

SINGAPORE | COVID-19 (CORONAVIRUS) EMPLOYER FAQ

The Singapore Government has implemented a set of stricter social distancing measures to ‘Circuit Break’ the spread of the COVID-19. Most businesses across Singapore have been forced to close their physical workplaces during this ‘Circuit Breaker’ period which has been in place since Tuesday 7 April 2020 and is planned until at least 1 June 2020. Only essential services such as healthcare, social services, banking and financial services will remain open.

There are also strict border controls in place - since 23 March 2020, all short-term visitors are barred from entering or transiting through Singapore. The Ministry of Manpower ('MOM') is currently limiting the entry of pass holders into Singapore unless the employee is a key worker in health or transportation. All Singaporeans and Long Term Pass holders entering Singapore will need to serve the mandatory 14-day Stay-Home Notice at dedicated facilities.

We are aware that many employer sponsors will be wondering what this means for their work pass holding workforce in Singapore and also potential candidates applying for work passes.

Outlined below are some frequently asked questions relevant to employers sponsoring foreign employees on a Singapore work pass, including the common categories of Employment Pass 'EP' / S Pass / Dependant Pass.

REDUCTION IN WORK



Can I reduce the hours or salaries of foreign national employees?

NC: Generally, where there is to be a downward salary revision for a Singapore work pass holder, employers must first request approval from the MOM.

MOM are however prepared to be flexible where the salaries for some EP and S Pass holders may need to be **temporarily** adjusted below the respective approved qualifying salaries due to COVID-19.

A mandatory one-time Cost Saving Measures Notification is to be submitted by the Employer (by an authorised employee who has a CorpPass to transact with the MOM) within seven calendar days after implementing the cost-saving measures, if:

- The employer has at least ten employees; and
- The cost-saving measures implemented result in the foreign employee's salary falling below 75% of the basic monthly salary.

Note also that cost-saving measures (such as reduced working hours, adjustment to monthly salary components, no pay leave etc.) during the Circuit Breaker period that result in a reduction of your employees' salaries should adhere to the following:

The Employer must ensure that the cost-saving measure(s) the company implemented adhere to the [Tripartite Advisory for Managing Excess Manpower and Responsible Retrenchment](#) and also the Advisory on [Salary and Leave Arrangements](#) during Circuit Breaker.

- All employers should exercise care and fairness in implementing cost-saving measures
- Before implementation, consultation and consent obtained by the relevant stakeholders including unions (where applicable) and the impacted employees

OVERSEAS WORKERS / TRAVEL



Can my foreign work pass holding employee return to Singapore if they have found themselves offshore during the COVID-19 pandemic?

NC: On the date of writing this FAQ document, the MOM is currently limiting the entry of work pass holders unless for those supporting essential services in health or transport supported by the relevant government agencies. It would only therefore be in these very limited circumstances where they would currently be able to enter Singapore.

This being said, the below summarises the key requirements and steps employers need to currently be aware of for any existing work pass holders outside of Singapore (including those In-Principle Approval holders yet to enter Singapore):

1. Mandatory MOM Entry Approval

MOM requires all new and existing work pass holders (including dependents) planning to enter/return to Singapore from any country to obtain MOM's approval before they commence their journey. Below is a summary of the key points employers should take note of:

MOM Entry Approval Guidance for Employers

- Employers are to make the MOM Entry Approval request at least three days before their intended travel into Singapore using this [online facility](#)
- Applications submitted:
 - > By 12pm will receive the outcome on the same day
 - > After 12pm will receive the outcome the next day
- Applications are processed on a 'first-come-first-served' basis
- Approval is not guaranteed but it is important that the approval is received before arranging for the pass holder to enter Singapore. If the approval is rejected, a fresh approval request is to be submitted.

There are other important actions and responsibilities from the employer. **All employer sponsoring work pass holders should ensure to be familiar with their responsibilities detailed at this [link](#).**

These include but are not limited to those listed below:

- Inform the work pass holder that they are to print and present the MOM approval letter to the Immigration Officer upon arrival, and that they may be swabbed for COVID-19 testing. Refusal of the swab test may result in work pass privileges being revoked or the validity shortened.
- Advise they will be served a mandatory 14-day Stay Home Notice 'SHN' at a designated facility (refer to details in the next section).
- Ensure they have a SIM card with a Singapore telephone number for MOM to contact them. Advise they download WhatsApp on their mobile phones and respond to MOM's phone calls, WhatsApp video calls or SMSes within one hour during the 14-day SHN period.

