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No. S 275

EMPLOYMENT OF FOREIGN MANPOWER ACT 1990

EMPLOYMENT OF FOREIGN MANPOWER (WORK PASSES) (AMENDMENT NO. 2) REGULATIONS 2022

In exercise of the powers conferred by section 29 of the Employment of Foreign Manpower Act 1990, the Minister for Manpower makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Employment of Foreign Manpower (Work Passes) (Amendment No. 2) Regulations 2022 and, except for regulations 3(b), 4(b), 7(b), 13(1)(d) and (2)(i), 14(1)(h) and (3)(b) and 15(1)(c) and (2)(b), come into operation on 1 April 2022.

(2) Regulations 3(b), 4(b), 7(b), 13(1)(d) and (2)(i), 14(1)(h) and (3)(b) and 15(1)(c) and (2)(b) are deemed to have come into operation on 1 February 2022.

New regulation 1A

2. The Employment of Foreign Manpower (Work Passes) Regulations 2012 (G.N. No. S 569/2012) (called in these Regulations the principal Regulations) are amended by inserting, immediately after regulation 1, the following regulation:

“Definitions

1A. In these Regulations, unless the context otherwise requires —

“applicable measure”, in relation to a dependant of a foreign employee or foreigner, means any of the following to which the dependant is subject:

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- (a) an order under regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020 (G.N. No. S 182/2020);
 - (b) an order under section 15 or 17 of the Infectious Diseases Act 1976 relating to COVID-19;
 - (c) an order under the Infectious Diseases Act 1976 that the dependant undergoes any test carried out in Singapore, the purpose of which is to test for the presence of SARS-CoV-2 in that dependant;

“cleared status (general)” and “cleared status (special)” have the meanings given by the Infectious Diseases (COVID-19 Access Restrictions and Clearance) Regulations 2021 (G.N. No. S 273/2021);

“movement control measure”, in relation to a foreign employee or foreigner, means any of the following to which the foreign employee or foreigner is subject:

- (a) an order under regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020;
- (b) an order under section 15 or 17 of the Infectious Diseases Act 1976 relating to COVID-19;
- (c) a condition imposed by the Controller on a work pass or an in-principle approval of the application for a work pass that the foreign employee or foreigner to or in respect of whom the work pass or in-principle approval is issued must go to and not leave a place of accommodation immediately after arriving in Singapore;

“place of accommodation”, for a foreign employee or foreigner, has the meaning given by the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020;

“testing requirement”, in relation to a foreign employee or foreigner, means —

- (a) an order under the Infectious Diseases Act 1976 that the foreign employee or foreigner undergoes any test carried out in Singapore, the purpose of which is to test for the presence of SARS-CoV-2 in that foreign employee or foreigner; or
- (b) a condition imposed by the Controller on a work pass or an in-principle approval issued to or in respect of the foreign employee or foreigner that the foreign employee or foreigner must undergo any test carried out in Singapore, the purpose of which is to test for the presence of SARS-CoV-2 in that foreign employee or foreigner.”.

Amendment of regulation 7

3. Regulation 7 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “arrives in Singapore” in paragraph (1A), the words “or such later date as the Controller may determine”;
- (b) by inserting, immediately after paragraph (1A), the following paragraph:

“(1AA) Every personalised employment pass issued on or after 1 February 2022 to a foreign employee who, at the time of issue, is in Singapore is subject to the condition that the personalised employment pass holder must have a cleared status (general) or cleared status (special).”;
- (c) by inserting, immediately after paragraph (1AA), the following paragraph:

“(1AB) Every personalised employment pass issued to a foreign employee is subject to the condition that the personalised employment pass holder must comply with any movement control

measure or testing requirement to which the holder is subject.”;

(d) by inserting, immediately after paragraph (1B), the following paragraphs:

“(1C) Paragraph (1B) does not apply in relation to a dependant of a foreign employee who is a child below 13 years of age.

(1D) Every personalised employment pass issued to a foreign employee is subject to the condition that the personalised employment pass holder must, in relation to any dependant of the holder, ensure that the dependant complies with any applicable measure to which the dependant is subject.

(1E) Every personalised employment pass issued to a foreign employee is subject to the condition that the employer of the personalised employment pass holder —

- (a) must ensure that the holder complies with any movement control measure or testing requirement to which the holder is subject;
- (b) must be responsible for the costs of the holder’s compliance with any movement control measure or testing requirement to which the holder is subject, unless paragraph (1F) applies; and
- (c) must be responsible for the costs of the compliance by any dependant of the holder with any applicable measure to which the dependant is subject, unless paragraph (1G) applies.

