

**Employment of Foreign Workers (Amendment) Act 1995
(No. 37 of 1995)**

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**REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT**

Published by Authority

The following Act was passed by Parliament on 1st November 1995 and assented to by the President on 18th November 1995:—

EMPLOYMENT OF FOREIGN WORKERS (AMENDMENT) ACT 1995

(No. 37 of 1995)

I assent.

ONG TENG CHEONG
President.
18th November 1995.

Date of Commencement: 1st March 1996

An Act to amend the Employment of Foreign Workers Act (Chapter 91A of the 1991 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Employment of Foreign Workers (Amendment) Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Employment of Foreign Workers Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definition of “contractor”;
- (b) by inserting, immediately after the definition of “Controller”, the following definition:

““construction works” has the same meaning as in the
Construction Industry Development Board Act (Cap. 51)

and includes such other works or activities as the Minister may, by notification in the *Gazette*, specify to be construction works;”;

- (c) by deleting the words “, including a contractor,” in the first line of the definition of “employer”;
- (d) by inserting, immediately after the definition of “employment inspector”, the following definition:

“ “foreigner” means any person who is not a citizen or permanent resident of Singapore;”;

- (e) by deleting the words “a contractor who is carrying out building operations or construction” in the first and second lines of paragraph (b) of the definition of “occupier” and substituting the words “any person who is carrying out construction or other”;
- (f) by inserting, immediately after paragraph (c) of the definition of “salary”, the following paragraph:

“(ca) any shift allowance, attendance allowance and any other allowance which is variable in nature;” and

- (g) by deleting the words “or contractor” in the first and second lines of paragraph (d) of the definition of “salary”.

Amendment of section 5

3. Section 5 of the principal Act is amended —

- (a) by inserting, immediately after subsection (3), the following subsections:

“(3A) In any proceedings for an offence under subsection (1), it shall not be a defence for a defendant to prove that he did not know that the worker was a foreigner unless the defendant further proves that he had exercised due diligence to ascertain the nationality of the worker.

(3B) For the purpose of subsection (3A), a defendant shall not be deemed to have exercised due diligence unless he had checked the passport, document of identity or other travel document of the worker.”;

- (b) by deleting paragraph (b) of subsection (4) and substituting the following paragraph:

“(b) on a second or subsequent conviction, be punished —

- (i) in the case of an individual, with imprisonment for a term of not less than one month and not more than one year and shall also be liable to a fine of an amount of not less than 24 months’ levy and not more than 48 months’ levy; and
- (ii) in the case of a body corporate, with a fine of an amount of not less than 48 months’ levy and not more than 96 months’ levy.”;

(c) by deleting the words “found to be working” in the third line of paragraph (a) of subsection (5) and substituting the words “first employed by the defendant”;

(d) by deleting subsection (6); and

(e) by deleting subsection (8) and substituting the following subsections:

“(8) For the purpose of subsection (4)(b), all convictions against the same person for the contravention of subsection (1) at one and the same trial shall be deemed to be one conviction.

(9) For the purpose of this section,

“employ” means to engage or use the service of any person, whether under a contract of service or otherwise, with or without salary.”.

Repeal and re-enactment of section 6 and new section 6A

4. Section 6 of the principal Act is repealed and the following sections substituted therefor:

“Presumption of employment

6. Where a foreigner is found at any premises, the occupier of the premises shall be presumed, until the contrary is proved, to have employed the foreigner.

Prohibition of foreigner without work permit entering or remaining at work place

6A.—(1) No occupier of a work place who has control of access to the work