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Forum: Some misconceptions about the revocation of work passes

Benjamin Joshua Ong

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Several work pass holders, including both blue- and white-collar workers, have recently had their work passes revoked after they breached safe distancing rules.

In online forums, I have seen several misconceptions about the revocation of work passes. In response, I would like to make three points about what the law is.

First, there is no law requiring that those who breach safe distancing rules must have their work passes revoked.

A criminal sentence (of a fine and/or jail term) is mandated by law if a court finds a person guilty of breaching the rules, or if the person pleads guilty. The decision to revoke a work pass is made at the discretion of an officer appointed by the Minister for Manpower (known as the Controller, Deputy Controller or Assistant Controller of Work Passes).

Second, revoking a work pass is not the only option available to ministry officers.

Instead of revocation, additional conditions can be attached to the work pass, such as requiring the employee to put up a bond that will be forfeited in the event of future reoffending. It is also possible for a work pass to be suspended instead of revoked.

Third, avenues of recourse are available to an employee who feels that a decision to revoke his work pass is unjustified.

The employee can appeal to the Minister for Manpower. If that fails, the employee can apply to court for judicial review of the decision to revoke the work pass. A lawyer may assist in taking these steps.

Judicial review is a process by which the courts determine the legality of government action.