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Department of Labour

Ministry of Labour and Human Resources



# Regulation on Foreign Workers Management 2022

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Royal Government of Bhutan  
Ministry of Labour and Human Resources



MINISTER

MoLHR/EOM/2022-2023/175

3<sup>rd</sup> August 2022

**Approval of the Regulation on Foreign Workers Management, 2022**

In pursuance of the power granted by Section 234 of the Labour and Employment Act of Bhutan, 2007, the Ministry of Labour and Human Resources hereby approves the third edition of the Regulation on Foreign Workers Management, 2022.

The Regulation shall come into effect from August 3, 2022.

(Karma Dorji)

Copy to:

1. Hon'ble Minister, MoHCA for kind information
2. Hon'ble Secretary, MoHCA for information
3. Hon'ble Secretary, MoLHR for information
4. Director General, Department of Immigration, MoHCA for information
5. Director, Road Safety and Transport Authority for information
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# **CHAPTER 1**

## **PRELIMINARY**

### **Preamble**

1. The Ministry of Labour and Human Resources, in accordance with the power conferred under the Labour and Employment Act of Bhutan, 2007 hereby promulgates this regulation which applies to any person involved in recruiting or employing foreigners and foreign workers in Bhutan.

### **Preliminary**

2. This regulation shall be called Regulation on Foreign Workers Management, 2022.
3. This regulation shall come into force with effect from August 3, 2022.



## **Purpose**

4. The purpose of this Regulation is to;
  - (1) Establish standards and procedures in accordance with the Labour and Employment Act of Bhutan, 2007; and
  - (2) Ensure just and fair recruitment process, management, deployment, repatriation, and working conditions at the workplace.

## **Scope**

5. This Regulation shall apply to any person recruiting or involved in recruiting foreigners and foreign workers in Bhutan.

## **Repeals**

6. The followings are hereby repealed:

- (1) Regulation on Foreign Workers Recruitment and Management, 2012;
- (2) Regulation on Foreign Workers Recruitment Agents, 2016;
- (3) Guidelines for Licensing of Foreign Workers Recruitment Agents, 2014;
- (4) Handbook on Recruitment and Employment of Foreign Workers in Bhutan, 2016; and
- (5) Circular on Closed Occupation list for foreign workers.

## **CHAPTER 2**

### **EMPLOYMENT OF FOREIGNER**

#### **General Provision**

7. A foreigner can be recruited for employment in Bhutan only after obtaining approval from the Chief Labour Administrator (CLA).
8. The Ministry shall determine:
  - (1) Dependency Ratio, Dependency Ratio Ceiling, and Sector Based Quota; and
  - (2) Critical occupations list or Skills shortage list.
9. Employment of foreigners shall be permitted for the occupations against which Bhutanese are either not available or not willing to work.
10. The employer or any person recruiting a foreigner shall not terminate the contract of employment of a Bhutanese to employ a foreigner.

11. The employer shall submit a declaration online to the CLA while applying for the recruitment of foreigners.
12. The employment of foreigners shall be governed by the Labour and Employment Act of Bhutan, 2007 and its regulations, and any other relevant laws of the country.

### **Eligibility**

13. Any foreigner seeking employment in Bhutan should meet the following conditions:
  - (1) Have attained the age of 18 years and above;
  - (2) Medically fit;
  - (3) Possess the professional knowledge and skills needed for and corresponding work experiences in the work to be taken up;
  - (4) Free from criminal records;

- (5) Have a specific employer; and
- (6) Possess a valid passport or other international travel documents or any document (s) identified as acceptable by the Royal Government of Bhutan (RGoB).

## **Work permit**

- 14. Any foreigner approved to work in Bhutan by the CLA shall be issued with a work permit. The work permit shall be issued by a competent authority.
- 15. The validity of the work permit shall be approved for a maximum period of one year at a time. The work permit may be renewed on a case-by-case basis upon the approval of CLA.
- 16. Any foreign worker employed for less than 30 days shall be issued with Short Term Work Permit.
- 17. The work permit shall cease to be valid:

- (1) Upon the expiry of its validity; or
- (2) With the expiry of the employment contract;  
or
- (3) In case of misuse of work permits.