(1F) The employer of the personalised employment pass holder may require the holder to pay such portion of the costs mentioned in paragraph (1E)(b) (called in this paragraph the applicable costs) as agreed by the

employer and the holder if all of the following are satisfied:

- (a) the holder leaves Singapore, during the validity period of the personalised employment pass, for any purpose other than a purpose that is exclusively or primarily for or in relation to the holder's employment with the employer;
- (b) the holder is required to comply with any movement control measure or testing requirement upon or immediately after the holder's return to Singapore;
- (c) the holder, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the holder.

(1G) The employer of the personalised employment pass holder may require the holder to pay such portion of the costs mentioned in paragraph (1E)(c) as agreed by the employer and the holder if the holder enters into a written agreement with the employer specifying the portion of those costs to be borne by the holder —

- (a) where the dependant arrives in Singapore for the first time — before the dependant arrives in Singapore; or
- (b) where the dependant leaves and returns to Singapore — before the dependant leaves Singapore.”; and

(e) by deleting paragraph (6).

Amendment of regulation 8

4. Regulation 8 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “arrives in Singapore” in paragraph (2A), the words “or such later date as the Controller may determine”;

(b) by inserting, immediately after paragraph (2A), the following paragraph:

“(2AA) Every EntrePass issued on or after 1 February 2022 to a foreigner who, at the time of issue, is in Singapore is subject to the condition that the foreigner must have a cleared status (general) or cleared status (special).”;

(c) by inserting, immediately after paragraph (2AA), the following paragraph:

“(2AB) Every EntrePass issued to a foreigner is subject to the condition that the foreigner must comply with any movement control measure or testing requirement to which the foreigner is subject.”;

(d) by inserting, immediately after paragraph (2B), the following paragraphs:

“(2C) Paragraph (2B) does not apply in relation to a dependant of a foreigner who is a child below 13 years of age.

(2D) Every EntrePass issued to a foreigner is subject to the condition that the foreigner must, in relation to any dependant of the foreigner, ensure that the dependant complies with any applicable measure to which the dependant is subject.”; and

(e) by deleting paragraph (5).

Amendment of regulation 9

5. Regulation 9 of the principal Regulations is amended —

(a) by inserting, immediately after the words “arrives in Singapore” in paragraph (1A), the words “or such later date as the Controller may determine”;

(b) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) Every work holiday pass issued to a foreigner is subject to the condition that the foreigner must comply with any movement control measure or testing requirement to which the foreigner is subject.”; and

(c) by deleting paragraph (3).

Amendment of regulation 10

6. Regulation 10 of the principal Regulations is amended —

(a) by inserting, immediately after the words “arrives in Singapore” in paragraph (1A), the words “or such later date as the Controller may determine”;

(b) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) Every miscellaneous work pass issued to a foreigner is subject to the condition that the foreigner must comply with any movement control measure or testing requirement to which the foreigner is subject.”; and

(c) by deleting the definitions of “cleared status (general)” and “cleared status (special)” in paragraph (3).

Amendment of regulation 11

7. Regulation 11 of the principal Regulations is amended —

(a) by inserting, immediately after the words “arrives in Singapore” in paragraph (1A), the words “or such later date as the Controller may determine”;

(b) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) Every letter of consent issued on or after 1 February 2022 to a foreigner who, at the time of issue, is in Singapore is subject to the condition that the foreigner must have a cleared status (general) or cleared status (special).”;

(c) by inserting, immediately after paragraph (1B), the following paragraph:

“(1C) Every letter of consent issued to a foreigner is subject to the condition that the foreigner must comply with any movement control measure or testing requirement to which the foreigner is subject.”; and

(d) by deleting paragraph (4).

Amendment of regulation 20A

8. Regulation 20A of the principal Regulations is amended —

(a) by deleting the word “and” at the end of paragraph (1)(b);

(b) by deleting the full-stop at the end of sub-paragraph (c) of paragraph (1) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(d) whether the person has failed to comply with any condition or regulatory condition requiring the person —

(i) to comply with any movement control measure or testing requirement to which the person is subject;

(ii) to ensure that any foreign employee of the person complies with any movement control measure or testing requirement to which the foreign employee is subject; or

(iii) to ensure that any dependant of the person complies with any applicable measure to which the dependant is subject.”; and

(c) by deleting paragraph (2).

