
First published in the Government *Gazette*, Electronic Edition, on 31 May 2022 at 5 pm.

No. S 442

EMPLOYMENT AGENCIES ACT 1958

EMPLOYMENT AGENCIES (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 45 of the Employment Agencies Act 1958, the Minister for Manpower makes the following Rules:

Citation and commencement

1. These Rules are the Employment Agencies (Amendment) Rules 2022 and come into operation on 1 June 2022.

Amendment of rule 13

2. Rule 13 of the Employment Agencies Rules 2011 (G.N. No. S 172/2011) is amended by inserting, immediately after the word “fees” in the rule heading, the words “to applicants for employment”.

New rules 13A and 13B

3. The Employment Agencies Rules 2011 are amended by inserting, immediately after rule 13, the following rules:

“Refund of fees to employers of foreign domestic workers

13A.—(1) Subject to paragraphs (2) and (3), a licensee must refund at least 50% of the relevant service fees if the employment of a foreign domestic worker (called in this rule the employee), who was placed with an employer by the licensee through a placement service, is terminated within 6 months of commencement of the employment, whether by the employer or the employee.

(2) A licensee need not make a refund to an employer under paragraph (1) if any of the following circumstances have occurred:

-
-
- (a) the employer —
- (i) contravened, in relation to the employee's employment with the employer, the Employment of Foreign Manpower Act 1990, any subsidiary legislation made under that Act or any condition or regulatory condition under that Act; or
 - (ii) committed any offence against the employee during the employee's employment with the employer;
- (b) the employee's employment contract was terminated due to the occurrence of a specified event defined in rule 13B(1) as in force at the time the employment contract was entered into;
- (c) the employer —
- (i) cancelled the employee's work pass, repatriated the employee or transferred the employee to another employer; and
 - (ii) did not, within a reasonable time before the cancellation of the employee's work pass or the repatriation or transfer of the employee (as the case may be), notify the licensee that the employer intends to do so;
- (d) the employer opted to employ a replacement employee placed by the licensee, and the employer or licensee (as the case may be) obtained in-principle approval of the application for the replacement employee's work pass.

(3) Where a refund is sought under paragraph (1) in respect of the termination of employment of an employee who is a replacement employee, the licensee need only refund the relevant service fees under that paragraph if the replacement employee is a first replacement employee or a second replacement employee.

(4) Where a refund is sought under paragraph (1) in respect of the termination of employment of an employee who is a first replacement employee, “relevant service fees” in this rule includes the relevant service fees that, but for paragraph (2)(d), would have been refundable under paragraph (1) in relation to the termination of the replaced employee.

(5) Where a refund is sought under paragraph (1) in respect of the termination of employment of an employee who is a second replacement employee, “relevant service fees” in this rule includes the relevant service fees that, but for paragraph (2)(d), would have been refundable under paragraph (1) in relation to the termination of the replaced employee and the first replacement employee.

(6) Where —

(a) an employer makes a written request to a licensee for a refund under this rule; and

(b) the licensee is required under this rule to make the refund,

the licensee must do so within 14 working days after —

(c) the employer’s written request for the refund — if the employee’s work pass was cancelled before the written request is made; or

(d) the employee’s work pass is cancelled — if the employee’s work pass was not cancelled before the employer’s written request is made.

Meanings of terms used in rule 13A

13B.—(1) In rule 13A —

“placement service” means a service provided by the licensee to the employer, where the licensee places in the employment of the employer an employee selected by the employer —

(a) from a recommendation or shortlist provided by the licensee;

-
-
- (b) from information or a database relating to prospective employees provided by the licensee; or
 - (c) with the assistance of the licensee to assess the suitability of the prospective employee, through an interview process or any other means arranged by the licensee;

“relevant service fees” —

- (a) means all fees paid by the employer to the licensee in relation to any contract entered into between the employer and the licensee on or after 1 June 2022, for the placement of the employee with the employer; but
- (b) does not include —
 - (i) any fee required to be paid by the employer to the Government or any public agency for the employment of the employee;
 - (ii) any costs incurred by the employer to fulfil the requirements for the employee’s entry into Singapore, including the cost of the employee’s one-way travel ticket into Singapore, if applicable;
 - (iii) any costs incurred by the employer to fulfil the requirements of the employee’s country;
 - (iv) any loan extended by the employer to the employee to pay any fee payable by the employee to the licensee for placing the employee with an employer; and
 - (v) any fee charged by a third-party provider for training the employee that is conducted at the employer’s option;

“specified event” means an event where —

- (a) at the time the employment contract was entered into, the licensee was notified that the employee was being hired for the purpose of caring for one or more persons who have been identified to the licensee (called in this paragraph the identified persons) at the residential address stated in the employee’s work pass or a residential address approved in writing by the Controller of Work Passes; and
 - (b) the employee’s services are no longer required due to —
 - (i) the demise of all or any of the identified persons; or
 - (ii) the relocation of all or any of the identified persons from that residential address.
- (2) In rule 13A, an employee is —
- (a) a replacement employee if the employee is placed with an employer —
 - (i) as a replacement for another employee (called in this paragraph the replaced employee) whose employment with the employer was terminated within 6 months of commencement of employment; and
 - (ii) by the same licensee who placed the replaced employee with the employer;
 - (b) a first replacement employee if the employee is a replacement employee and the replaced employee is not a replacement employee; and
 - (c) a second replacement employee if the employee is a replacement employee and the replaced employee is a first replacement employee.”.

Made on 25 May 2022.

CHIA DER JIUN
*Permanent Secretary
(Development),
Ministry of Manpower,
Singapore.*

[HQ/Legis/EAA/EAR_Jun2022; AG/LEGIS/SL/92/2020/1 Vol. 1]

(To be presented to Parliament under section 45(2) of the
Employment Agencies Act 1958).