

Employment of Foreign Workers (Levy) (Amendment No. 2) Order 2006

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No. S 726

EMPLOYMENT OF FOREIGN WORKERS ACT
(CHAPTER 91A)

EMPLOYMENT OF FOREIGN WORKERS (LEVY) (AMENDMENT NO. 2) ORDER
2006

In exercise of the powers conferred by section 11(1) of the Employment of Foreign Workers Act, the Minister for Manpower hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Employment of Foreign Workers (Levy) (Amendment No. 2) Order 2006 and shall come into operation on 1st January 2007.

Amendment of paragraph 2

2. Paragraph 2 of the Employment of Foreign Workers (Levy) Order (O 1) (referred to in this Order as the principal Order) is amended —

(a) by deleting the definition of “process construction and maintenance worker” and substituting the following definitions:

““process construction worker” means any person who is employed in connection with the construction of plant equipment in the petroleum, petrochemicals, specialty chemicals or pharmaceutical industry;

“process maintenance worker” means any person who is employed in connection with the preventive, predictive and breakdown maintenance of plant equipment in the petroleum, petrochemicals, specialty chemicals or pharmaceutical industry;”;

- (b) by deleting the definition of “skilled process construction and maintenance worker” and substituting the following definitions:

“ “skilled process construction worker” means a process construction worker —

- (a) who has passed a test in a process construction related skill conducted or recognised by the Institute of Technical Education, Singapore; or
- (b) who is positioned 3G or above in welding under the Common Welder Qualification Scheme conducted by the Singapore Welding Society;

“skilled process maintenance worker” means a process maintenance worker —

- (a) who has passed a test in a process maintenance related skill conducted or recognised by the Institute of Technical Education, Singapore; or
- (b) who is positioned 3G or above in welding under the Common Welder Qualification Scheme conducted by the Singapore Welding Society;”;

- (c) by deleting the words “paragraphs 4 to 4C” in paragraph (a) of the definition of “threshold percentage” and substituting the words “paragraphs 4 to 4E”;
- (d) by deleting “40%” in paragraphs (b) and (c) of the definition of “threshold percentage” and substituting in each case “35%”; and
- (e) by deleting the definition of “unskilled process construction and maintenance worker” and substituting the following definitions:

“ “unskilled process construction worker” means a process

construction worker who is not a skilled process construction worker;

“unskilled process maintenance worker” means a process maintenance worker who is not a skilled process maintenance worker.”.

Amendment of paragraph 4

3. Paragraph 4 of the principal Order is amended by deleting the words “paragraph 4B” and substituting the words “paragraph 4C”.

Deletion and substitution of paragraphs 4A, 4B and 4C and new paragraphs 4D and 4E

4. Paragraphs 4A, 4B and 4C of the principal Order are deleted and the following paragraphs substituted therefor:

“Levy payable by employer where percentage of foreign workers exceeds 30% but does not exceed 35%

4A. Subject to paragraphs 4D and 4E, where the number of an employer’s foreign workers expressed as a percentage of his total number of workers exceeds the threshold percentage for those foreign workers but does not exceed 35% —

- (a) the levy payable in respect of each foreign worker not exceeding the threshold percentage shall be at the rate specified in paragraph 4; and
- (b) the levy payable in respect of each foreign worker exceeding the threshold percentage shall be —
 - (i) at the rate of \$310 for every calendar month; and
 - (ii) where the foreign worker is employed for part of a month, at the rate of \$11 for every day during which the foreign worker is employed in that month, subject to a maximum of \$310 in the aggregate.

Levy payable by employer where percentage of foreign workers exceeds 35%

4B.—(1) Subject to paragraph 4E, where the number of an employer’s foreign workers (other than those specified in the other paragraphs) expressed as a percentage of his total number of workers exceeds 35% —

- (a) the levy payable in respect of each foreign worker not exceeding the

threshold percentage shall be at the rate specified in paragraph 4;

- (b) the levy payable in respect of each foreign worker exceeding the threshold percentage but not exceeding 35% of the employer's total number of workers shall be at the rate specified in paragraph 4A(b); and
- (c) unless the Controller otherwise allows under sub-paragraph (2), the levy payable in respect of each foreign worker exceeding 35% of the employer's total number of workers shall be —
 - (i) at the rate of \$450 for every calendar month; and
 - (ii) where the foreign worker is employed for part of a month, at the rate of \$15 for every day during which the foreign worker is employed in that month, subject to a maximum of \$450 in the aggregate.

(2) The Controller may, in his discretion, allow an employer to pay the levy at the rate specified in paragraph 4 or 4A(b) regardless of the number of the employer's foreign workers when expressed as a percentage of his total number of workers.

Where percentage of foreign workers is reduced to 30% or below

4C.—(1) The levy payable by an employer under paragraph 4A(b) in respect of any of his foreign worker shall continue unchanged in respect of that foreign worker even though the number of his foreign workers (other than those specified in the other paragraphs) expressed as a percentage of his total number of workers subsequently falls below or is reduced to the threshold percentage for those foreign workers, unless the Controller —

- (a) renews the work permit of that foreign worker; or
- (b) approves an application by the employer to pay the levy at the rate specified in paragraph 4 or 26 in respect of that foreign worker.

(2) Any change in the rate of levy permitted under sub-paragraph (1)(a) or (b) shall only take effect from the first day of the month following the month in which the work permit is renewed or the application to the Controller is approved, whichever first occurs.

Where percentage of foreign workers is reduced to 35% or below

4D.—(1) The levy payable by an employer under paragraph 4B(1)(c) in respect