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EMPLOYMENT OF FOREIGN MANPOWER ACT
(CHAPTER 91A)

EMPLOYMENT OF FOREIGN MANPOWER
(WORK PASSES) (AMENDMENT)
REGULATIONS 2011

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

Citation and commencement

1. These Regulations may be cited as the Employment of Foreign Manpower (Work Passes) (Amendment) Regulations 2011 and shall come into operation on 1st December 2011.

Amendment of regulation 7

2. Regulation 7(4) of the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2) (referred to in these Regulations as the principal Regulations) is amended by deleting sub-paragraph (a) and substituting the following sub-paragraph:

“(a) notify the Controller, in such form and manner as the Controller may determine, of —

- (i) any change in the nature of the activity of the business specified in his EntrePass during the validity of his EntrePass within 7 days after that change; and
- (ii) any change in his contact details, including his residential and work place addresses, within 7 days after the change; and”.

Amendment of regulation 17A

3. Regulation 17A of the principal Regulations is amended —
- (a) by inserting, immediately after paragraph (2), the following paragraph:

“(3) Unless the Controller otherwise consents in writing, an employer who is a sole proprietor shall employ the foreign employee to perform work only for the business of the sole proprietorship for which the work pass application was made and granted, and no other.”; and
 - (b) by deleting the regulation heading and substituting the following regulation heading:

“Application of work pass conditions to sole proprietorships”.

Amendment of First Schedule

4. The First Schedule to the principal Regulations is amended —
- (a) by deleting the word “fixed” in paragraph 8 of Part I and substituting the word “basic”;
 - (b) by deleting the words “if the employer terminates the foreign employee’s services” in paragraph 14 of Part I and substituting the words “when the foreign employee’s services are terminated”;
 - (c) by inserting, immediately after the words “a work permit” in paragraph 30(a) of Part I, the words “, except that the fees specified in item 1(e) and (f) of the Fourth Schedule to the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2) may be recoverable from a foreign employee if the damage to or loss of that foreign employee’s work permit was caused by negligence on the part of that foreign employee”;
 - (d) by deleting the word “fixed” in paragraph 7 of Part II and substituting the word “basic”;
 - (e) by deleting the words “if the employer terminates the foreign employee’s services” in paragraph 10 of Part II and substituting the words “when the foreign employee’s services are terminated”;

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- (f) by deleting paragraph 17 of Part II and substituting the following paragraph:

“17. The employer shall not knowingly do any act, or consent or connive to do any act which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the evasion of any levy payable by the employer under the Act in respect of any foreign employee employed by the employer, including failing to ensure that his Central Provident Fund employer contribution record of payments required under section 7(1) of the Central Provident Fund Act (Cap. 36) only reflects every Singapore citizen or permanent resident who is actively employed by him and at the appropriate contribution rate prescribed by law.”; and

- (g) by inserting, immediately after the words “a work permit” in paragraph 26(a) of Part II, the words “, except that the fees specified in items 1(e) and (f), 6(c) and (d) and 10(e) and (f) of the Fourth Schedule to the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2) may be recoverable from a foreign employee if the damage to or loss of that foreign employee’s work permit was caused by negligence on the part of that foreign employee”.

Amendment of Second Schedule

5. The Second Schedule to the principal Regulations is amended —

- (a) by inserting, immediately after the word “officer” in paragraph 2 of Part I, the words “acting in his official capacity”;
- (b) by deleting the words “if the employer terminates the foreign employee’s services” in paragraph 6 of Part I and substituting the words “when the foreign employee’s services are terminated”;
- (c) by deleting paragraph 10 of Part I and substituting the following paragraph:

“10. The employer shall not knowingly do any act, or consent or connive to do any act which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the evasion of any levy payable by the employer under the Act in respect of any foreign employee employed by the employer, including failing to ensure that his Central Provident Fund employer contribution record of payments required under section 7(1) of the Central Provident Fund Act (Cap. 36) only reflects every Singapore citizen or permanent resident who is actively employed by him and at the appropriate contribution rate prescribed by law.”; and

- (d) by inserting, immediately after the word “pass” in paragraph 19(a), the words “, except that the fees specified in item 2(d) and (e) of the Fourth Schedule to the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2) may be recoverable from a foreign employee if the damage to or loss of that foreign employee’s S pass was caused by negligence on the part of that foreign employee”.