Please refer to **Annex A** for a summary of the various other entry approval requirements for all Long-Term Pass Holders.

2. 14 Day Stay-Home Notice 'SHN' at designated facilities

From **9 April 2020, 2359 hours**, all Singapore citizens, Permanent Residents and Long Term Pass holders entering Singapore (from any country) will need to serve the mandatory **14-day Stay-Home Notice** at dedicated facilities. The Singapore Government will absorb the costs involved and will organise transportation to send returnees directly to these designated hotels to serve the self-isolation. They will have their own room / toilet and meals are provided. No visitors are allowed at the designated hotels.

Whilst the Singapore Government would typically cover the associated costs involved, the [Ministry of Health](#) advised that "all returnees who disregarded prevailing travel advisories and left Singapore from 27 March 2020, would be required to bear the full cost of their 14-day SHN at dedicated SHN facilities". Details on the enhanced SHN can be found [here](#).

Please also note that returnees who disregard prevailing [travel advisory](#) and leave Singapore from 27 March 2020 will be charged at unsubsidised rates for their in-patient stay at public hospitals, if admitted for suspected COVID-19 symptoms within 14 days of returning to Singapore.

3. Health Declaration via SG Arrival Card (SGAC) e-Service

Any travellers (including Singapore citizens, permanent residents, long term pass holders) arriving into Singapore, must submit a Health Declaration via the [SG Arrival Card e-Service](#) on the Immigration Checkpoint Authority 'ICA's' website at [SGAC e-Service](#) in advance of their travel to Singapore. They are to submit up to 3 days prior to their date of arrival into Singapore.

Travellers providing false declarations will be prosecuted under the Infectious Diseases Act.

Severe penalties apply for non-adherence to the MOM Entry Approval/Stay Home Notice including the revocation of the Work Pass of the foreigner, permanently banning the foreigner from working in Singapore and suspending the employer's rights to hire foreign workers for a period ranging from 1 – 3 years.



Can my employees work from overseas on their Singapore work pass if they cannot return to Singapore?

NC: If it is possible for the employee to perform their role remotely, then they can still work from overseas. It would be prudent to have a written agreement between the employer and employee to confirm the arrangement for record-keeping purposes. We strongly advise that employers review whether the employee has the appropriate immigration status / work rights in the country they will be staying in (Newland Chase can support as required).

TERMINATION



Can I temporarily lay staff off, e.g. due to a business shutdown or reduced trading?

NC: See 'Cost Saving Measures'.



Can I terminate the employment?

NC: The MOM encourages companies to consider [alternatives to retrenchment](#). If there really is no alternative, then employers are to take note of:

- Ensuring [responsible and fair retrenchment](#)
- Submit a [Notification of Retrenchment](#) to MOM for employers with at least ten employees who have retrenched five or more employees within any six-month period
- Deregister the work pass appropriately. Employment passes are to be cancelled within one week after the last day of notice OR one day after the EP expires.

Please refer to further details in the [Tripartite Guidelines on Mandatory Retrenchment Notifications](#).



Are there any other specific deregistration requirements or considerations during COVID-19?

NC: Where employers have de-registered a foreign employee's work pass but cannot send him/her home due to travel restrictions, MOM may approve an extension of the employee's stay for one month. Employers can apply online for this [Extension of Stay](#) request due to travel restrictions when pass is expiring within seven days.



What action is required for Malaysian employees with Singapore work passes being cancelled?

NC: The Malaysia Movement Control Order (MCO) has been extended until **12 May 2020**.

The Ministry of Manpower have instructed employers that will be cancelling the Singapore work pass of any Malaysian employees to have them action the following:

1. Complete the the [exit declaration form](#) confirming that:
 - The employee and the employer have both agreed to end the employment
 - The employer has settled all outstanding employment issues (including salary payment) with the employee.
 - The employee is aware that the prevailing work pass criteria, entry approval, Stay-Home Notice and other MOM requirements will apply if he/she wishes to work in Singapore again.
2. Once the exit form is completed, the employee should print the acknowledgement email and attachment they receive. This is to be presented to the Immigration Officer before they leave Singapore.