Amendment of regulation 20B

9. Regulation 20B of the principal Regulations is amended —
- (a) by deleting the word “or” at the end of paragraph (1)(a);
 - (b) by inserting, immediately after sub-paragraph (a) of paragraph (1), the following sub-paragraph:
 - “(aa) whether the holder of the work pass or the employer of the holder of the work pass has failed to comply with any condition or regulatory condition requiring the holder of the work pass to comply with any movement control measure or testing requirement to which the holder is subject; or”;
 - (c) by inserting, immediately after the word “(special)” in paragraph (1)(b), the words “or comply with any applicable measure to which the dependant is subject”; and
 - (d) by deleting paragraph (2).

Amendment of First Schedule

10.—(1) Part I of the First Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after paragraph 1, the following paragraph:
 - “1A. In paragraph 1, “medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;
- (b) by inserting, immediately after the words “arrives in Singapore” in paragraph 2A(1), the words “or such later date as the Controller may determine”;
- (c) by deleting sub-paragraph (2) of paragraph 2A; and
- (d) by inserting, immediately after paragraph 2A, the following paragraphs:

“2B. The employer —

- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject; and
- (b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 2C applies.

2C. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 2B(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee’s employment with the employer;
- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee’s return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.”.

(2) Part III of the First Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after paragraph 1, the following paragraph:

“1AA. In paragraph 1, “medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;

- (b) by deleting sub-paragraphs (2) and (3) of paragraph 1A and substituting the following sub-paragraph:

“(2) The period mentioned in sub-paragraph (1) is —

- (a) the period starting the time the foreign employee arrives in Singapore and ending on (and including) the

30th day after the foreign employee arrives in Singapore or such later date as the Controller may determine, unless sub-paragraph (b) applies; or

(b) where the application for a work permit in respect of the foreign employee states that the foreign employee is to be employed in the construction, marine shipyard or process sector — the period starting the time the foreign employee arrives in Singapore and ending on (and including) the latest of the following dates:

(i) the 7th day after the foreign employee arrives in Singapore;

(ii) the 7th day after the day any movement control measure to which the foreign employee is subject ceases to have effect or is cancelled;

(iii) any date after the date in sub-paragraph (i) or (ii) as the Controller may determine.”; and

(c) by inserting, immediately after paragraph 1A, the following paragraphs:

“1B. The employer —

(a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject; and

(b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 1C applies.

1C. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 1B(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

(a) the foreign employee leaves Singapore for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee’s employment with the employer;

(b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee’s return to Singapore;

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- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.”.

Amendment of Second Schedule

11. Part I of the Second Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after paragraph 1, the following paragraph:

“1AA. In paragraph 1, “medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;

- (b) by deleting sub-paragraphs (2) and (3) of paragraph 1A and substituting the following sub-paragraph:

“(2) The period mentioned in sub-paragraph (1) is —

- (a) the period starting the time the foreign employee arrives in Singapore and ending on (and including) the 30th day after the foreign employee arrives in Singapore or such later date as the Controller may determine, unless sub-paragraph (b) applies; or
- (b) where the application for an S pass in respect of the foreign employee states that the foreign employee is to be employed in the construction, marine shipyard or process sector — the period starting the time the foreign employee arrives in Singapore and ending on (and including) the latest of the following dates:
- (i) the 7th day after the foreign employee arrives in Singapore;
 - (ii) the 7th day after the day any movement control measure to which the foreign employee is subject ceases to have effect or is cancelled;
 - (iii) any date after the date in sub-paragraph (i) or (ii) as the Controller may determine.”; and

- (c) by inserting, immediately after paragraph 1A, the following paragraphs:

“1B. The employer —

- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject;
- (b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 1C applies; and
- (c) must be responsible for the costs of the compliance by any dependant of the foreign employee with any applicable measure to which the dependant is subject, unless paragraph 1D applies.

1C. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 1B(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee’s employment with the employer;
- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee’s return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.

1D. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 1B(c) as agreed by the employer and the foreign employee if the foreign employee enters into a written agreement with the employer specifying the portion of those costs to be borne by the foreign employee —

- (a) where the dependant arrives in Singapore for the first time — before the dependant arrives in Singapore; or
- (b) where the dependant leaves and returns to Singapore — before the dependant leaves Singapore.”.

