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EMPLOYMENT AGENCIES ACT (CHAPTER 92)

EMPLOYMENT AGENCIES RULES 2011

ARRANGEMENT OF RULES

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

Citation and commencement

1.—(1) These Rules may be cited as the Employment Agencies Rules 2011 and shall, with the exception of rules 3(4), 14, 15 and 16, come into operation on 1st April 2011.

(2) Rules 3(4), 14, 15 and 16 shall come into operation on 1st July 2011.

Definitions

2. In these Rules, unless the context otherwise requires —

“Controller of Work Passes” means the Controller of Work Passes appointed under section 3 of the Employment of Foreign Manpower Act (Cap. 91A);

“foreign employee” has the meaning assigned to it by section 2 of the Employment of Foreign Manpower Act;

“salary” —

(a) in relation to an employee, means the basic salary and fixed allowances payable each month by the employer to the employee; and

(b) in the case of an employee who is a foreign employee, means the salary of the foreign employee as declared in the application for a work pass for the foreign employee submitted to the Controller of Work Passes appointed under section 3 of the Employment of Foreign Manpower Act;

“working day” means a day that is not a Saturday, a Sunday or a public holiday.

Prescribed fees, etc.

3.—(1) For the purposes of section 7(1) of the Act, the prescribed application fee for the grant or renewal of a licence shall be \$400.

(2) For the purposes of section 7(2A) of the Act, the prescribed fee for the grant or renewal of a licence shall be \$100.

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- (3) For the purposes of section 10(3) of the Act —
- (a) the prescribed period for the late renewal of a licence shall be 30 calendar days; and
 - (b) the prescribed late renewal fee for the renewal of a licence within the prescribed period after the expiry of the licence shall be \$100.
- (4) For the purposes of section 12A(2) of the Act, the prescribed registration fee for the registration of any employment agency personnel shall be \$160.
- (5) The Commissioner may, in his discretion, refund or waive in whole or in part any fee prescribed in this rule.

Enquiries

- 4.—(1) The Commissioner may make such enquiries as he thinks fit before or after granting or renewing a licence.
- (2) Without prejudice to paragraph (1), the Commissioner may, before or after granting or renewing a licence, make such enquiries as he thinks fit regarding persons who in his view may have an interest in the grant or renewal of a licence, whether or not such persons are joined in the application for the grant or renewal of a licence.

Security

- 5.—(1) The Commissioner may, before granting or renewing a licence, require the applicant to give a security deposit not exceeding \$60,000 in such form as the Commissioner may allow.
- (2) The Commissioner may in his discretion, from time to time during the validity period of a licence and on the basis of the profile of the licensee as assessed by the Commissioner —
- (a) require the licensee to add to the amount of the security deposit to be given (which in any case shall not exceed in total \$60,000) within such time as the Commissioner may specify; or

(b) reduce the amount of security deposit given or required to be given by the licensee with effect from such date as the Commissioner may specify.

(3) Every licensee who has been required by the Commissioner to add to the amount of security deposit to be given under paragraph (2)(a) shall comply with the requirement within such time as the Commissioner may specify.

Training

6.—(1) Subject to paragraph (2), the Commissioner shall not grant or renew a licence unless —

(a) the applicant; and

(b) where the licence is for the carrying on of an employment agency, all the key appointment holders of the employment agency,

have attended and successfully completed such courses of training and passed such tests of proficiency as the Commissioner may determine.

(2) The Commissioner may, in any particular case if he thinks fit, grant or renew a licence notwithstanding that the applicant and, where applicable, all the key appointment holders of the employment agency have not satisfied the requirements specified in paragraph (1).

(3) Every holder of a licence referred to in section 6(1) of the Act shall ensure that every key appointment holder of the employment agency has attended and successfully completed such courses of training and passed such tests of proficiency as the Commissioner may determine and within such time as the Commissioner may specify.

Validity of licence

7. A licence granted under the Act shall be valid only in respect of the type of employment specified in the licence.

Separate licence

8. A separate licence under section 6(1) of the Act shall be taken out for each employment agency.

Restriction on licensee

9. A licence granted under the Act shall not —
- (a) be used directly or indirectly by any person other than the one in whose favour it was granted; or
 - (b) be transferred or assigned to any other person.

Foreign recruitment

10.—(1) No employment agency personnel shall cause, induce or assist a foreign employee to enter Singapore for the purpose of seeking employment unless the employer has obtained in respect of that foreign employee the approval in principle of the Controller of Work Passes.

(2) A licensee or an employment agency personnel shall, upon obtaining employment for a foreign employee, ensure that the passport or other documents of identity of the foreign employee is delivered or returned directly to that foreign employee as soon as practicable, unless the licensee or employment agency personnel has a reasonable excuse not to do so.

