

Employment Agencies Rules 2011

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No. S 172

**EMPLOYMENT AGENCIES ACT
(CHAPTER 92)**

EMPLOYMENT AGENCIES RULES 2011

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.

(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