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The Canada-ASEAN Business Council is grateful for the support of its Founding Patron Member Scotiabank, and Patron Members Manulife Financial, BMO Financial Group, and Sun Life Financial.

*Please note that the views expressed by our partners in this newsletter do not necessarily reflect the official position of the CABC.*
Dear CABC Members/Supporters,

2016 has been a tremendous year of impact and growth for the CABC. We continue to punch well above our weight, and provide the best possible business opportunities for our members via our core pillars of advocacy, networking, and thought leadership. Some points to note:

Advocacy

The CABC compiled a letter of advocacy focusing on our members' core business challenges in ASEAN. The letter was ultimately presented to each of the ASEAN Economic Ministers (AEM) at the AEM-Canada dialogue in August. It was a huge win for our members to have their voices heard by the key ASEAN decision-makers. The CABC is proud to note that our efforts to share the voices of Canadian business were vital in driving the decision by the AEM to commence drafting terms of reference for a feasibility study on a Canada-ASEAN FTA.

The Council has maintained a close and productive relationship with the Ministry of International Trade (MINT), Prime Minister’s Office (PMO), and Global Affairs Canada (GAC). To date this year, representatives from the CABC Management Committee and CABC Staff have held meetings with Minister of Foreign Affairs Dion, Minister of International Trade Freeland and their teams in Asia and in Canada. The CABC has also been a key partner of Canada's new Mission to ASEAN since its inception, being recognized as such by Ambassador Hannan on numerous occasions.

Through our consistent efforts to engage with Ottawa, we’ve cemented ASEAN as an important region for trade growth. Given challenges with the Comprehensive Economic and Trade Agreement (CETA) with the EU, doubts around the Trans-Pacific Partnership(TPP), and the uncertainty of dealings with China, ASEAN is emerging as a strong focus area.

The CABC also ensures it maintains an active presence within the ASEAN-Business Advisory Council (ABAC)- an important multinational advocacy group.

Thought Leadership

2016 Canada-ASEAN Business Outlook Survey – The CABC and UBC jointly produced this follow up piece to the first survey of Canadian Business in ASEAN in 2013. This year’s survey had a record 175 respondents. It was a truly collaborative initiative among the regional Canadian Chambers of Commerce with all seven chambers participating and promoting the survey with their members.

Canada-ASEAN FTA Study – The CABC has been approached by the Business Council of Canada to collaborate (along with UBC and the APF) for a first-of-its-kind study analyzing the impact and necessity for a Canada-ASEAN economic agreement. This is a core advocacy point of the CABC, which both MINT and PMO have asked us to provide. We are working to complete this study in Q2 2017.

Continued......

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Letter from the President

Singapore Management University’s Survey on challenges of Legal Integration in ASEAN - CABC was a supporting partner, together with Norton Rose Fulbright, in this survey designed to provide policy recommendations to the ASEAN governments concerning challenges of legal integration in ASEAN.

Networking and Events

Third Canada-ASEAN Business Forum - the Council’s flagship event was held Sept 7-8 2016. This was our largest Forum yet with over 250 attendees, and our event survey results indicate a highly successful and well-received event.

CABC Canada Office Launch – Held in Calgary in May 2016. This event was attended by numerous high-ranking individuals including Brunei’s Ambassador to Canada, Canada’s Ambassador to ASEAN, and Calgary Mayor Naheed Nenshi.

IT Start-ups in Vietnam – CABC, in partnership with CanCham Vietnam, and with title sponsorship from Wesley Clover, planned and executed an event on IT start-ups in Vietnam, May 2016.

Finances

The CABC will have a robust platform to support a proper operations team and our members’ efforts; largely a result of the adjustment in corporate membership dues and the Patron Membership Program. I would like to extend a special thanks to Peter Heidinger at Scotiabank for leading the way as a Founding Patron Member – followed by Manulife Financial, BMO Financial Group, and Sun Life Financial as Patron Members. We’ve also renewed the commitment from the Government of Alberta and thank them for their continued support.

The CABC also hired Pikohana, a corporate back office service provider, to ensure our finances can be tracked and reported in a more timely, accurate and audited manner.

