINDSville@Napiri – Home: www.minds.org.sg

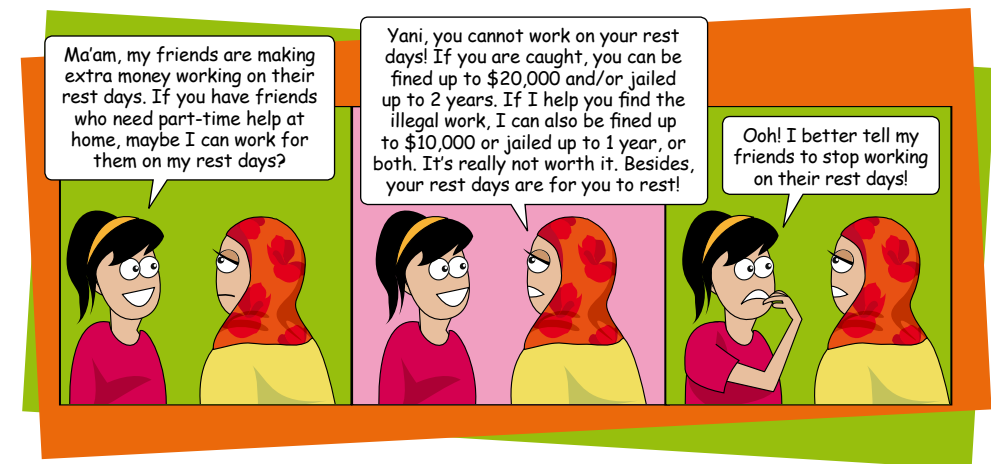
The FDW commits an offence of illegal employment if she works for someone other than her employer, regardless of whether the work is done on her rest day or not.

4 Can the FDW work for someone else on her rest day?

- An FDW is only allowed to perform domestic chores for her employer at the residential address stated in her work permit.
- The FDW commits an offence of illegal employment if she works for someone other than her employer, regardless of whether the work is done on her rest day or not.
- As an employer, you should remind your FDW not to work illegally during her rest days. Under Section 5(2) of the Employment of Foreign Manpower Act (EFMA), no foreign employee shall be in the employment of an employer without a valid work pass. FDWs who work for persons other than their official employers commit an offence under the EFMA. On conviction, they face a fine not exceeding \$20,000, jail not exceeding 24 months, or both. They may also be barred from employment in Singapore.

5 What can employers do if their FDWs compare employment conditions on their rest days and job-hop or demand better employment terms (and threaten to leave if demands are not met)?

- FDWs are no different from other employees. It is understandable that they hope to improve their lives through better wages and employment terms, and this is the case with or without rest days. Similar to other employment relationships, any changes to employment terms will have to be agreed between both employer and FDW. We encourage employers to give due consideration to their FDWs' requests and work issues out with them.
- FDWs are still required to obtain their employers' consent before they are allowed to have a change of employer.
- MOM will monitor FDWs who change employers frequently. Employment agencies (EAs) are required to inform employers of an FDW's employment history and obtain their acknowledgement of the information given. MOM is stepping up audits to ensure that EAs abide by these licensing conditions.



...it is in the interests of both parties to clearly document the mutually agreed rest day arrangements.

6 Can the employer verbally agree with the FDW on the rest day arrangement without documenting it in writing? Why is there a need to document the arrangement?

- Having only verbal agreements runs the risk of misunderstandings and disputes, which then strain the employment relationship. To avoid such incidents, as well as to have greater clarity and certainty for both employers and FDWs, it is in the interests of both parties to clearly document the mutually agreed rest day arrangements.
- The Employment of Foreign Manpower (Work Passes) Regulations requires the agreement of the FDW to work on her rest days for compensation in lieu to be made in writing. The written agreement should be updated if there are any mutually agreed changes to the arrangement. You may also wish to record ad hoc variations to rest day arrangements.

