Employment of Foreign Workers Act 1990
(No. 21 of 1990)

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REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT

Published by Authority

The following Act was passed by Parliament on 4th October 1990 and assented to by the President on 1st November 1990:—

EMPLOYMENT OF FOREIGN WORKERS ACT 1990

(No. 21 of 1990)

I assent.

WEE KIM WEE
President.
1st November 1990.

Date of Commencement: 1st January 1991

An Act to repeal and re-enact with amendments the Regulation of Employment Act (Chapter 272 of the 1985 Revised Edition) and to provide for matters connected therewith.

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 Act 1990 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

"contractor" means a person who carries out work for another person under a contract for services or who supplies workers to other persons to carry out work for them;

"Controller" means the Controller of Work Permits appointed under section 3;

"employer" means any person, including a contractor, employing a foreign worker

and, for the purposes of an application for work permit, a person who intends to employ a foreign worker;

"employment inspector" means the Controller and any person appointed as an employment inspector under section 3;

"foreign worker" means —

    (*a*)   any person who is not a citizen of Singapore who seeks employment with, or is offered employment by, or is, at the date of commencement of this Act, in the employment of an employer at a salary of not more than $1,500 a month or such other sum as may, from time to time, be fixed by the Minister by notification in the *Gazette*; or

    (*b*)   such other person or class of persons as the Minister may, by notification in the *Gazette*, specify.

"levy" means the levy imposed under section 11;

"occupier", in relation to any premises, includes —

    (*a*)   the person having the charge, management or control of either the whole or part of the premises either on his own account or as an agent; and

    (*b*)   a contractor who is carrying out building operations or construction works at the premises on behalf of some other person;

"premises" includes any land, whether built on or not, building, structure and any vessel and vehicle;

"salary" means all monetary remuneration payable to a foreign worker but does not include the following:

    (*a*)   additional payment by way of overtime, bonus or commission;

    (*b*)   travelling, food or housing allowances;

    (*c*)   any sum paid to a foreign worker to defray special expenses incurred by him owing to the special, unusual or hazardous nature of his employment;

    (*d*)   any contribution paid by the employer or contractor to any pension fund or provident fund; or

    (*e*)   any gratuity payable on discharge or retirement;

"work permit" means a work permit issued under section 7.

Appointment of Controller of Work Permits and employment inspectors

3.—(1) The Minister may appoint a Controller of Work Permits who shall have such functions and powers as are conferred on him by this Act.

(2) The Minister may appoint such number of employment inspectors as he may think fit for carrying out the purposes of this Act.

Exemption

4. The Minister may, by notification in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act.

Prohibition of employment of foreign worker without work permit

5.—(1) No person shall employ a foreign worker unless he has obtained in respect of the foreign worker a valid work permit which allows the foreign worker to work for him.

(2) No foreign worker shall be in the employment of an employer without a valid work permit.

(3) No person shall employ a foreign worker otherwise than in accordance with the conditions of the work permit.

(4) Any person who fails to comply with or contravenes subsection (1) shall be guilty of an offence and shall —

    (*a*) be liable on conviction to a fine of an amount of not less than 24 months' levy and not more than 48 months' levy or to imprisonment for a term not exceeding one year or to both; and

    (*b*) on a second or subsequent conviction, be punished 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.

(5) For the purpose of subsection (4) —

    (*a*) "levy" means the monthly rate of levy applicable to the foreign worker at the date when he was found to be working without a valid work permit, and a certificate issued by the Controller and tendered in court shall be prima facie evidence of such rate;

    (*b*) a conviction of an employer for an offence under section 8(1) of the repealed Regulation of Employment Act (Cap. 272) shall not be considered a previous conviction.

(6) When any offence under subsection (1) committed by a body corporate is proved