Post-Forum, our focus now is how we can continue to expand our success in 2017 and beyond. We hope to share some of these ideas during our upcoming 2016 Annual General Meeting which will be held in early December 2016. Stay tuned for the exact timing of this in the coming weeks.

We thank you all for your continued interest and support in CABC. As always feel free to contact Greg Ross or myself with any questions or comments.

Wayne C. Farmer
The Canada-ASEAN Business Council hosted the **2016 Canada-ASEAN Business Forum (CABF)**, from September 7 to 8 at the Shangri-la Hotel, Jakarta, Indonesia. The two-day forum successfully drew over 250 participants and brought together global business leaders and senior government officials from Canada and Southeast Asia to explore opportunities to accelerate multilateral trade and cooperation.

**Click here to view photos from the event!**

### Seniority Breakdown of Attendees:
- CEO: 10
- Other C-level: 15
- President: 8
- Vice-President: 13
- Managing Partner/ Director: 18
- Partner/director: 50+
- And many more!

### Highest # of senior Global Affairs Canada officials yet!
- Parliamentary Secretary to the Minister of International Trade
- Director General for Southeast Asia
- 3 Heads of Mission
- 1 Consul General
- 5 Senior Trade Commissioners

### Largest Forum to date!
- Over 250 attendees participated in the event
- Over 140 companies and organizations
- Over 70 Speakers

### CABC thanks Edelman Indonesia for its media sponsorship!
- 18 journalists from 17 media titles attended our press conference
- Publications in Jakarta Post, Antara, Tempo English, the Nation in Bangkok and more!

### Great Feedback!
- 70% of attendees made “higher than four new connections that will have a tangible impact on their business”
- 85% of attendees are “likely” or “very likely” to attend another CABC event

*Please note that the views expressed by our partners in this newsletter do not necessarily reflect the official position of the CABC.*
3rd Canada-ASEAN Business Forum, Continued

High-level Keynote Speakers from across Canada and ASEAN!

David Lametti - Parliamentary Secretary to the Minister of International Trade

Discussed the Government of Canada’s trade objectives in the region, the importance of ASEAN to Canadians, and what to expect in the years to come.

The Hon. Jean Charest - Former Premier of Québec, CABC Honorary Chairman, addressed the impact of current global trade challenges and the importance of seizing the moment for economic integration with ASEAN.

Sandiaga S. Uno - Co-Founder PT Saratoga Investama Sedaya Tbk., discussed his experience living and working in Canada and the importance of pursuing deeper trade with ASEAN.

Rosan Perkasa Roeslani - Chairman, Indonesia Chamber of Commerce and Industry, emphasized the numerous business opportunities that await Canadians in Indonesia.

Comments from our attendees:

➢ “This forum should be organized in every year to enhance trade relations between Canadian & ASEAN country companies.”
➢ “Fantastic event”
➢ “It was an excellent opportunity to interact with Canadian companies”
The CABC was proud to host the second meeting of Canadian Chambers in ASEAN, on September 7th 2016 at the Shangri-la Hotel, Jakarta, Indonesia (a follow-up to the first meeting held at our 2015 Forum in Bangkok). A lively and productive dialogue was held between representatives of each of the Canadian Chambers of Commerce in ASEAN, including:

- Canadian Chamber of Commerce in Vietnam
- Canadian Chamber of Commerce in Singapore
- Malaysia-Canada Business Council
- Thai-Canadian Chamber of Commerce
- Canadian Chamber of Commerce of the Philippines
- Indo-Canada Chamber of Commerce
- Canadian Chamber of Commerce in Cambodia

The conversation consisted of a presentation of each organizations’ respective mandates and accomplishments, the challenges facing the Chambers in their respective markets, and an exploration of how to share best practices.

The meeting ended with a discussion on how to increase collaboration and streamline the policy advocacy efforts of the Chambers going forward. To this end, a non-binding Statement of Cooperation between the Chambers was proposed by the CABC, an initiative which was met with praise by numerous external parties present including Parliamentary Secretary to MINT David Lametti, and President and CEO of the Asia Pacific Foundation, Stewart Beck. It was determined that the Chambers would return to their boards to discuss the terms of the agreement for approval at a later date.

The minutes from the meeting and the Agreement are available to CABC members upon request. Please contact greg.ross@canasean.com for more information.