Amendment of Part I of Third Schedule

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

- (a) by inserting, immediately after the words “arrives in Singapore” in paragraph 2(1), the words “or such later date as the Controller may determine”;
- (b) by deleting sub-paragraph (2) of paragraph 2; and
- (c) by inserting, immediately after paragraph 2, the following paragraphs:

“3. The employer —

- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject;
- (b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 4 applies; and
- (c) must be responsible for the costs of the compliance by any dependant of the foreign employee with any applicable measure to which the dependant is subject, unless paragraph 5 applies.

4. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 3(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee’s employment with the employer;
- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee’s return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the holder.

5. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 3(c) as agreed by the employer and the foreign employee if the foreign employee enters into a written agreement with the employer specifying the portion of those costs to be borne by the foreign employee —

- (a) where the dependant arrives in Singapore for the first time — before the dependant arrives in Singapore; or
- (b) where the dependant leaves and returns to Singapore — before the dependant leaves Singapore.”.

Amendment of Fourth Schedule

13.—(1) Part I of the Fourth Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after paragraph 1, the following paragraph:

“1A. In paragraphs 1 and 20A, “medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;

- (b) by inserting, immediately after the words “arrives in Singapore” in paragraph 7E(1), the words “or such later date as the Controller may determine”;

- (c) by deleting sub-paragraph (2) of paragraph 7E;

- (d) by inserting, immediately after paragraph 7E, the following paragraph:

“7F. Where a work permit is issued by the Controller on or after 1 February 2022 in respect of a foreign employee who, at the time of issue, is in Singapore, the employer must ensure that the foreign employee has a cleared status (general) or cleared status (special).”; and

- (e) by inserting, immediately after paragraph 7F, the following paragraphs:

“7G. The employer —

- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject; and
- (b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 7H applies.

7H. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 7G(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore, during the validity period of the work permit, for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee’s employment with the employer;
- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee’s return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.”.

(2) Part III of the Fourth Schedule to the principal Regulations is amended —

- (a) by deleting the words “paragraphs 1A and 1B” in paragraph 1 and substituting the words “paragraphs 1A, 1B and 1C”;
- (b) by inserting, immediately after the words “minimum mandatory coverage” in paragraph 1, the words “under any medical insurance purchased and maintained by the employer under paragraph 4 of Part IV for the foreign employee”;

(c) by deleting the words “of his period of employment” in paragraph 1(b) and substituting the words “for every 2 years of his employment”;

(d) by inserting, immediately after paragraph 1, the following paragraph:

“1AA. In paragraphs 1, 1C, 2C, 11A and 16, “medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;

(e) by inserting, immediately after paragraph 1B, the following paragraph:

“1C. The employer may require the foreign employee to pay the following medical costs in respect of any medical treatment received by the foreign employee as an out-patient (excluding any medical examinations required by the Controller):

(a) in a case where the foreign employee is enrolled as a member of a Primary Care Plan mentioned in paragraph 4A of Part IV, an amount for each occasion of such medical treatment provided under the Primary Care Plan not exceeding —

(i) \$5 in relation to medical treatment provided at any medical clinic or centre; or

(ii) \$2 in relation to medical treatment provided by means of telemedicine;

(b) in any other case where the foreign employee’s agreement to pay those medical costs is stated explicitly in the employment contract or collective agreement, an amount for each occasion of such medical treatment not exceeding —

(i) 1% of the foreign employee’s fixed monthly salary for the month during which medical costs for such medical treatment are incurred; or

(ii) the applicable amount under sub-paragraph (a)(i) or (ii), if the applicable amount concerned is higher than the amount in sub-paragraph (i).”;

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- (f) by deleting the words “COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020)” in paragraph 2A(1) and substituting the words “COVID-19 (Temporary Measures) (Reopening — Control Order) Regulations 2022 (G.N. No. S 179/2022)”;
- (g) by inserting, immediately after the words “paragraphs 1,” in paragraph 4A, “1C,”;
- (h) by deleting sub-paragraphs (2) and (3) of paragraph 4E and substituting the following sub-paragraph:
- “(2) The period mentioned in sub-paragraph (1) is —
- (a) the period starting the time the foreign employee arrives in Singapore and ending on (and including) the 30th day after the foreign employee arrives in Singapore or such later date as the Controller may determine, unless sub-paragraph (b) applies; or
- (b) where the work permit in respect of the foreign employee states that the foreign employee is employed in the construction, marine shipyard or process sector — the period starting the time the foreign employee arrives in Singapore and ending on (and including) the latest of the following dates:
- (i) the 7th day after the foreign employee arrives in Singapore;
- (ii) the 7th day after the day any movement control measure to which the foreign employee is subject ceases to have effect or is cancelled;
- (iii) any date after the date in sub-paragraph (i) or (ii) as the Controller may determine.”;
- (i) by inserting, immediately after paragraph 4E, the following paragraph:
- “4F. Where a work permit is issued by the Controller on or after 1 February 2022 in respect of a foreign employee who, at the time of issue, is in Singapore, the employer must ensure that the foreign employee has a cleared status (general) or cleared status (special).”; and
- (j) by inserting, immediately after paragraph 4F, the following paragraphs:

