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EMPLOYMENT OF FOREIGN MANPOWER ACT (CHAPTER 91A)

EMPLOYMENT OF FOREIGN MANPOWER (WORK PASSES) (AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred by section 29 of the Employment of Foreign Manpower Act, the Minister for Manpower makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Employment of Foreign Manpower (Work Passes) (Amendment) Regulations 2017 and, except for regulations 2, 11 and 13, come into operation on 1 April 2017.

(2) Regulations 2, 11 and 13 are deemed to have come into operation on 3 January 2016.

Amendment of regulation 8

2. Regulation 8(1) of the Employment of Foreign Manpower (Work Passes) Regulations 2012 (G.N. No. S 569/2012) (called in these Regulations the principal Regulations) is amended by deleting the words “Business Registration Act (Cap. 32)” in sub-paragraph (b) and substituting the words “Business Names Registration Act 2014 (Act 29 of 2014)”.

Amendment of Part I of First Schedule

3. Part I of the First Schedule to the principal Regulations is amended by deleting paragraph 1 and substituting the following paragraph:

“1. Except as the Controller specifies otherwise in writing, the employer is responsible for —

- (a) the upkeep and maintenance of the foreign employee in Singapore, including the provision of adequate food and medical treatment; and
- (b) bearing the costs of such upkeep and maintenance.”.

Amendment of Part III of First Schedule

4. Part III of the First Schedule to the principal Regulations is amended by deleting paragraph 1 and substituting the following paragraph:

“1. Except as the Controller specifies otherwise in writing, the employer is responsible for —

- (a) the upkeep and maintenance of the foreign employee in Singapore, including the provision of adequate food and medical treatment; and
- (b) bearing the costs of such upkeep and maintenance.”.

Amendment of Part IV of First Schedule

5. Part IV of the First Schedule to the principal Regulations is amended by inserting, immediately after the words “departure for Singapore” in paragraph 1, the words “or if the foreign employee is already in Singapore, as soon as practicable after receiving the copy of the in-principle approval letter”.

Amendment of Part I of Second Schedule

6. Part I of the Second Schedule to the principal Regulations is amended by deleting paragraph 1 and substituting the following paragraph:

“1. Except as the Controller specifies otherwise in writing, the employer is responsible for and must bear the costs of the foreign employee’s medical treatment in Singapore.”.

Amendment of Part I of Fourth Schedule

7. Part I of the Fourth Schedule to the principal Regulations is amended —

(a) by deleting paragraph 1 and substituting the following paragraph:

“1. Except as the Controller specifies otherwise in writing, the employer is responsible for —

(a) the upkeep and maintenance of the foreign employee in Singapore, including the provision of adequate food and medical treatment; and

(b) bearing the costs of such upkeep and maintenance.”;

(b) by deleting paragraph 5 and substituting the following paragraph:

“5. The employer must ensure that the foreign employee resides only at one or more of the following addresses:

(a) the residential address stated in the work permit;

(b) any other residential address approved in writing by the Controller.”; and

(c) by deleting paragraph 20A and substituting the following paragraph:

“20A. Except as the Controller specifies otherwise in writing, the employer is responsible for —

(a) the upkeep and maintenance of the foreign employee in Singapore, including the provision of adequate food and medical treatment; and

(b) bearing the costs of such upkeep and maintenance.”.

Amendment of Part II of Fourth Schedule

8. Part II of the Fourth Schedule to the principal Regulations is amended by deleting paragraph 3 and substituting the following paragraph:

“3. The employer must employ the foreign employee to perform only household and domestic duties at one or more of the following addresses:

(a) the residential address stated in the work permit;

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- (b) any other residential address approved in writing by the Controller.”.

Amendment of Part III of Fourth Schedule

9. Part III of the Fourth Schedule to the principal Regulations is amended —

- (a) by deleting the words “The employer shall be responsible for and” in paragraph 1 and substituting the words “Except as the Controller specifies otherwise in writing, the employer is responsible for and must”;

- (b) by deleting paragraph 11A and substituting the following paragraph:

“11A. Except as the Controller specifies otherwise in writing, the employer is responsible for —

- (a) the upkeep and maintenance of the foreign employee in Singapore, including the provision of adequate food and medical treatment; and

- (b) bearing the costs of such upkeep and maintenance.”;

- (c) by deleting the words “paragraph 13” in paragraph 12 and substituting the words “paragraphs 13 and 17”;