We Want Your Feedback!

The CABC encourages all Forum speakers, sponsors and attendees to share your written feedback, so that we can continue to offer the best possible opportunities for Canadian and ASEAN businesses to grow their connections with one another.

Please write to greg.ross@canasean.com to share your thoughts on how we can make next year’s event an even greater success!
The results of the Canada-ASEAN Business Outlook 2016 Survey were officially announced during the Canada-ASEAN Business Forum in Jakarta, Indonesia. This year’s survey reveals an increasing optimism among Canadian businesses towards future investment opportunities in ASEAN.

The Survey was a collaborative initiative undertaken by the CABC and Dr. Kai Ostwald and his team of Masters students from the University of British Columbia (UBC). The ASEAN-based Canadian Chambers of Commerce, with assistance from the Asia Pacific Foundation of Canada and the Global Affairs Canada Southeast Asia-based staff, also contributed to the report, which was enabled by generous support from the International Development Research Centre (IDRC) of Canada.

What did respondents have to say?

While CABC’s 2013 survey found 81% of respondents felt they had positive future investment opportunities in the ASEAN market, the figure has risen to 94% in this year’s survey. From those that also conduct business outside of Southeast Asia, 86% of respondents expect the importance of the ASEAN region to grow for them relative to other regions over the coming five years.

Over 72% of respondents in 2016 believe that a Canada-ASEAN FTA will ease their operations in this important growth market – and recent announcement of formal steps towards this agreement are encouraging.

However, participants also emphasized that companies still encounter obstacles that hinder the full realization of the Canada-ASEAN trade and investment potential.

The challenges most frequently mentioned by participants are inconsistent enforcement of laws and regulations (70%), difficulties in obtaining reliable and cost-efficient skilled labor (70%), corruption (66%), and preferential treatment of local firms (65%).

The CABC would like to extend a warm thanks to all of its members and supporters who took the time to participate in this important report!

Click here to access the full survey online!

*Please note that the views expressed by our partners in this newsletter do not necessarily reflect the official position of the CABC.
August 4th marked a critical milestone on the path to establish a free trade agreement between Canada and ASEAN. In a joint media statement following the Fifth ASEAN Economic Ministers (AEM) – Canada Consultations in Vientiane, Laos, senior officials were formally tasked to begin framing the discussion for this agreement.

Representatives from the Canada-ASEAN Business Council (CABC) presented to the Ministers and an ASEAN-Canada Free Trade Agreement was at the top of the agenda. The initiative has the support of Minister of International Trade Freeland, ASEAN Ambassador Hannan, and Ambassador to Thailand, Laos and Cambodia Calvert who personally attended. We had not expected to leave the meeting with a formal commitment and the media statement indicates the strong shared interest in strengthening trade ties.

This marks the first step in a long process – but it is the first formality to move this vital agreement forward. At the Canadian reception, Minister of International Trade Freeland gave full credit to the CABC and its members for leading both Canada and ASEAN to achieve this milestone, and that our presence and efforts remain critical to this process moving forward.

Also at the Canada-AEM dialogue, the CABC presented its letter of recommendation to the ASEAN Economic Ministers. This letter was the result of a year-long effort to gather feedback on the issues most relevant to the Canadian private sector from CABC members. The CABC was praised for its efforts, and asked to provide even more detailed recommendations at the next meeting in 2017.

To that end, we invite all members to submit their top challenges of doing business in ASEAN to CABC Executive Director Greg Ross, before December 31st, 2016.

CABC President Wayne Farmer and CABC Executive Director Greg Ross met with the Honourable Chrystia Freeland for a productive and frank discussion of the challenges and opportunities facing its members.

The Minister thanked the Council for its hard work, and encouraged us continue our progress in advocating for the best possible circumstances for Canadian businesses in ASEAN.
Any Canadian who has ever backpacked around the world knows that a small maple leaf flag sewn to the side of a bag can be a powerful symbol. In my travels, it has opened doors, earned me free meals and surprising but lasting friendships. When Canadian companies enter emerging markets, such as in Asia, a lot of time is spent researching the opportunity and marketplace, the consumer and regulatory landscape. Most will spend a large share of effort on engaging a few of the most influential stakeholders. But companies rarely invest in understanding how they are perceived or what being Canadian means to the market and their business.

