

Singapore Immigration Alert



Additional Exceptions from Fair Consideration Framework (FCF) Rules and Advertising Requirements

The Ministry of Manpower (MOM) has recently announced 2 additional exceptions to the FCF Rules and advertising requirements for available jobs within the company.

- I. The advertising requirement on the new jobs bank will not apply to Intra Corporate Transferees (ICTs) as they are part of the company's existing employee pool and are posted to Singapore for a job rotation – provided certain conditions are met.

First, the employer must provide proof that the EP applicant has worked for at least one year in the foreign office or subsidiaries before being posted to the company in Singapore.

Second, the ICT must also have the following role and responsibilities:

a) Manager

- Primarily directs the organization or a department or sub-division of the organization; and
- Supervises and controls the work of other supervisory, professional or managerial employees; and
- Has the authority to hire and fire or take other personnel actions (such as promotion or leave authorization); and
- Exercises discretionary authority over daily work operations.

b) Senior Executive

- Primarily directs the management of the organization; and
- Exercises wide latitude in decision-making; and
- Receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business.

c) Specialist

- Possesses knowledge at an advanced level of expertise; and
- Possesses proprietary knowledge of the organization's service, research, equipment, techniques or management.

- II. For Work Permit, S Pass, Training Employment Pass applications or Employment Pass renewal applications – no advertisements are required on the job banks. FCF rules and advertising requirements only applies for new Employment Pass applications.

In addition to the above 2 new exceptions, MOM had previously highlighted the following exceptions for advertising requirements for available jobs on the job banks:

- Companies with 25 or fewer employees (includes local and foreign workforce) does not have to advertise their job vacancies on the jobs bank.
- For positions that pay a fixed monthly salary of \$12,000 and more, no advertisement on the job banks are required.

Companies with repeated complains of nationality based hiring or biased HR practices will be identified by MOM and subject to additional scrutiny and may have their work pass privileges curtailed.

As per Crown's previous Singapore Immigration Alert, effective August 2014, unless any of the above exceptions are met, companies seeking to employ an expat in Singapore must advertise a job vacancy on a new jobs bank administered by the Singapore Workforce Development Agency (WDA). The advertisement must be open to Singaporean candidates, in line with the Tripartite Guidelines on Fair Employment Practices (www.tafep.sg/fairemployment.asp) and remain posted for at least 14 calendar days. Above requirements must be met before a company can submit an Employment Pass application for a foreign hire to MOM.

Source: Ministry of Manpower

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