7 What can employers do to encourage FDWs to spend their rest days productively?

- Your FDW should be given the freedom to decide how she wants to spend her rest day. You can encourage your FDW to take part in constructive and meaningful activities such as educational courses and skills training, to help her spend her time more productively.
- There are NGOs that offer skills training programmes and organise recreational activities for FDWs on their rest days. You can find out more about these programmes and encourage your FDWs to participate. Please visit the websites of the following organisations listed on page 9 to obtain more details.
- You may also check out MOM's regular e-newsletter for employers *INFOCUS* which also contains a useful listing of courses and activities for FDWs.

Course Providers

- 1 FAST - Foreign Domestic Worker Association for Skills Training
www.fast.org.sg
Caregiving, cooking, English language, work safety
- 2 ACMI - Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People
<http://www.acmi.org.sg/node/14>
<http://www.facebook.com/pages/ACMI/254071285496>
Caregiving, computer skills, hairdressing
- 3 Aidha - the world's micro-business school
<http://www.aidha.org/singapore-campus/our-curriculum/overview/>
Financial and management skills e.g. budgeting and saving, basic and advanced computer skills, entrepreneurial and management skills
Or write to info@aidha.org
- 4 HOME - Humanitarian Organization for Migration Economics
www.home.org.sg
Caregiving, computer, cosmetology
- 5 Novena Filipino Community, Developing All Women in the New Era (DAWN) Ministry
<http://dawnsingapore.wordpress.com>
Caregiving, cooking & baking, computer skills
- 6 GoForth Training Services
Write to goforth.info@gmail.com or call 68751227
Nursing assistant, computer literacy
- 7 Sunlove Home
Call 63862763
Basic Healthcare (Home Care) especially in areas of managing elderly with physical disabilities or elderly with dementia
- 8 Mujahidah Learning Centre
<http://mujahidah.mujahidinmosque.sg>
Sewing, cooking, baking, computer skills, religious
- 9 Filipino Overseas Workers (FOWs) @ Bayanihan
Bayanihan Center at 43 Pasir Panjang Road or call 64722954 (Sunday only)
Nursing aid, computer skills
- 10 Filipino Ongoing Development Programme (FILODEP)
49A Holland Road or call 6280 0451
Cooking, baking, dress-making, computer skills, guitar
- 11 Sekolah Indonesia
Write to marymarkasan@yahoo.com or drop in at 20A Siglap Road
English, Computer skills, Sewing, Hair-dressing, Secondary, High School and Open University courses, set and recognised by the Indonesian National Exam Council

Reaching & signing a mutual agreement

Compensation

OPERATIONAL ISSUES

On her rest day

[...your FDW should be paid at least one day's wage for each rest day forgone.]

COMPENSATION

- 1 **How is the rate of compensation in-lieu of a weekly rest day calculated? Can I pay my FDW \$20 compensation per month for her to forgo all her rest days for the month?**
 - Under the Employment of Foreign Manpower (Work Passes) Regulations, FDWs should be paid at least one day's wage for each rest day they forgo. This is to be paid on top of and with their monthly salaries.
 - The FDW's daily wage is calculated by dividing her monthly salary by 26 working days, as there are typically 4 weeks (and therefore 4 rest days) in a month.

- 2 **What if my FDW wants more than the minimum compensation rate of one day's wage?**
 - You and your FDW should discuss and mutually agree on a compensation amount that is reasonable to both parties. Under the Employment of Foreign Manpower (Work Passes) Regulations, your FDW should be paid at least one day's wage for each rest day forgone.

- 3 **I will be renewing the employment contract with my FDW after 1 January 2013. Under the current contract, she has 1 rest day per month. If my FDW would like to have more rest days under the new contract, can I make a downward adjustment to my FDW's salary since she will have more rest days and fewer working days?**
 - Wages are determined by market forces, and how much you need and value the services of your FDW. You are advised to discuss the new employment terms with your FDW to reach a mutual understanding on her salary and to document the agreement.

- 4 **Can I accumulate my FDW's rest days and let my FDW take the rest days in the form of a block leave at the end of the employment contract?**
 - No, under the Employment of Foreign Manpower (Work Passes) Regulations, replacement rest days must be provided within the calendar month.
 - A weekly rest day is to allow FDWs to have a regular mental and emotional break from their domestic duties.



...if the salary period is December, the FDW should be paid her salary and compensation in-lieu of rest days by 7 January.

