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EMPLOYMENT OF FOREIGN MANPOWER ACT (CHAPTER 91A)

EMPLOYMENT OF FOREIGN MANPOWER (WORK PASSES) (AMENDMENT NO. 3) REGULATIONS 2020

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. These Regulations are the Employment of Foreign Manpower (Work Passes) (Amendment No. 3) Regulations 2020 and come into operation on 14 September 2020.

Amendment of Fourth Schedule

2.—(1) Part III of the Fourth Schedule to 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 paragraph 2C and substituting the following paragraph:

“Movement to and from dormitory, etc.

2C.—(1) If the foreign employee is a resident of an unregulated dormitory or a licensed dormitory, the employer must not stop or prevent, and must not cause the stopping or preventing of, the foreign employee leaving and remaining outside the dormitory —

- (a) on any rest day of the foreign employee where the foreign employee has permission from the Controller (given by way of an electronic notification or otherwise) to do so; or
- (b) at any other time where the foreign employee —
 - (i) is doing so for a special purpose approved by the Controller after giving prior notice to the employer, and to the Controller unless the Controller waives the notice;

- (ii) is seeking medical treatment or help in an emergency; or
- (iii) is required by lawful authority to evacuate the dormitory.

(2) This paragraph does not prevent an employer stopping or preventing, or causing the stopping or preventing of, the foreign employee who is the subject of —

- (a) an order made under regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020 (G.N. No. S 182/2020);
- (b) regulation 3(2) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020; or
- (c) an order under section 15 or 17 of the Infectious Diseases Act,

from leaving the unregulated dormitory or licensed dormitory the foreign employee is required by the order or written law to not leave.”.

(2) Part VI of the Fourth Schedule to the principal Regulations is amended by deleting sub-paragraph (1) of paragraph 9 and substituting the following sub-paragraph:

“(1) If the foreign employee is a resident of an unregulated dormitory or a licensed dormitory, the foreign employee must not leave and remain outside the dormitory unless —

- (a) it is a rest day of the foreign employee and the foreign employee is doing so in accordance with the permission from the Controller given by way of an electronic notification or otherwise; or
- (b) it is any other time and the foreign employee —
 - (i) is doing so for a special purpose approved by the Controller after giving prior notice to the employer, and to the Controller unless the Controller waives the notice;
 - (ii) is seeking medical treatment or help in an emergency; or
 - (iii) is required by lawful authority to evacuate the dormitory.”.

Amendment of Fifth Schedule

3.—(1) Part I of the Fifth Schedule to the principal Regulations is amended by deleting paragraph 12 and substituting the following paragraph:

“Movement to and from dormitory, etc., accommodation

12.—(1) If the foreign employee is a resident of an unregulated dormitory or a licensed dormitory, the employer must not stop or prevent, or cause the stopping or preventing of, the foreign employee leaving and remaining outside the dormitory —

- (a) on any rest day of the foreign employee where the foreign employee has permission from the Controller (given by way of an electronic notification or otherwise) to do so; or
- (b) at any other time where the foreign employee —
 - (i) is doing so for a special purpose approved by the Controller after giving prior notice to the employer, and to the Controller unless the Controller waives the notice;
 - (ii) is seeking medical treatment or help in an emergency; or
 - (iii) is required by lawful authority to evacuate the dormitory.

(2) This paragraph does not prevent an employer stopping or preventing, or causing the stopping or preventing of, the foreign employee who is the subject of —

- (a) an order made under regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020;
- (b) regulation 3(2) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020; or
- (c) an order under section 15 or 17 of the Infectious Diseases Act,

from leaving the unregulated dormitory or licensed dormitory the foreign employee is required by the order or written law to not leave.”.

(2) Part III of the Fifth Schedule to the principal Regulations is amended by deleting sub-paragraph (1) of paragraph 5 and substituting the following sub-paragraph:

“(1) If the foreign employee is a resident of an unregulated dormitory or a licensed dormitory, the foreign employee must not leave and remain outside of the dormitory unless —

- (a) it is a rest day of the foreign employee and the foreign employee is doing so in accordance with the permission from the Controller given by way of an electronic notification or otherwise; or

- (b) it is any other time and the foreign employee —
- (i) is doing so for a special purpose approved by the Controller after giving prior notice to the employer, and to the Controller unless the Controller waives the notice;
 - (ii) is seeking medical treatment or help in an emergency; or
 - (iii) is required by lawful authority to evacuate the dormitory.”.