(3) For the purposes of paragraph (2), the licensee or employment agency personnel shall not be taken to have a reasonable excuse for failing to deliver or return the passport or other documents of identity of a foreign employee if that failure is by reason only of the licensee or employment agency personnel not being in possession of the passport or other documents of identity due to the licensee or employment agency personnel having transferred or otherwise given possession of the passport or other documents of identity, as the case may be, to another licensee, employment agency personnel or employment agency, whether located in Singapore or elsewhere.

Change of place of business

11. Every holder of a licence referred to in section 6(1) of the Act shall inform the Commissioner, using the electronic application service provided by the Commissioner at <https://licences.business.gov.sg>, of the address of every place of business, including every branch thereof, within 7 working days after commencing business at such place.

Scale of fees, etc.

12.—(1) For the purposes of sections 14 and 23(1) of the Act and subject to paragraph (2), the fees that a licensee may charge or receive from an applicant for employment, whether directly or indirectly, for emplacing the applicant for employment with an employer on or after 1st April 2011 shall not exceed —

- (a) where the applicant for employment is a foreign employee, one month's salary for each year of —
 - (i) the period of validity of the foreign employee's work pass; or
 - (ii) the period of the contract of employment, whichever is the shorter, to be pro-rated according to the total relevant period, subject to a maximum of 2 months' salary of the employee;
- (b) where the applicant for employment is not a foreign employee, one month's salary for each year of the period of the contract of employment, to be pro-rated according to the total period of the contract of employment, subject to a maximum of 2 months' salary of the employee; or
- (c) in any case where sub-paragraph (a) or (b) is inapplicable, 2 months' salary of the employee.

(2) The reference to fees in paragraph (1) shall not include a reference to any fee charged or received by a licensee in respect of costs incurred by or on behalf of an applicant for employment outside Singapore.

(3) For the purposes of section 14 of the Act, a licensee may charge and receive any form of fees, remuneration, profit or compensation from any applicant for workers or any employer.

(4) The licensee shall, as soon as practicable after receiving any fee, whether directly or indirectly, from an applicant for employment, issue a written receipt for the fee accompanied by an itemised list of components of the fee to the applicant for employment.

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- (5) Every licensee shall exhibit, in a conspicuous place —
- (a) in every place of business of the employment agency, including every branch thereof; or
 - (b) in every premises where the work or activity referred to in section 6(2) of the Act is being performed,
- as the case may be, a copy of the scale of fees that the licensee charges.

Refund of fees

13.—(1) Subject to paragraph (2), a licensee shall refund at least 50% of the total fees received, on or after 1st April 2011, from an applicant for employment if the employer, whom the licensee had placed the applicant for employment with —

- (a) fails to employ the applicant for employment for any reason; or
- (b) terminates the employment of that applicant for employment within 6 months of commencement of employment, other than for the reason that —
 - (i) the work specified in the contract of employment is completed;
 - (ii) the period of time for which the contract was made has expired; or
 - (iii) the applicant for employment requested for the termination of his employment.

(2) A licensee need not refund any fee received from an applicant for employment if the applicant for employment absconds.

(3) Every licensee who is required to make a refund to an applicant for employment under this rule shall do so within 7 working days of the termination of the employment of that applicant for employment or before the applicant for employment (being a foreign employee) is repatriated, whichever is the earlier.

Dispute resolution mechanism

14. Every licensee shall, before the licensee is engaged by an applicant for employment or an applicant for workers (referred to in

this rule as the applicant) to provide any service, disclose to the applicant the dispute resolution mechanism that the licensee has established for any dispute that may arise between the licensee and the applicant.

De-registration of employment agency personnel

15. For the purposes of section 12A(8) of the Act, the time within which a licensee shall apply to the Commissioner, using such form as the Commissioner may require, to de-register any employment agency personnel shall be 3 working days after the employment agency personnel —

- (a) has ceased to be engaged by the licensee; or
- (b) has ceased to perform all specified employment agency work upon the request of the employment agency personnel or the instruction of the licensee, notwithstanding that the employment agency personnel concerned is still engaged by the licensee,

whichever is the earlier.

Registration cards

16.—(1) For the purposes of section 12B(1) of the Act, the registration card to be issued by the licensee concerned upon the successful registration of an employment agency personnel under section 12A of the Act shall be in accordance with the form and specifications set out in the Schedule.

(2) Every registered employment agency personnel shall show his registration card to any prospective or new client who is an applicant for employment or an applicant for workers, and allow the person to record any information from the registration card.

Offence for persons to engage unlicensed persons

17. For the purposes of section 22A of the Act, a defendant shall not be deemed to have exercised due diligence unless he had verified that the person referred to in section 22A(2) of the Act has obtained a licence as required under section 6 of the Act by checking the register

of licensees and employment agency personnel at the Ministry of Manpower's Internet website at www.mom.gov.sg/eirectory.