“4G. The employer —

- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject; and
- (b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 4H applies.

4H. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 4G(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore, during the validity period of the work permit, for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee’s employment with the employer;
- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee’s return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.”.

(3) Part IV of the Fourth Schedule to the principal Regulations is amended by inserting, immediately after paragraph 4, the following paragraph:

“4A.—(1) Every employer of a relevant foreign employee must —

- (a) purchase a Primary Care Plan and enrol the relevant foreign employee as a member of the Primary Care Plan; and
- (b) maintain the relevant foreign employee’s membership of the Primary Care Plan for the period of the relevant foreign employee’s employment with the employer.

(2) In this paragraph —

“licensed dormitory”, “resident” and “unregulated dormitory” have the meanings given by paragraph 2A(2) of Part III;

“medical provider” means —

- (a) a person who operates a private hospital, medical clinic or healthcare establishment which is licensed under section 5 of the Private Hospitals and Medical Clinics Act 1980; or
- (b) a healthcare service provider licensed or deemed to be licensed under the Healthcare Services Act 2020 to provide any licensable healthcare service;

“Primary Care Plan” means a healthcare plan established by the Controller known as the Primary Care Plan under which a medical provider provides basic healthcare services to relevant foreign employees enrolled as members of the plan;

“relevant foreign employee” means a foreign employee who is either or both of the following:

- (a) a resident of a licensed dormitory or an unregulated dormitory;
- (b) an individual whose work permit specifies that he is employed in the construction sector, marine shipyard sector or process sector.”.

(4) Part VI of the Fourth Schedule to the principal Regulations is amended —

(a) by deleting sub-paragraphs (2) and (3) of paragraph 3A and substituting the following sub-paragraph:

“(2) The period mentioned in sub-paragraph (1) is —

- (a) the period starting the time the foreign employee arrives in Singapore and ending on (and including) the 30th day after the foreign employee arrives in Singapore or such later date as the Controller may determine, unless sub-paragraph (b) applies; or
- (b) where the work permit in respect of the foreign employee states that the foreign employee is employed in the construction, marine shipyard or process sector — the period starting the time the foreign employee arrives in Singapore and ending on (and including) the latest of the following dates:
 - (i) the 7th day after the foreign employee arrives in Singapore;

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- (ii) the 7th day after the day any movement control measure to which the foreign employee is subject ceases to have effect or is cancelled;
 - (iii) any date after the date in sub-paragraph (i) or (ii) as the Controller may determine.”;
- (b) by inserting, immediately after paragraph 3A, the following paragraph:
- “3B. The foreign employee must, where he or she is in Singapore at the time the work permit is issued to the foreign employee, ensure that the foreign employee has a cleared status (general) or cleared status (special).”;
- (c) by inserting, immediately after paragraph 3B, the following paragraph:
- “3C. The foreign employee must comply with any movement control measure or testing requirement to which the foreign employee is subject.”;
- (d) by deleting the words “and 11A” in paragraph 9(2) and substituting the words “, 11A and 12”; and
- (e) by inserting, immediately after the definition of “licensed dormitory” in paragraph 9(2), the following definition:
- ““medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;

Amendment of Fifth Schedule

14.—(1) Part I of the Fifth Schedule to the principal Regulations is amended —

- (a) by deleting the words “paragraphs 2A and 2B” in paragraph 2 and substituting the words “paragraphs 2A, 2B and 2BA”;
- (b) by inserting, immediately after the words “minimum mandatory coverage” in paragraph 2, the words “under any medical insurance purchased and maintained by the employer under paragraph 6 of Part II for the foreign employee”;

(c) by deleting the words “of his period of employment” in paragraph 2(b) and substituting the words “for every period of 2 years of his employment”;

(d) by inserting, immediately after paragraph 2, the following paragraph:

“2AA. In paragraphs 2, 2BA and 12, “medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment.”;

(e) by inserting, immediately after paragraph 2B, the following paragraph:

“2BA. The employer may require the foreign employee to pay the following medical costs in respect of any medical treatment received by the foreign employee as an out-patient (excluding any medical examinations required by the Controller):

(a) in a case where the foreign employee is enrolled as a member of a Primary Care Plan mentioned in paragraph 6A of Part II, an amount for each occasion of such medical treatment provided under the Primary Care Plan not exceeding —

(i) \$5 in relation to medical treatment provided at any medical clinic or centre; or

(ii) \$2 in relation to medical treatment provided by means of telemedicine;

(b) in any other case where the foreign employee’s agreement to pay those medical costs is stated explicitly in the employment contract or collective agreement, an amount for each occasion of such medical treatment not exceeding —

(i) 1% of the foreign employee’s fixed monthly salary for the month during which medical costs for such medical treatment are incurred; or

(ii) the applicable amount under sub-paragraph (a)(i) or (ii), if the applicable amount concerned is higher than the amount in sub-paragraph (i).”;

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- (f) by deleting the words “paragraphs 1 and 2” in paragraph 2C and substituting the words “paragraphs 1, 2 and 2BA”;
- (g) by deleting sub-paragraphs (2) and (3) of paragraph 2F and substituting the following sub-paragraph:
- “(2) The period mentioned in sub-paragraph (1) is —
- (a) the period starting the time the foreign employee arrives in Singapore and ending on (and including) the 30th day after the foreign employee arrives in Singapore or such later date as the Controller may determine, unless sub-paragraph (b) applies; or
- (b) where the S pass in respect of the foreign employee states that the foreign employee is employed in the construction, marine shipyard or process sector — the period starting the time the foreign employee arrives in Singapore and ending on (and including) the latest of the following dates:
- (i) the 7th day after the foreign employee arrives in Singapore;
- (ii) the 7th day after the day any movement control measure to which the foreign employee is subject ceases to have effect or is cancelled;
- (iii) any date after the date in sub-paragraph (i) or (ii) as the Controller may determine.”;
- (h) by inserting, immediately after paragraph 2F, the following paragraph:
- “2G. Where an S pass is issued by the Controller on or after 1 February 2022 in respect of a foreign employee who, at the time of issue, is in Singapore, the employer must ensure that the foreign employee has a cleared status (general) or cleared status (special).”; and
- (i) by inserting, immediately after paragraph 2G, the following paragraphs:
- “2H. The employer —
- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject;

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- (b) must be responsible for the costs of the foreign employee's compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 2I applies; and
 - (c) must be responsible for the costs of the compliance by any dependant of the foreign employee with any applicable measure to which the dependant is subject, unless paragraph 2J applies.

2I. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 2H(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore, during the validity period of the S pass, for any purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee's employment with the employer;
- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee's return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.

2J. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 2H(c) as agreed by the employer and the foreign employee if the foreign employee enters into a written agreement with the employer specifying the portion of those costs to be borne by the foreign employee —

- (a) where the dependant arrives in Singapore for the first time — before the dependant arrives in Singapore; or
- (b) where the dependant leaves and returns to Singapore — before the dependant leaves Singapore.”.

(2) Part II of the Fifth Schedule to the principal Regulations is amended by inserting, immediately after paragraph 6, the following paragraph:

“6A.—(1) Every employer of a relevant foreign employee must —

- (a) purchase a Primary Care Plan and enrol the relevant foreign employee as a member of the Primary Care Plan; and
- (b) maintain the relevant foreign employee’s membership of the Primary Care Plan for the period of the relevant foreign employee’s employment with the employer.

(2) In this paragraph —

“licensed dormitory”, “resident” and “unregulated dormitory” have the meanings given by paragraph 10(2) of Part I;

“medical provider” means —

- (a) a person who operates a private hospital, medical clinic or healthcare establishment which is licensed under section 5 of the Private Hospitals and Medical Clinics Act 1980; or
- (b) a healthcare service provider licensed or deemed to be licensed under the Healthcare Services Act 2020 to provide any licensable healthcare service;

“Primary Care Plan” means a healthcare plan established by the Controller known as the Primary Care Plan under which a medical provider provides basic healthcare services to relevant foreign employees enrolled as members of the plan;

“relevant foreign employee” means a foreign employee who is either or both of the following:

- (a) a resident of a licensed dormitory or an unregulated dormitory;
- (b) an individual whose S pass specifies that he is employed in the construction sector, marine shipyard sector or process sector.”.