- (d) by deleting the words “or is intended to be filed by the foreign employee for salary arrears under the Employment Act (Cap. 91)” in paragraph 15 and substituting the words “before 1 April 2017 by the foreign employee for salary arrears under the Employment Act (Cap. 91), any claim lodged or intended to be lodged by the foreign employee for salary arrears under the Employment Claims Act 2016 (Act 21 of 2016),”; and

- (e) by deleting paragraph 16 and substituting the following paragraphs:

“16. Except as the Controller specifies otherwise in writing, the employer continues to be responsible for and must bear the costs of the upkeep (including the provision of food and medical treatment) and maintenance of the foreign employee in Singapore who is awaiting resolution and payment of any statutory claim filed before 1 April 2017 for salary arrears under the

Employment Act, any tripartite mediation for salary arrears sought under the Industrial Relations Act (Cap. 136), any mediation request submitted or claim lodged for salary arrears under the Employment Claims Act 2016, or any claim for work injury compensation under the Work Injury Compensation Act. The employer must ensure that the foreign employee has acceptable accommodation in Singapore. Such accommodation must be in accordance with the requirements in any written law, directive, guideline, circular or other similar instrument issued by any competent authority. These responsibilities cease upon resolution and payment of the claim for salary arrears or the work injury compensation.

17. Despite paragraph 12, the employer must not repatriate a foreign employee if, before the repatriation, the Controller —

- (a) notifies the employer that an in-principle approval has been issued for the foreign employee to be employed by another employer (called in this Part the second-mentioned employer); and
- (b) directs the employer not to repatriate the foreign employee, which direction has not been withdrawn.

18. Where the foreign employee is not repatriated by virtue of paragraph 17, the obligations of the employer to the foreign employee under paragraphs 11A, 11B and 16 survive until —

- (a) the date of expiry of the foreign employee's work permit, or the date a work permit is issued for that foreign employee with the second-mentioned employer, whichever is earlier, unless a notice mentioned in sub-paragraph (b) is given to the employer; or
- (b) if a notice is given by the Controller to the employer before the date of expiry of the work permit requiring the employer to continue to be responsible for the foreign employee, the date stated on the notice (which date must not be later than 30 days after the date of expiry of the work permit), or the date a work permit is issued for that foreign employee with the second-mentioned employer, whichever is earlier.”.

Amendment of Part VI of Fourth Schedule

10. Part VI of the Fourth Schedule to the principal Regulations is amended —

(a) by deleting paragraph 2 and substituting the following paragraph:

“2. A foreign employee whose occupation is stated in the work permit as a “domestic worker” may perform only household and domestic duties and reside only at one or more of the following addresses:

(a) the residential address stated in the work permit;

(b) any other residential address approved in writing by the Controller.”; and

(b) by inserting, immediately after the words “of the Controller” in paragraph 7, the words “, or as the Controller allows in any particular case”.

Amendment of Part VII of Fourth Schedule

11. Part VII of the Fourth Schedule to the principal Regulations is amended by deleting the words “Business Registration Act (Cap. 32)” in paragraph 1(a) and substituting the words “Business Names Registration Act 2014 (Act 29 of 2014)”.

Amendment of Part I of Fifth Schedule

12. Part I of the Fifth Schedule to the principal Regulations is amended —

(a) by deleting the words “The employer shall be responsible for and bear the costs of the foreign employee’s medical treatment” in paragraph 2 and substituting the words “Except as the Controller specifies otherwise in writing, the employer is responsible for and must bear the costs of the foreign employee’s medical treatment in Singapore”; and

- (b) by deleting the words “that has been filed or is intended to be filed by the employee for salary arrears under the Employment Act” in paragraph 9 and substituting the words “filed before 1 April 2017 by the foreign employee for salary arrears under the Employment Act, any claim lodged or intended to be lodged by the foreign employee for salary arrears under the Employment Claims Act 2016 (Act 21 of 2016),”.

Amendment of Part IV of Fifth Schedule

13. Part IV of the Fifth Schedule to the principal Regulations is amended by deleting the words “Business Registration Act” in paragraph 1(a) and substituting the words “Business Names Registration Act 2014 (Act 29 of 2014)”.

[G.N. Nos. S 177/2013; S 563/2013; S 333/2015]

Made on 30 March 2017.

AUBECK KAM
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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(To be presented to Parliament under section 29(3) of the Employment of Foreign Manpower Act).