5 Can I pay my FDW compensation for all the rest days as a bonus at the end of employment?

- The Employment of Foreign Manpower (Work Passes) Regulations (EFMR) requires employers to pay compensation for working on rest days with the salary payable to FDWs for that month.
- Under the EFMR, the monthly salary should be paid no later than 7 days from the last day of the salary period. For example, if the salary period is December, the FDW should be paid her salary and compensation in-lieu of rest days by 7 January.

REACHING & SIGNING A MUTUAL AGREEMENT*

1 Am I allowed to request my FDW to contract off all or part of her rest days for a period of two years?

- Yes, you may request your FDW to contract off all or part of their rest days in return for compensation for a period of two years or any period of time. We understand that some employers may have family members in conditions that require the full time care of FDWs. There are also others who wish to seek their FDWs' agreement, especially first time FDWs, to take their rest days after they are more settled in Singapore.
- We would like to encourage employers to consider their FDWs' need for a break from work and as far as possible grant rest days to their FDWs.

*A sample of the agreement to be signed between the employer and FDW to document the rest day arrangement can be found on page 21 to 22 of this Guide.

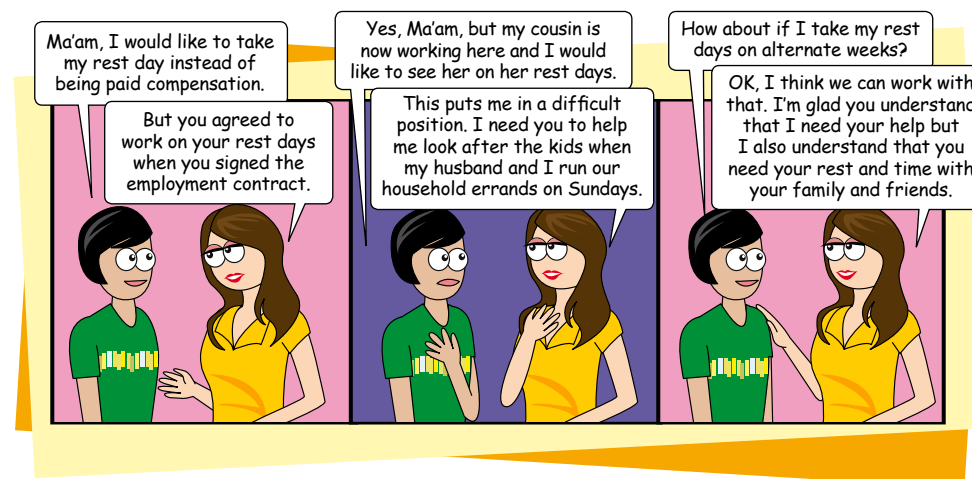
2 What should I or my FDW do if either party wishes to change the rest day agreement which we have previously agreed?

(Example 1: I agreed to give my FDW rest days, but now, I need her to work on her rest days.

Example 2: I agreed to give my FDW rest days, but now, my FDW would prefer to work on her rest days.

Example 3: My FDW agreed to work on her rest days, but now, she wants to take her rest days.)

- Subject to mutual agreement, employers and FDWs may vary their rest day arrangements which have been previously agreed.
- When the need or request by your FDW to vary the rest day arrangement arises, we encourage both parties to openly discuss and work towards a mutually agreeable rest day arrangement. You should then document the new arrangement in writing.



3 What should I or my FDW do if either party wishes to vary the rest day arrangement on a one-off basis?

- You and your FDW should discuss ad-hoc variations to the rest day arrangement with sufficient notice given to the other party so that an agreement that is satisfactory to both parties can be reached. To prevent disputes, the mutually agreed variation should be captured in writing.
- However, if you and your FDW are unable to reach a mutual agreement, both should continue to adopt the rest day arrangement that was last agreed upon.

4 If I renew my FDW's work permit after 1 January 2013, do I need to sign a new employment contract with new rest day provisions in it? What would the rest day arrangements be if I do not sign a new employment contract with her?