(3) Part III of the Fifth Schedule to the principal Regulations is amended —

(a) by deleting sub-paragraph (2) of paragraph 1A and substituting the following sub-paragraph:

“(2) The period mentioned in sub-paragraph (1) is —

- (a) the period starting the time the foreign employee arrives in Singapore and ending on (and including) the 30th day after the foreign employee arrives in

Singapore or such later date as the Controller may determine, unless sub-paragraph (b) applies; or

(b) where the S pass in respect of the foreign employee states that the foreign employee is employed in the construction, marine shipyard or process sector — the period starting the time the foreign employee arrives in Singapore and ending on (and including) the latest of the following dates:

- (i) the 7th day after the foreign employee arrives in Singapore;
- (ii) the 7th day after the day any movement control measure to which the foreign employee is subject ceases to have effect or is cancelled;
- (iii) any date after the date in sub-paragraph (i) or (ii) as the Controller may determine.”;

(b) by inserting, immediately after paragraph 1A, the following paragraph:

“1AA. The foreign employee must, where he or she is in Singapore at the time the S pass is issued, have a cleared status (general) or cleared status (special).”;

(c) by deleting paragraph 1C and substituting the following paragraphs:

“1C. Paragraph 1B does not apply in relation to a dependant of a foreign employee who is a child below 13 years of age.

1D. The foreign employee must comply with any movement control measure or testing requirement to which the foreign employee is subject.

1E. The foreign employee must ensure, in relation to any dependant of the foreign employee, that the dependant complies with any applicable measure to which the dependant is subject.”;

(d) by deleting the words “and 7A” in paragraph 5(2) and substituting the words “, 7A and 8”; and

(e) by inserting, immediately after the definition of “licensed dormitory” in paragraph 5(2), the following definition:

““medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative

material, medical consumable, surgical implant or other item necessary for the medical treatment;”.

Amendment of Sixth Schedule

15.—(1) Part I of the Sixth Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after the words “arrives in Singapore” in paragraph 5A(1), the words “or such later date as the Controller may determine”;
- (b) by deleting sub-paragraph (2) of paragraph 5A;
- (c) by inserting, immediately after paragraph 5A, the following paragraph:

“5B. Where an employment pass is issued by the Controller on or after 1 February 2022 in respect of a foreign employee who, at the time of issue, is in Singapore, the employer must ensure that the foreign employee has a cleared status (general) or cleared status (special).”;

- (d) by inserting, immediately after paragraph 5B, the following paragraphs:

“5C. The employer —

- (a) must ensure that the foreign employee complies with any movement control measure or testing requirement to which the foreign employee is subject; and
- (b) must be responsible for the costs of the foreign employee’s compliance with any movement control measure or testing requirement to which the foreign employee is subject, unless paragraph 5D applies; and
- (c) must be responsible for the costs of the compliance by any dependant of the foreign employee with any applicable measure to which the dependant is subject, unless paragraph 5E applies.

5D. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 5C(b) (called in this paragraph the applicable costs) as agreed by the employer and the foreign employee if all of the following are satisfied:

- (a) the foreign employee leaves Singapore, during the validity period of the employment pass, for any

purpose other than a purpose that is exclusively or primarily for or in relation to the foreign employee's employment with the employer;

- (b) the foreign employee is required to comply with any movement control measure or testing requirement upon or immediately after the foreign employee's return to Singapore;
- (c) the foreign employee, before leaving Singapore, enters into a written agreement with the employer specifying the portion of the applicable costs to be borne by the foreign employee.

5E. The employer may require the foreign employee to pay such portion of the costs mentioned in paragraph 5C(c) as agreed by the employer and the foreign employee if the foreign employee enters into a written agreement with the employer specifying the portion of those costs to be borne by the foreign employee —

- (a) where the dependant arrives in Singapore for the first time — before the dependant arrives in Singapore; or
 - (b) where the dependant leaves and returns to Singapore — before the dependant leaves Singapore.”; and
- (e) by inserting, immediately after the definition of “licensed dormitory” in paragraph 6(3), the following definition:

““medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment;”.