When Richard Edelman launched The 2016 Edelman Trust Barometer at the World Economic Forum this year, one of the slides that drove discussion amongst world leaders was on the general public’s trust in companies based on where they were headquartered. At the very top – alongside Sweden and Switzerland and above Germany, Australia and the UK – was Canada. Around the world, companies based in Canada are automatically perceived as more trustworthy. What then is the opportunity in Asia and how can Canadian companies leverage that trust as they establish themselves in this region?

**Trusting Partnerships: Government and Businesses in Asia**

Trust is an essential asset for any business anywhere in the world, which is why we have been measuring and assessing it for 16 years. If reputation is based on a company’s past deeds, trust is a promise for future behavior. From a regulatory standpoint, it is the difference between having a license to operate and a license to lead in any given market. And trust matters as well for the general population. If a company is distrusted, people are 48 percent less likely to buy its products or services compared to the 68 percent who are more likely to buy the products or services of trusted companies.

In our Edelman Trust Index, the top six most trusting countries when looking at all four institutions of media, government, NGOs and business, are all developing economies with four in Asia. As opposed to Europe and Western markets, trust in government remains relatively high in Asia with increased or equal trust in six markets. China, Singapore, India and Indonesia governments are some of the most trusted in the world. If an economy is improving, people tend to trust the institutions they believe are responsible. Perhaps not surprising then that Asian developing economies also make up many of the global top five when it comes to trusting business to do what is right.

In the survey, business is most trusted to keep pace with the changing times. And the general population agrees that businesses must lead to solve problems with over 80% of Asian countries agreeing “a company can take specific actions that both increase profits and improve the economic and social conditions in the community where it operates.”

However, there are only five countries where government is more trusted than business. Three are in this region. So it is imperative that Canadian companies work hand-in-hand with Asian governments to address the economic and societal issues and in doing so, they will reap the rewards.

...Continued
Trust inequality – A global phenomenon
Trust in all four institutions climbed to its highest level in 2016, ushered by a surge of trust among the educated public. Of the four institutions, business registered the largest increase in trust among both the Informed Public and the larger General Population. But still, less than half of the mass population believe they will be better off in five years than they are today. This has created a mounting trust inequality and a marked divide between the Informed Public and the Mass Population. Globally, a 12-point gap separates the more trusting Informed Public – representing 15 percent of the population – from the Mass Population.

While the trust gap is biggest in the US and Europe, countries such as India, Australia, China, Korea and Singapore all have double digit gaps in trust between the Informed Public and the Mass Population. But while 19 of the 28 countries surveyed are pessimistic about the future, Asian countries remain the most optimistic when asked if they think they will be better off in the next 5 years.

In sync with the emergence of a widening trust gap, the traditional pyramid of influence – with elites on top – has been up-ended. Today, influence decidedly rests in the hands of the Mass Population. The net result is a new phenomenon where the most influential and largest segment of the population is also the least trusting. So while the Asia Pacific region is the most trusting for both governments and business, there remains a deep tension between the have and have-nots. It makes for a challenging environment, but one where Canadian companies are best positioned to lead, given their inherent trust surplus.

In order for Canadian companies to be successful in Asia, they need to embrace the new reality of influence and the trust inequality by creating societal impact through purposeful action. They need to express values through honest, ethical and transparent engagement. They need to ignite their most powerful advocates, employees at all levels, including the CEO. And they need to engage across new channels to meet stakeholders where they are about what most interests and concerns them. But they have to do so in tandem with the regulators and policymakers.

Who do you trust?
Trust is not bought, nor is it simply given away. Trust is earned. So then it is important to consider who is most trusted to share your messages, to recommend your products or review your services in Asian markets. The trust in Asian media is often a source of interest. This year, as is the trend, China, India, Indonesia and Singapore scored highly (73 percent, 63 percent, 63 percent and 60 percent respectively for the informed public) and yet media in these countries is often owned or strictly controlled by the government. While trust is a universal value, the idea of “what is right” varies by country and culture. When we have delved deeper in these markets, we have been told that nation building is as important a role for the media as challenging authority.