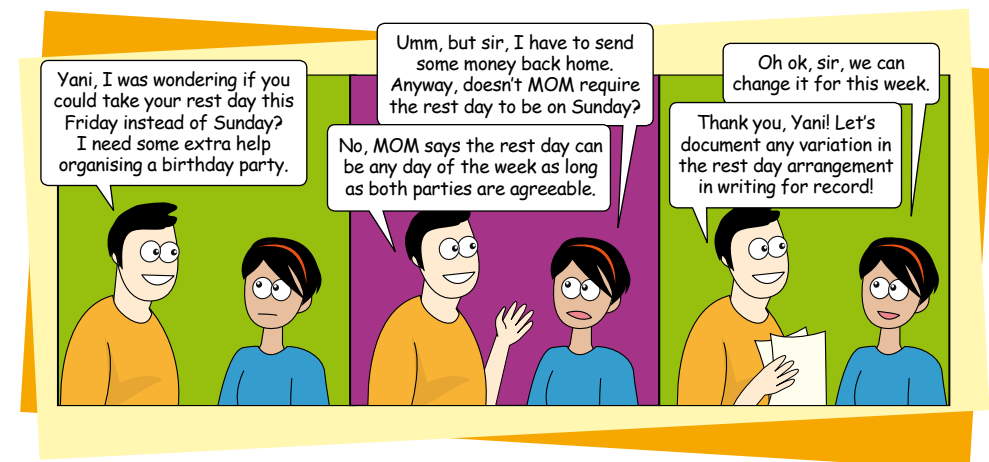
- For Work Permit renewals from 1 January 2013, you should sign a new employment contract that makes clear the rest day arrangement that you and your FDW have mutually agreed upon in line with the new Employment of Foreign Manpower (Work Passes) Regulations.
- If there is no written agreement reflecting the rest day arrangement between employer and FDW, it will be taken to mean that your FDW will take her weekly rest day.
- You should also note that the lack of a written agreement may lead to prolonged investigations in the event of a dispute or complaint.

You and your FDW can mutually agree on which day of the week her rest day should fall on. It does not have to be a Sunday.

ON HER REST DAY

1 Must the FDW's rest day fall on a Sunday?

- You and your FDW can mutually agree on which day of the week her rest day should fall on. It does not have to be a Sunday.
- As rest days typically fall on Sundays, if you prefer your FDW to take her rest days on other days, it is best that you reach an agreement with her before she starts employment with you. If you are hiring through an employment agency, you may also wish to state this requirement upfront.

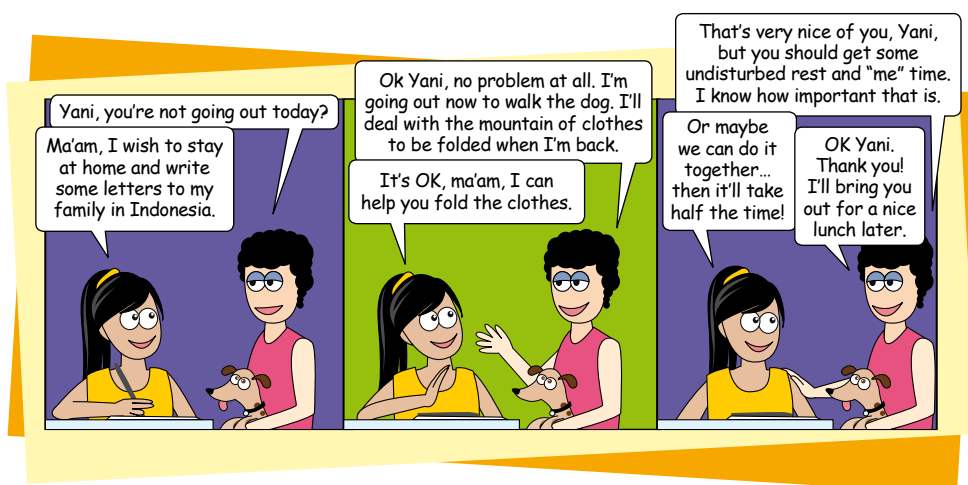


2 How many hours of rest constitute a rest day, and what time does the rest day span across?

- Most employers provide their FDWs with at least eight hours of continuous break from work. As work arrangements in a domestic household setting are varied, you should discuss and mutually agree with your FDW on the time and duration of her rest day.
- Your FDW should be given sufficient time for a proper emotional and physical break from work, and the freedom to decide how she wishes to spend her rest days.