Employers are to also:

- Advise the Malaysian employee that they may need to produce a medical certificate certifying that he/she is fit to travel (e.g., does not display COVID-19 symptoms) to the Malaysian Immigration Officer, otherwise they may be denied entry
- Once the employee has left Singapore to [Notify the MOM](#) to cancel the work pass.

From 27 April 2020, all Malaysians in Singapore who wish to return by land will also need to apply for an "entry permit" from the Malaysian High Commission prior to leaving Singapore. Please refer to MHC's website for more details.

We're here to help. [Contact us](#) to schedule a consultation to learn how we can support your business during and after the COVID-19 pandemic and keep up-to-date with the latest COVID-19 travel and immigration updates on our dedicated online resource – [COVID-19: Latest Travel and Immigration Disruption](#). We also invite you to attend or to download one of our [regional webinars](#), which address changes both globally, regionally and country by country.

This white paper was prepared by [Natasha Lie](#), Senior Manager, Global Immigration, Newland Chase Singapore.

This publication is not intended as a substitute for legal advice. Readers are reminded that immigration laws are subject to change. We are not responsible for any loss arising from reliance on this publication. Please contact Newland Chase should you require any additional clarification or case-specific advice.

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ANEXE A

ENTRY APPROVAL REQUIREMENTS FOR ALL LONG-TERM PASS HOLDERS

The entry approval implementation has now been broadened in order for the relevant agencies to regulate the inflow of people into Singapore and mitigate the risk of imported COVID-19 cases.

From **29 March 2020, 2359 hours**, persons holding:

- Long Term Visit Passes (LTPV) issued by the **Immigration Checkpoint Authority** (ICA) including those granted In-Principle Approval (IPA) needs to request and obtain ICA's Entry Approval before they commence their journey to Singapore;
- Student Passes (STP) including those granted IPA, must request and obtain entry approval from the **Ministry of Education** before they commence their journey to Singapore.

If permission is granted, applicants will be issued an approval letter of entry by ICA for LTPV holders or by MOE for STP holders, that is valid for two weeks.

They must produce this approval letter of entry to airline staff upon check-in at the departure airport, and to the Singapore immigration officer at the checkpoint upon arrival in Singapore.

Applicants should not make travel plans to Singapore until approval has been given by ICA/MOE.

If they arrive in Singapore without the approval letter of entry, ICA would disallow entry and they would be required to depart Singapore within 48 hours at their own cost.

If they fail to comply, ICA will cancel their pass or rescind their IPA.

It is important to note that the existing entry approval requirements by the Ministry of Manpower (MOM) for work pass holders continue to remain in place.

We summarise the **Entry Approval Requirements** in the table breakdown below for both new and existing pass holders which include:

- Existing pass holders currently out of Singapore and seeking to re-enter Singapore
- Those who have been granted an IPA for a Work Pass / LTPV / STP, who have yet to enter Singapore

For new or existing	Whom and how to request for the Entry Approval	Who is responsible for Stay-Home Notice is observed
Work Pass holders (Employment Pass 'EP', S Pass, Work Permit, Personalised Employment Pass 'PEP' holders)	Work pass holder's employer via MOM Entry Approval Request online facility	Employer and the Work Pass holder
Dependant Pass holders and MOM-issued LTVP holders that are tied to work pass holders (including PEP holders with an employer / EP / S Pass)	Work pass holder's employer via MOM Entry Approval Request online facility	Work Pass holder and DP / LTVP holder
Dependent's Pass holders tied to EP/ PEP holder, with LOC issued by MOM	Employer of the LOC via MOM Entry Approval Request online facility	Employer of the LOC and the DP LOC holder
LTVP holders tied to Singaporean Citizen/ Permanent Resident, issued by ICA including those with a LOC or Pre-Approved Letter of Consent (PLOC)	LTVP holder / sponsor is to email the ICA Entry Approval Request to: ICA_nCoV_request@ica.gov.sg	LTVP holder and the sponsoring Singaporean Citizen/ Permanent Resident
Student's Pass holders	Submit application to enter Singapore to their respective educational institution, which will then be forwarded to Ministry of Education	Student pass holder