However, the media landscape is changing. With the world’s highest cellphone penetration, search engines have now surpassed traditional media in most Asian markets with a drastic increase in online-only media. The general population is also becoming more trusting of owned channels and branded content by companies. And while social media is the least trusted, it is still the most-used news source along with search.

Peer to peer channels such as social media have also been a core driver in the inversion of influence to the mass population. More than ever before, the general public have access to information and networks that drive movements. But when digging deeper into the Trust Barometer findings, we also see that there are varying degrees of trust amongst the people delivering the messages. When it comes to credibility, academic and technical experts remain high, but the biggest jumps from last year’s research show a “person like yourself” and an employee gain ground. CEOs, who have traditionally been losing influence had a significant increase this year. ...Continued
While the role of the CEO has improved slightly in this year’s survey, globally they are still seen as one of the least trusted representatives of a company. However, the picture is still rosy for business leaders in Asia, where trust in the CEO remains high despite criticism that they focus too much on short-term financial results. While the vast majority understand the need for the CEO to be visible in discussing financial news, even more believe they should have a voice in addressing societal issues such as income inequality, the environment and education.

The same group would like to see a more human face of the CEO, to understand their background and personal beliefs. Leaders are seen as underperforming on qualities such as integrity and engagement, which are mostly related to communications and transparency. The desired leadership qualities in Asia Pacific are Honesty (39%), Visionary (35%), Decisive (31%), Ethical (31%) and competent (26%).

Beyond the CEO, there is a growing role for a suite of employees to advocate on behalf of companies, as trust is higher for different roles depending on the topic. People are more trusting of a general employee on the company’s treatment of employees. Whereas a senior executive is more trusted to speak on a company’s innovation efforts. Particularly for companies who are based abroad, creating platforms for employees to act as spokespeople can break down many barriers in Asian markets where stakeholders and the public can hear from people with familiar backgrounds and culture and who are ultimately more trusted.

The future of trust-building
Canadian companies are coming into Asia with a trust surplus. This is a region that trusts companies to have a seat at the table but trusts its governments to act as the regulator. Traditional media still has a place but peer-influenced channels such as search and social are on the rise. The CEO is still a trusted voice but so too now are other employees within the company. Most importantly, there is a growing divide between trust in the elite and the masses. In a world of social influence, this means companies must adjust their traditional strategies of focusing on the few with authority, and instead equally engage the larger population.

The challenges in Asia lie in understanding what makes each market so unique, while identifying the common thread that we all share. In order for Canadian companies to embrace the new reality of influence and address the trust inequality, they will need to partner with government to create societal impact in addition to profits; express our Canadian values through honest, ethical engagement in which to share the company story; ignite employees both in-market and at home to become advocates; and engage across channels to meet stakeholders where they are about what most interests and concerns them.

When travelling abroad, I was acutely aware that the benefits I reaped were a reflection of the trust earned by the person who travelled before me. As such, I behaved in such a way to further proliferate the trust that I was given. Canadian companies may be the most trusted, but that only means we have a responsibility to work harder to maintain and build that trust in the region. In doing so, that trust will provide not just a license to operate, but opportunities for Canadian companies to partner, to innovate and to lead in Asia.

Jamie Read
Regional Director, Edelman

To learn more about Edelman and it’s annual global Trust Barometer, please see the below links:
Canada became an ASEAN Dialogue Partner in 1977 and is one of only 10 countries with this important level of partnership. Next year, we will celebrate the 40th anniversary of Canada-ASEAN relations, a significant milestone. The anniversary year will provide an opportunity to showcase our recent achievements in strengthening our engagement, and to further increase the visibility of Canada in ASEAN, and increase awareness of the importance of ASEAN to Canadian audiences.

The Mission of Canada to ASEAN, in collaboration with the CABC, invites you to showcase Canada-ASEAN relations and successes throughout 2017. We would gladly look at possible joint ventures, and would be happy to participate in some of your activities that will highlight Canada-ASEAN. Please contact us to inform us of any proposed activities.

Throughout the year, we will also be inviting you to participate in Mission led activities and we are counting on your support and participation.