Amendment of Sixth Schedule

4.—(1) Part I of the Sixth Schedule to the principal Regulations is amended by inserting, immediately after paragraph 5, the following paragraph:

“Movement to and from dormitory, etc., accommodation

6.—(1) If the foreign employee is a resident of an unregulated dormitory or a licensed dormitory, the employer must not stop or prevent, or cause the stopping or preventing of, the foreign employee leaving and remaining outside the dormitory —

- (a) on any rest day of the foreign employee where the foreign employee has permission from the Controller (given by way of an electronic notification or otherwise) to do so; or
- (b) at any other time where the foreign employee —
 - (i) is doing so for a special purpose approved by the Controller after giving prior notice to the employer, and to the Controller unless the Controller waives the notice;
 - (ii) is seeking medical treatment or help in an emergency; or
 - (iii) is required by lawful authority to evacuate the dormitory.

(2) This paragraph does not prevent an employer stopping or preventing, or causing the stopping or preventing of, the foreign employee who is the subject of —

- (a) an order made under regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020;
- (b) regulation 3(2) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020; or
- (c) an order under section 15 or 17 of the Infectious Diseases Act,

from leaving the unregulated dormitory or licensed dormitory the foreign employee is required by the order or written law to not leave.

(3) In this paragraph —

“boarding premises” has the meaning given by section 2(1) of the Foreign Employee Dormitories Act 2015;

“licensed dormitory” means any boarding premises that is the subject of a licence under the Foreign Employee Dormitories Act 2015;

“resident”, in relation to an unregulated dormitory or a licensed dormitory, means any individual who occupies or enjoys a right to occupy one or more beds or rooms, or spaces within a room, in the dormitory as the individual’s main or only residence in Singapore;

“unregulated dormitory” means boarding premises providing accommodation to 7 or more foreign employees and includes any place converted (temporarily or otherwise) for use as accommodation for 7 or more foreign employees, but excludes —

(a) any boarding premises to which the Foreign Employee Dormitories Act 2015 applies; and

(b) an isolation area within the meaning of section 17 of the Infectious Diseases Act.”.

(2) Part III of the Sixth Schedule to the principal Regulations is amended by inserting, immediately after paragraph 1, the following paragraph:

“Movement to and from dormitory, etc., accommodation

2.—(1) If the foreign employee is a resident of an unregulated dormitory or a licensed dormitory, the foreign employee must not leave and remain outside of the dormitory unless —

(a) it is a rest day of the foreign employee and the foreign employee is doing so in accordance with the permission from the Controller given by way of an electronic notification or otherwise; or

(b) it is any other time and the foreign employee —

(i) is doing so for a special purpose approved by the Controller after giving prior notice to the employer, and to the Controller unless the Controller waives the notice;

(ii) is seeking medical treatment or help in an emergency; or

(iii) is required by lawful authority to evacuate the dormitory.

(2) In this paragraph —

“boarding premises” has the meaning given by section 2(1) of the Foreign Employee Dormitories Act 2015;

“licensed dormitory” means any boarding premises that is the subject of a licence under the Foreign Employee Dormitories Act 2015;

“resident”, in relation to an unregulated dormitory or a licensed dormitory, means any individual who occupies or enjoys a right to occupy one or more beds or rooms, or spaces within a room, in the dormitory as the individual’s main or only residence in Singapore;

“unregulated dormitory” means boarding premises providing accommodation to 7 or more foreign employees and includes any place converted (temporarily or otherwise) for use as accommodation for 7 or more foreign employees, but excludes —

- (a) any boarding premises to which the Foreign Employee Dormitories Act 2015 applies; and
- (b) an isolation area within the meaning of section 17 of the Infectious Diseases Act.”.

*[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]*

Made on 12 September 2020.

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