3 If my FDW returns home late on her rest days, can I deduct her salary?

- You may not deduct her salary as she is not paid on her rest days. The law also requires your FDWs' salaries to be paid in full each month.
- If your FDW returns home late, you should talk to her and remind her to observe the agreed time of return, and to advise her not to repeat it on the next rest day.



...FDWs should also be allowed freedom to leave the home if she wishes so that she could have a proper emotional and physical break from work.

4 Can FDWs choose to remain at home on their rest days?

- As FDWs reside within employers' homes, they should be allowed to remain in their employers' homes if they prefer not to go out.

5 Can I ask my FDW to do light chores on her rest day?

- Work arrangements in a domestic household setting are varied. You and your FDW should work out a mutual arrangement that is reasonable for both parties. Generally, you may ask your FDWs to perform light duties.

6 Would my FDW be considered to have been given a rest day if I bring her out for family outings?

- Rest days ought to be time at your FDWs' disposal. Your FDW should be able to choose how she would like to spend her rest day. FDWs should also be allowed freedom to leave the home if she wishes so that she could have a proper emotional and physical break from work.

7 Do I have to provide my FDW with meal arrangements on her rest day?

- It is common practice for employers to provide their FDWs with meal if their FDWs are at home during meal times on their rest days. You may also wish to clarify with your FDW on meal arrangements if there is such a need.

PENALTIES & ENFORCEMENT

1 What penalties do employers face if they fail to give their FDWs a weekly rest day or compensate them at the minimum of 1 day's wage for working on a rest day?

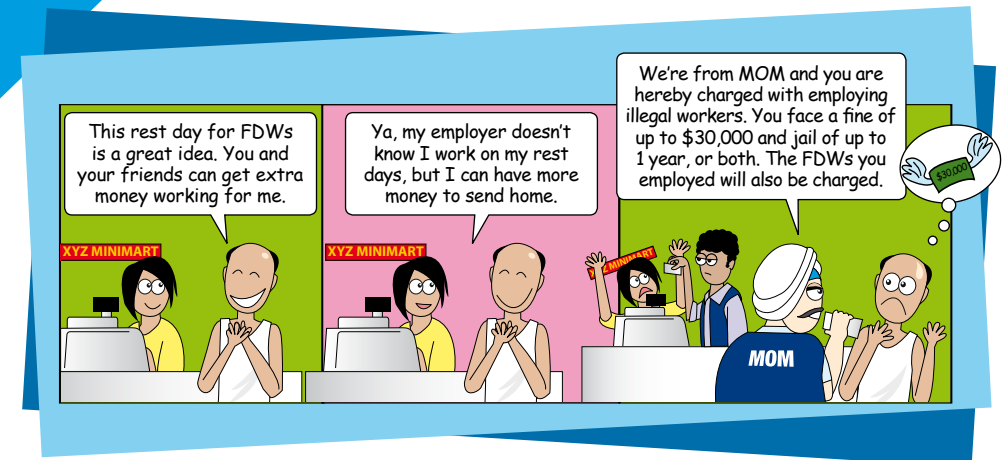
- Employers who fail to do so would be in breach of the Employment of Foreign Manpower (Work Passes) Regulations (EFMR). The maximum penalty for a breach of the EFMR is a fine of up to S\$10,000 or a jail term of up to 1 year or both.

2 What penalties do employers face if they use the services of other FDWs who moonlight on their rest days by doing part-time household work or part-time work in offices, shops etc.?

- Employers will be committing an offence if they use the services of FDWs who have not been approved to work for them.
- Under the Employment of Foreign Manpower Act, these employers can be fined up to \$30,000 or jailed up to 1 year or both.

3 Would I face any penalty if my FDW moonlights on her rest day?

- FDWs who moonlight on their rest days are committing an offence and can be fined up to \$20,000 and/or jailed up to 2 years.
- You should not allow your FDW to moonlight or facilitate your FDW's illegal employment as doing so is an offence. Employers who are caught doing so can be fined up to \$10,000 or jailed up to 1 year, or both.