As a first step, in preparation for the launch on our 40th, the Mission is organizing a logo competition to create a symbol of this important milestone and relationship. The winning logo will be used throughout the anniversary year on products such as banners, websites, and promotional material. The target audience is young entrepreneurs and students in the 18-35 demographic. As such, we are reaching out to you on the following:

1. Your help in spreading the word through your network to ensure good participation.
2. Sponsors to provide prizes for the winners.

The anniversary year activities, including the logo competition, will provide a good opportunity to highlight Canadian business working in ASEAN. We are looking for sponsors to provide prizes for activities throughout the year. Sponsors will be recognized via social media and web, as well as other promotion in brochures, speeches and media outreach.

Please contact the mission directly to discuss opportunities to collaborate on the logo competition and 40th anniversary activities: ASEAN-ANASE@international.gc.ca

We look forward to working with you!
The Canada ASEAN-Business Council, in partnership with the University of British Columbia, the Business Council of Canada, and the Asia Pacific Foundation, is excited to announce the launch of a study analyzing the impact and necessity of a free-trade agreement between Canada and ASEAN. This important report will be the first analysis of its kind, and will be an important tool for the CABC to continue advocating for its members’ best possible conditions for doing business in ASEAN. We anticipate releasing this study in Q2 2017. Stay tuned for more updates!

For further questions about any of our upcoming events or initiatives, please email Greg Ross at greg.ross@canasean.com
CABC Member Spotlight: Wesley Clover International

Wesley Clover International is in the business of building businesses. The company is a global investment management firm and holding company, with active interests in a range of Information and Communications Technologies (ICT), as well as exclusive real estate and leisure properties, and a charitable Foundation in Canada.

The company enjoys an enviable technology track record, with more than 100 firms to date being founded or funded around the world, led by Chairman and highly successful technology entrepreneur, Terry Matthews. The current portfolio consists of private and public firms based in Canada, the U.S., the U.K. and Turkey. These companies are focused on next-generation Cloud and SaaS applications, mobility, security, analytics and more.

Wesley Clover founds and funds start-ups directly and in partnership with local governments, academic institutions and like-minded businessmen. Operating as a serial ‘super angel’, the company invests exclusively in ICT technology opportunities where its strategic advantages can best be leveraged.

Key among those advantages is the ‘Alacrity’ investment model. A hands-on investment program, Alacrity provides entrepreneurs with a much-better-than-average chance of success by surrounding them with more than just capital. The program includes highly experienced mentorship, an established ecosystem of intellectual property and platform technology as a basis from which to innovate, access to vital first-client relationships for product validation, and established channels to market for reduced time to revenue and growth.

Beyond the active locations mentioned above, Wesley Clover is currently deploying the Alacrity model in France, Mexico, Singapore, Indonesia and India, and also has the plans and resources to extend deployments beyond these countries. More information can be found on the company website at www.wesleyclover.com

If you are interested in writing a CABC Member article, please write to greg.ross@canasean.com
Manulife’s strong ties to ASEAN stretch back 115 years to 1901, when the company first opened its doors for business in the Philippines. Since then Manulife has expanded into Malaysia, Singapore, Indonesia, Vietnam, Thailand and more recently into Cambodia, where we celebrated our 4th anniversary in June. We also opened a representative office in Myanmar in 2014, re-establishing operations there after a 70-year absence.

Why do we like ASEAN so much? The answer is of course the enormous growth opportunities the region offers. Economic growth for ASEAN is projected to average 5.2% from 2016 through to 2020, up from 4.6% in 2015, while the middle class, estimated at 190 million people in 2012, is expected to more than double to around 400 million by 2020. The rapid growth in the middle class will mean greater household wealth and therefore increased demand for life, health and wealth solutions across the region.

Coupled with the attractive growth opportunities, is the large pool of talent available in ASEAN that we can attract to Manulife. We are particularly proud of our operations and IT shared services in the Philippines and Malaysia which provide invaluable support to all the company’s businesses around the world.

Of course there’s no region that comes without its challenges for doing business. In ASEAN, pressure for companies to reduce foreign ownership and seemingly excessive competition have been previous notable examples, however this is changing. The region is well regulated and understands the full benefits of globalization, and there’s a growing realization and understanding that allowing multinationals to operate with full control helps create healthy competition and more importantly, benefits customers.