## **Medical Examination**

18. The employer or any person recruiting a foreign worker shall ensure that every foreign worker undergoes a medical examination before employment as per the medical examination test parameters prescribed in Annexure I.
19. The medical examination shall be carried out by the authorized agency and as specified under this Regulation.
20. The medical certificate shall be issued by a competent person or entity authorized by RGoB.

21. Any foreign worker recruited for less than 30 days will not be required to undergo a medical examination in Bhutan. However, they shall produce a medical certificate based on the medical examination parameters specified under this Regulation from their country of origin.

### **Skills Testing and Validation**

22. The employer or any person recruiting foreign workers in the professional categories shall submit the required documents for validation by the approving authorities.
23. The employer or any person recruiting foreign workers in the skilled and semi-skilled categories shall ensure that they undergo skills testing as deemed necessary.

## **Recruitment**

24. The foreign worker shall be recruited either through FWRA's or by the employer themselves.
25. The Ministry shall develop guidelines and a handbook on foreign workers management which shall be used by the employer or any person recruiting and employing a foreign worker in the country.
26. The employer or any person recruiting foreigners shall adhere to the procedures set in the "*Guideline and Handbook on Foreign Workers Management*" under this Regulation.

## **Management**

27. The employer or any person recruiting a foreign worker shall ensure that the foreign worker complies



with the laws governing foreign workers in the country.

28. The employer or any person recruiting a foreign worker shall ensure that the foreign worker works only at the approved worksite or multiple worksites as approved by the CLA.
29. The employer or any person recruiting a foreign worker shall not change the occupation or worksite or employer without approval from the CLA.
30. The employer or any person recruiting foreign workers shall:
  - (1) Ensure that foreign workers recruited and placed by them are not exploited and abused;
  - (2) Ensure that foreign workers possess a valid work permit card or e-work permit with them all the time;

- (3) Ensure that the foreign worker is paid with the agreed wage by the first week of the subsequent month in the identified individual bank account of the foreign worker;
- (4) Ensure that in the event of sickness or death of a foreign worker, all necessary supports and arrangements are provided including workers' compensation;
- (5) Ensure that foreign worker is covered under the worker's compensation insurance;
- (6) Ensure that the Personal Income Tax and Health contribution of the foreign worker is deducted from their source of income;
- (7) Ensure gender-friendly and decent accommodations are provided to the foreign worker who is required to stay at the workplace. The standard for accommodation

shall be in accordance with the Regulation on Occupational Health and Safety for Construction Industry, 2022, and other relevant guidelines issued under this Regulation;

- (8) Be responsible for looking after the welfare of the foreign worker as per the Labour and Employment Act of Bhutan, 2007 and its regulations;
- (9) Provide proper care and guidance to the foreign worker during their stay in Bhutan;  
and
- (10) Bear the cost-of-service charge, transportation, and medical examination, and not recover the same from the foreign worker.

## **Renewal**

31. The employer or any person recruiting a foreign worker shall seek approval from the CLA to renew the work permit 14 calendar days prior to the expiry of its validity.

## **Transfer of Contract of Employment**

32. The employer wishing to transfer the contract of employment of the foreign worker on the completion of their project or otherwise as agreed by the parties shall obtain approval from the CLA. The applicants shall submit the required documents as specified in Annexure II.

For the purpose of this section, transfer of contract of employment means a transfer of a foreign worker from one employer to another employer or from the same employer but to a different project with all

terms of the contract under this Regulation and other relevant laws.

33. For transfer of employment contract, no employer shall either enter into workforce supply business unless they are authorized to do so.

### **Change of Worksite**

34. The CLA may provide approval for a temporary change of worksite of the foreign worker which is of less than 30 days from;

- (1) One worksite to another worksite of the same employer; and
- (2) One worksite to another worksite of a different employer.

For the purposes of this Section, a temporary change of worksite refers to the transfer of foreign workers to another worksite during the period for

which they are hired and to be returned to the original worksite.