(2) Part III of the Sixth Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after the words “arrives in Singapore” in paragraph 1A, the words “or such later date as the Controller may determine”;
- (b) by inserting, immediately after paragraph 1A, the following paragraph:

“1AA. The foreign employee must, where he or she is in Singapore at the time the employment pass is issued, have a cleared status (general) or cleared status (special).”;

(c) by deleting paragraph 1C and substituting the following paragraphs:

“1C. Paragraph 1B does not apply in relation to a dependant of a foreign employee who is a child below 13 years of age.

1D. The foreign employee must comply with any movement control measure or testing requirement to which the foreign employee is subject.

1E. The foreign employee must ensure, in relation to any dependant of the foreign employee, that the dependant complies with any applicable measure to which the dependant is subject.”;

(d) by deleting the words “paragraph 4” in paragraph 2(2) and substituting the words “paragraphs 3 and 4”; and

(e) by inserting, immediately after the definition of “licensed dormitory” in paragraph 2(2), the following definition:

““medical treatment”, in relation to a foreign employee, includes any service, investigation, medicine, curative material, medical consumable, surgical implant or other item necessary for the medical treatment;”.

Miscellaneous amendments

16. The principal Regulations are amended by deleting the words “COVID-19 (Temporary Measures) (Control Order) Regulations 2020” in the following provisions and substituting in each case the words “COVID-19 (Temporary Measures) (Reopening — Control Order) Regulations 2022”:

Paragraph 2D of Part III of the Fourth Schedule

Paragraphs 10(b) and 11(a) and (e) of Part VI of the Fourth Schedule

Paragraphs 10(1) and 13 of Part I of the Fifth Schedule

Paragraphs 6(b) and 7(a) and (e) of Part III of the Fifth Schedule.

Saving and transitional provisions for employer of foreign employee other than domestic worker issued with work permit

17.—(1) This regulation applies to an employer of a foreign employee (other than a domestic worker) who is issued with a work permit.

(2) Despite regulation 13(2)(c), paragraph 1(b) of Part III of the Fourth Schedule to the principal Regulations as in force immediately before 1 April 2022 continues to apply to the employer mentioned in paragraph (1) in relation to the employer's foreign employee mentioned in that paragraph, if the employer entered into or renewed the foreign employee's employment contract or collective agreement before 1 April 2022, until the date on which that employment contract or collective agreement ends.

(3) Despite regulation 13(2)(a), (e) and (g) and (3) —

(a) paragraphs 1C and 4A of Part III of the Fourth Schedule to the principal Regulations as amended by these Regulations (called in this regulation the amended Regulations); and

(b) paragraph 4A of Part IV of the Fourth Schedule to the amended Regulations,

do not apply to the employer mentioned in paragraph (1) in relation to the foreign employee mentioned in that paragraph who immediately before 1 April 2022 is a holder of a work permit, for the period up to (and including) 31 March 2023 that the work permit remains valid.

Saving and transitional provisions for employer of foreign employee issued with S pass

18.—(1) This regulation applies to an employer of a foreign employee who is issued with an S pass.

(2) Despite regulation 14(1)(c), paragraph 2(b) of Part I of the Fifth Schedule to the principal Regulations as in force immediately before 1 April 2022 continues to apply to the employer mentioned in paragraph (1) in relation to the employer's foreign employee mentioned in that paragraph, if the employer entered into or renewed the foreign employee's employment contract or collective

agreement before 1 April 2022, until the date on which that employment contract or collective agreement ends.

(3) Despite regulation 14(1)(a), (e) and (f) and (2) —

- (a) paragraphs 2BA and 2C of Part I of the Fifth Schedule to the principal Regulations as amended by these Regulations (called in this regulation the amended Regulations); and
- (b) paragraph 6A of Part II of the Fifth Schedule to the amended Regulations,

do not apply to the employer mentioned in paragraph (1) in relation to the foreign employee mentioned in that paragraph who immediately before 1 April 2022 is a holder of an S pass, for the period up to (and including) 31 March 2023 that the S pass remains valid.

*[G.N. Nos. S 177/2013; S 563/2013; S 333/2015;
S 143/2017; S 547/2017; S 902/2018; S 170/2019;
S 865/2019; S 427/2020; S 736/2020; S 783/2020;
S 838/2020; S 1069/2020; S 669/2021; S 864/2021;
S 63/2022]*

Made on 31 March 2022.

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

[HQ/Legis/EFMA/EFMR_Apr2022;
AG/LEGIS/SL/91A/2020/1 Vol. 2]

(To be presented to Parliament under section 29(3) of the Employment of Foreign Manpower Act 1990).