Amendment of Third Schedule

6. The Third Schedule to the principal Regulations is amended —

- (a) by deleting the words “if the employer terminates the foreign employee’s services” in paragraph 1 of Part I and substituting the words “when the foreign employee’s services are terminated”; and
- (b) by inserting, immediately after paragraph 3 of Part I, the following paragraphs:

“4. The employer shall provide information, documents and statements relating to the employment of the foreign employee which are true and correct as and when required by the Controller, an employment inspector, or any other person duly authorised by the Controller for this purpose.

Restrictions on employer receiving or recovering moneys from foreign employee

5. Prohibited payments: An employer shall not deduct from any salary payable to a foreign employee, or demand or receive (directly or indirectly) from the foreign employee, any sum or other benefit —

- (a) as consideration or as a condition for employing the foreign employee;
- (b) as consideration or as a condition for continuing to employ the foreign employee; or
- (c) as a financial guarantee related, in any way, to the employment of the foreign employee.

Restriction on employer receiving moneys in connection with employment of foreign employee

6. An employer shall not demand or receive any sum or other benefit from an employment agency or any other person in connection with the employment or change in employment of a foreign employee.”.

Amendment of Fourth Schedule

7. The Fourth Schedule to the principal Regulations is amended —
- (a) by inserting, immediately after the words “Work permit” in the first column of item 1, the words “(other than a work permit (Performing Artist))”;
 - (b) by deleting “\$10” in the second column of item 1(a) and substituting “\$20”;
 - (c) by deleting “\$10” in the second column of item 1(d) and substituting “\$20”;
 - (d) by deleting “\$10” in the second column of item 2(a) and substituting “\$20”;
 - (e) by deleting the words “\$30 for each year or part thereof for which the S pass is issued” in the second column of item 2(b) and substituting “\$70”;
 - (f) by deleting the words “\$30 for each year or part thereof for which the S pass is renewed” in the second column of item 2(c) and substituting “\$70”;
 - (g) by deleting “\$10” in the second column of item 3(a) and substituting “\$20”;
 - (h) by deleting the words “\$30 for each year or part thereof for which the employment pass is issued” in the second column of item 3(b) and substituting “\$120”;
 - (i) by deleting the words “\$30 for each year or part thereof for which the employment pass is renewed” in the second column of item 3(c) and substituting “\$120”;
 - (j) by deleting “\$10” in the second column of item 4(a) and substituting “\$20”;
 - (k) by deleting the words “\$30 for each year or part thereof for which the EntrePass is issued” in the second column of item 5(b) and substituting “\$120”;
 - (l) by deleting the words “\$30 for each year or part thereof for which the EntrePass is renewed” in the second column of item 5(c) and substituting “\$120”;
 - (m) by deleting “\$10” in the second column of item 6(a) and substituting “\$20”;

(n) by deleting item 7 and substituting the following item:

“7. Training employment pass:

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| (a) application for a training employment pass | \$20 |
| (b) issuance of a training employment pass | \$120 |
| (c) issuance of a duplicate training employment pass to replace damaged training employment pass or to update the information on the training employment pass | \$60 |
| (d) issuance of a duplicate training employment pass to replace lost training employment pass | \$60”; |

(o) by deleting “\$40” in the second column of item 8(a) and substituting “\$120”; and

(p) by deleting the full-stop at the end of item 9, and by inserting immediately thereafter the following item:

“10. Work permit (Performing Artist):

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| (a) application for a work permit (Performing Artist) | \$40 |
| (b) issuance of a work permit (Performing Artist) | \$20 |
| (c) renewal of a work permit (Performing Artist) | \$20 |
| (d) application for reinstatement of a work permit (Performing Artist) following the suspension of that work permit | \$20 |
| (e) issuance of a duplicate work permit (Performing Artist) to replace damaged work permit or to update the information on the work permit | \$60 |
| (f) issuance of a duplicate work permit (Performing Artist) to replace lost work permit | \$60.”. |

[G.N. No. S 836/2010]

Made this 30th day of November 2011.

LOH KHUM YEAN
*Permanent Secretary,
 Ministry of Manpower,
 Singapore.*

[HQ/Legis/EFMA/EFMR; AG/LLRD/SL/91A/2010/1 Vol. 2]

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