Offence for licensed employment agencies to make certain applications

18. For the purposes of section 22B of the Act, a defendant shall not be deemed to have exercised due diligence unless he had verified that the person referred to in section 22B(3) of the Act has obtained a licence as required under section 6 of the Act by checking the register of licensees and employment agency personnel at the Ministry of Manpower's Internet website at www.mom.gov.sg/eirectory.

Penalties

19.—(1) Any person who contravenes rule 9, 11, 12(4) or (5) or 14 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person who contravenes rule 10(1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Revocation

20. The Employment Agency Rules (R 1) are revoked.

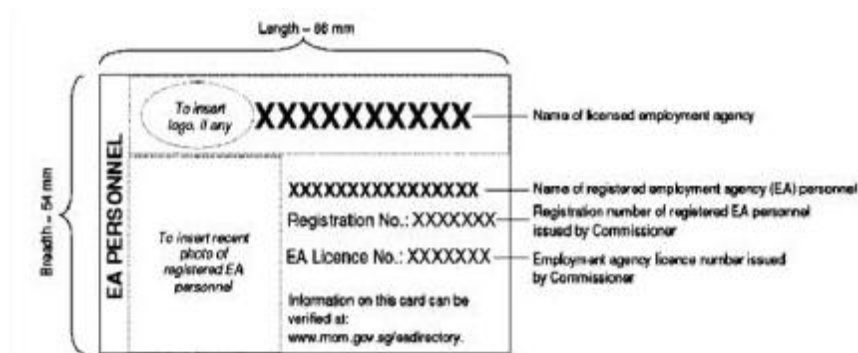
THE SCHEDULE

Rule 16(1)

REGISTRATION CARDS

PART I

FORM

THE SCHEDULE — *continued*

PART II

SPECIFICATIONS

1. Subject to paragraphs 5 to 11, the following information printed on the registration card shall be the same as that published in the register of licensees and employment agency personnel at the Ministry of Manpower's Internet website at www.mom.gov.sg/eadirectory:

- (a) the name of the employment agency;
- (b) the name of the registered employment agency personnel; and
- (c) the registration number of the registered employment agency personnel.

2. The registration card shall be presented in landscape format, with a length of 86 mm and breadth of 54 mm, and a thickness of at least 0.76 mm.

3. The background colour of the registration card shall be white.

4. The photograph of the registered employment agency personnel shall be —

- (a) an image printed on the registration card;
- (b) identical to the photograph submitted to the Commissioner for the purposes of registering the employment agency personnel, and subsequently published in the register of licensees and employment agency personnel at the Ministry of Manpower's Internet website at www.mom.gov.sg/eadirectory;
- (c) of background colour white; and
- (d) 32 mm in length and 38 mm in breadth.

THE SCHEDULE — *continued*

5. The space allocated for the employment agency logo, where applicable, and the name of the licensed employment agency shall be no more than 80 mm in length and 15 mm in breadth, and aligned to the top right-hand corner of the registration card as shown in Part I.

6. The text “EA PERSONNEL” shall be —

- (a) aligned to the left of the registration card as shown in Part I;
- (b) printed with each letter in a font size not less than 3 mm in height;
- (c) in capital letters;
- (d) of typeface Arial Bold; and
- (e) black in colour.

7. The text “Registration No.:" and “EA Licence No.:" shall be —

- (a) printed with each letter in a font size not less than 2 mm in height;
- (b) of typeface Arial; and
- (c) black in colour.

8. The name of the registered employment agency personnel printed on the registration card shall be the name that appears in —

- (a) the employment agency personnel’s identity card, if he has been issued with an identity card under the National Registration Act (Cap. 201); or
- (b) the employment agency personnel’s work pass, if he has been issued with a work pass by the Controller of Work Passes under section 7 of the Employment of Foreign Manpower Act (Cap. 91A).

9. The employment agency licence number, the name of the registered employment agency personnel and the registration number of the employment agency personnel, printed on the registration card, shall be —

- (a) printed with each letter in a font size not less than 3 mm in height;
- (b) in capital letters, where applicable;
- (c) of typeface Arial Bold; and
- (d) black in colour.

10. The text “Information on this card can be verified at www.mom.gov.sg/eirectory.” shall be —

- (a) printed with each letter in a font size not less than 2 mm in height;
- (b) of typeface Arial; and

THE SCHEDULE — *continued*

(c) black in colour.

11. The registration card, including the photograph of the registered employment agency personnel thereon, shall be printed in an indelible manner and with a minimum resolution of 300 dpi.

Made this 30th day of March 2011.

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

[HQ/PlnPol/FMM/EA/EAA/LegsChanges/SubLegs; AG/LLRD/SL/
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(To be presented to Parliament under section 29(2) of the
Employment Agencies Act).