4 Will the security bond of \$5,000 be forfeited if the FDW violates her Work Permit conditions or runs away?

- MOM understands employers' concerns that they should not be held responsible when their FDWs violate the Work Permit conditions on their own accord, especially outside designated work hours or on their rest days. Therefore, since January 2010, MOM has removed employers' liability if the FDW gets pregnant or breaches other Work Permit conditions that relate to her own behaviour.
- MOM also does not forfeit the security bond if the FDW runs away, for example, she runs away to MOM or her embassy to seek help or, our records show that she has left the country.
- Security bonds are at risk only when employers fail to observe the conditions of the bonds or in the rare case when the FDW absconds and the employer is unable to repatriate her. MOM forfeits very few security bonds each year. In 2011, 22 security bonds were partially forfeited to pay for the eventual repatriation of missing FDWs when they were found. No security bonds were forfeited in full. FDWs who have gone missing are hence not a major concern considering that we have over 200,000 FDWs in Singapore.

AGREEMENT BETWEEN FOREIGN DOMESTIC WORKER (FDW) AND EMPLOYER ON FDW WEEKLY REST DAY ARRANGEMENT



PARTIES INVOLVED	FDW	EMPLOYER
Name		
NRIC/Work Permit No.		

This agreement is made between (a) the FDW and (b) the Employer in accordance with the Ministry of Manpower's regulations on the provision of a weekly rest day for FDWs. Please refer to Annex A on excerpt from the Employment of Foreign Manpower (Work Passes) Regulations.

Terms of Agreement:

We, the FDW and the Employer, agree that the employer shall grant the FDW:

One rest day for every week. The rest day shall be granted on _____ (day of the week);

OR

_____ rest days in a month on _____ (day of the week) with compensation in lieu at \$ _____ for each rest day forgone.

FDW's Signature
Date:

Employer's Signature
Date:

[For any subsequent variations that are agreed between the employer and FDW, the following record should be maintained]

We, the FDW and the Employer, agree that the employer shall grant the FDW:

Rest day on _____ (date) in lieu of rest day forgone on _____ (date);

OR

Compensation in lieu at \$ _____ (minimum of 1 day's pay) for working on rest day on _____ (date)

FDW's Signature
Date:

Employer's Signature
Date:

FOURTH SCHEDULE, EMPLOYMENT OF FOREIGN MANPOWER (WORK PASSES) REGULATIONS 2012

12. Subject to paragraph 13, the employer shall grant the foreign employee a rest day without pay for every 7-day period (including Sunday and public holidays). The rest day must be any day within the 7-day period and must be mutually agreed between the employer and the foreign employee.

13. Notwithstanding paragraph 12, the employer does not have to grant a rest day to the foreign employee if there is a prior written agreement mutually agreed between the employer and the foreign employee –

- a) for the foreign employee to work in lieu of the rest day; and
- b) for the foreign employee to be compensated for working in lieu of the rest day with either –
 - (i) a replacement rest day without pay. The replacement rest day must be a day within the same month as the rest day to be taken and must be mutually agreed between the employer and the foreign employee; or
 - (ii) a monetary compensation which shall not be less than the rate of pay for one day's work of the foreign employee,

and the foreign employee is compensated in accordance with the prior written agreement.

14. For the purposes of paragraphs 12 and 13 –

- a) a Sunday or public holiday shall be regarded as a rest day only if the employer and foreign employee mutually agree that the Sunday or public holiday is a rest day;
- b) if a 7-day period referred to in paragraph 12 falls between 2 months, the employer and foreign employee shall mutually agree on a day within either of the 2 months to be the replacement rest day;
- c) the prior written agreement referred to in paragraph 13 must be mutually agreed between the employer and the foreign employee prior to the foreign employee working in lieu of the rest day;
- d) in calculating the rate of pay for one day's work under paragraph 13(b)(ii), the rate of pay for one day's work shall be the foreign employee's monthly rate of pay divided by 26; and
- e) any monetary compensation provided in lieu of the rest day must be paid by the employer to the foreign employee together with the next earliest monthly salary due to the foreign employee
