
First published in the Government Gazette, Electronic Edition, on 22 December 2022 at 5 pm.

No. S 993

EMPLOYMENT OF FOREIGN MANPOWER ACT 1990

EMPLOYMENT OF FOREIGN MANPOWER (WORK PASSES) (AMENDMENT NO. 4) 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. These Regulations are the Employment of Foreign Manpower (Work Passes) (Amendment No. 4) Regulations 2022 and come into operation on 1 January 2023.

Amendment of Fourth Schedule

2. In the Fourth Schedule to the Employment of Foreign Manpower (Work Passes) Regulations 2012 (G.N. No. S 569/2012), in Part I —

- (a) in paragraph 7C, after sub-paragraph (b), insert —
 - “(ba) any monetary compensation payable to the foreign employee for working in lieu of a rest day under paragraph 13A(a)(ii)(B);”;
- (b) in paragraph 10, replace “grant the foreign employee —” with “grant the foreign employee adequate rest daily.”;
- (c) in paragraph 10, delete sub-paragraphs (a) and (b);
- (d) in paragraph 11, after “Paragraphs 12, 13”, insert “, 13A, 13B”;
- (e) in paragraph 12, replace “Subject to paragraph 13, the employer shall grant the foreign employee a rest day without pay” with “Subject to paragraphs 13, 13A and 13B, the employer must grant the foreign employee a rest day”;

(f) replace paragraph 13 with —

“13. The employer need not grant all the rest days in accordance with paragraph 12 within a period of a month if —

- (a) the requirements in paragraph 13A are met; and
- (b) except where the Controller specifies otherwise in writing, the employer grants the foreign employee either of the following instead:
 - (i) at least one rest day in that month in accordance with paragraph 12;
 - (ii) at least one replacement rest day in that month in accordance with paragraph 13A(a)(ii)(A).

13A. The requirements for the purposes of paragraph 13(a) are —

- (a) there is a prior written agreement mutually agreed between the employer and the foreign employee for the foreign employee —
 - (i) to work in lieu of each rest day required under paragraph 12 that the employer does not grant; and
 - (ii) to be compensated for working in lieu of that rest day with either —
 - (A) a replacement rest day, which must be on a day within the same month as the rest day being replaced and mutually agreed between the employer and the foreign employee in writing; or
 - (B) a monetary compensation which must be not less than the rate of pay for one day’s work of the foreign employee; and
- (b) the foreign employee is compensated in accordance with the prior written agreement.

13B. Where, under paragraph 13, an employer grants a foreign employee only one rest day within a period of a month —

- (a) that rest day may be deferred to a date mutually agreed between the employer and the foreign employee in a prior written agreement, but not to a date that is more than one month after that rest day; and

-
-
- (b) where the work permit is issued on or after 1 January 2023 pursuant to any application for a new work permit, the first rest day must be granted within 30 days after the start of the employment of the foreign employee unless the first rest day is deferred under sub-paragraph (a).”;
- (g) in paragraph 14, replace “paragraphs 12 and 13” with “paragraphs 12, 13, 13A and 13B”;
- (h) in paragraph 14(c), replace “paragraph 13” with “paragraphs 13, 13A and 13B”; and
- (i) in paragraph 14(d), replace “paragraph 13(b)(ii)” with “paragraph 13A(a)(ii)(B)”.

*[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; S 275/2022; S 774/2022]*

Made on 6 December 2022.

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

[HQ/Legis/EFMA/EFMR_Dec2022;
AG/LEGIS/SL/91A/2020/1 Vol. 8]

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