Manulife’s investment in ASEAN is really paying dividends now with fast growing sales and earnings, and we anticipate excellent growth ahead for both. Our focus is increasingly on understanding the customers in each market, both their unique and common attributes, so that we can deliver the world class advice, solutions and service in the way that each customer wants.

As well as our incredibly strong tied Agency of more than 43,000 professionals across ASEAN we’re focused on expanding our business through partnerships with banks, independent distributors and others, as well as developing direct to customer distribution and service.

Manulife loves ASEAN.

*Figures from: Economic Outlook for Southeast Asia, China and India 2016 – OECD Development Centre - Nielsen

The signing ceremony with a key Manulife partner, Saigon Commercial Bank in Vietnam
Workplace Wellness in Singapore, ASEAN and Canada

By Franca Ciambella: Managing Director, Consilium Law Corporation

The concept of “employee wellness” is an emerging trend whereby organizations look beyond the physical environment at the workplace to also make it safe against all forms of emotional stresses, including those caused by harassment, bullying, discrimination and abuse.

Legislation in Singapore has traditionally focused on safeguarding the physical environment only. For example, the Workplace Safety and Health Act Cap. 354A (“WSHA”) was enacted in 2006 to cover the safety, health and welfare of employees at the workplace and focuses on ensuring a safe physical environment for employees. However, if we argue that an employer has a duty of care to provide an “emotionally” safe workplace, then the common law tort of negligence could be invoked to protect an employee. However, the elements required could be difficult to prove. In the Singapore case of Ngiam Kong Seng & Anor v Lim Chiew Hock [2008] 3 SLR(R) 674, the Plaintiff sought damages for psychiatric harm due to the negligence of the Defendant. The Court affirmed that the type of injury must be a recognizable psychiatric illness established by doctors and secondly, it should have been foreseeable that the psychiatric harm would be sustained as a result of the negligence in question (“causation”).

In addition, the Protection from Harassment Act Cap.256A (“POHA”) was passed in Parliament in March 2014 to provide civil and criminal remedies in order to safeguard individuals against harassment and related anti-social behaviour. Aggrieved employees may lodge a police report if they believe an offence under the POHA has been committed. Civil remedies available to the aggrieved employee include obtaining a Protection Order (PO) and Expedited Protection Order (EPO) in a situation where harassment or abuse is likely to persist. However, the recourses to a PO and EPO are towards the employees committing the offences and not the employer.

Some of the other ASEAN countries share a similar concern and the emerging desire to also protect the psychological and mental wellbeing of employees. In the Philippines for example, the state of psychological health of employees is expressly covered in their applicable legislation. In Malaysia, the International Labour Organization has reported that “despite no explicit provisions about the coverage of mental health being found in the Occupational Safety and Health Act 1994, the interpretation from Guidelines on the prevention of stress and violence at the workplace indicates that both physical health and mental health are in fact included in the OSH legislation.” A recent Malaysian Federal Court judgment allowed for a claim of sexual harassment under the Employment Act for the first time.

In Canada, courts have found a common law duty for employers to protect their employee’s mental well-being, in addition to specific legislation. In the 2006 landmark case of Sulz v. Canada (Attorney General), the Plaintiff had alleged that her immediate supervisors had harassed her with the consequence that she became clinically depressed and had to accept a medical discharge because of her depression. The basis for the judgment were breach of contract and the tort of negligent infliction of mental suffering. The court found in favor of the Plaintiff for wage loss damage and for general (emotional) damage against the employer directly.

In conclusion, we are witnessing an emerging trend in Singapore, ASEAN countries and in Canada towards an enhanced recognition to protect mental wellbeing in the workplace. We may also begin to see the judiciary taking on a more active role in the courts in order to protect workers against harassment.
The Canada-ASEAN Business Council is grateful for the support of Founding Patron Member, Scotiabank

The CABC welcomes new Patron Members:
Manulife Financial, Sun Life Financial, and BMO Financial Group

Connect With Us!

Executive Director
Greg Ross
P: +65 8339 5457
E: greg.ross@canasean.com

Director, Canada
Andrew Doherty
P: +1 403 708 1575
E: andrew.doherty@canasean.com

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