## **Repatriation**

35. The employer or any person recruiting a foreign worker shall ensure that the foreign worker exit the country on or before the expiry of the work permit and completes immigration formalities as prescribed in the Immigration laws.
36. In the event of a foreign worker wishing to leave the country permanently or the employer terminating the contract of employment before the expiry of the validity of the work permit, the employer shall ensure that foreign workers repatriate the country properly.
37. In the event of the foreign worker absconding from the country, the employer or any person recruiting

a foreign worker shall report to the Department of Immigration and Department of Labour (DoL).

## **Transportation**

38. The foreign worker is allowed to travel either through the identified transporter or as specified in Section 39.
39. The employer shall be allowed to transport the foreign worker only in the vehicles registered in the name of:
  - (1) an employer, or
  - (2) immediate family members of the employer,  
or
  - (3) company registered in the name of an employer.
40. Except as specified in Section 39, the employer shall not be allowed to hire or use vehicles other than the

identified transporters to transport foreign workers under this Regulation.

41. The employer shall fulfil due diligence at every checkpoint during the entry and exit of the foreign worker.

### **Road Accident Compensation**

42. The transporter or an employer transporting a foreign worker shall be liable to pay compensation to the foreign worker or their bereaved family members in the event of any injury or death of the foreign worker as a result of an accident during the transportation from the port of entry to the workplace and from the workplace to the port of exit.
43. The payment of compensation for any injury or death of a foreign worker as a result of an accident during transportation shall be as prescribed under



the Division 6 of the Road Safety and Transport Act, 1999.

## **Code of Conduct and Ethics**

44. A foreigner who is employed in Bhutan shall:
- (1) Respect the values, tradition, culture, and laws of the country;
  - (2) Respect the systems, policies, rules, and procedures of the country;
  - (3) Comply with the Labour and Employment Act of Bhutan, 2007 and its regulations;
  - (4) Declare medical history and conditions during the medical screening;
  - (5) Demonstrate exemplary behavior at all times that are congenial to the decorum of the Bhutanese society;
  - (6) Be honest and sincere in his/her duty;

- (7) Possess a valid work permit card or e-work permit during the employment period in Bhutan;
- (8) Engage only in a trade, occupation or types of employment or vocation, profession, or any activity specified in the work permit;
- (9) Work for only his/her employer; and
- (10) Refrain from visiting places that are restricted for entry by a foreign worker without specific permits.

45. A foreign worker shall not:

- (1) Engage in politics, proselytization, corrupt practices, and illegal activities;
- (2) Engage in anti-government activities, terrorism, and other actions that would undermine the peace, security, and sovereignty of the country;

- (3) Criticize the government, policies, programs and systems through speech or in writing while in Bhutan and after repatriation;
- (4) Pose any danger to the socio-economic and political stability of the country;
- (5) Seek to enter into arrangements with a Bhutanese citizen that will result in a prolonged stay in Bhutan; and
- (6) Leave the job and country without completing the required exit formalities.

## **Penalty**

46. The employer or any person who contravenes Section 7 of this Regulation shall be liable to pay a fine as follows:

- (1) First instance: Three hundred and sixty (360) times the Daily National Minimum Wage and

shall be referred to the Department of Immigration; and

(2) Second instance: Shall be guilty of an offense under Section 222 of the Labour and Employment Act of Bhutan, 2007.

47. The employer or any person who contravenes Section 10 of this Regulation shall be liable to pay a fine as follows:

(1) First instance: Three hundred and sixty (360) times the Daily National Minimum Wage; and

(2) Second instance: Shall be guilty of an offense under Section 225 of the Labour and Employment Act of Bhutan, 2007.

48. A person who contravenes Sections 10,18, 26 to 30, 32 to 35, 39, 40, and 42 of this Regulation shall be liable to pay a fine as follows:

- (1) First instance: One twenty (120) times the Daily National Minimum Wage;
- (2) Second instance: One hundred and eighty (180) times the Daily National Minimum Wage; and
- (3) Third and repeated instances: Three hundred and sixty (360) times the Daily National Minimum Wage.

49. The employer who contravenes Sections 41 of this Regulation shall be liable to pay a fine as follows:

- (1) First instance: Three hundred and sixty (360) times the Daily National Minimum Wage; and
- (2) Second instance and repeated instances: Double the Three Sixty (360) times the Daily National Minimum Wage.

50. Any foreign worker who contravenes Section 44 and 45 of this Regulation shall be dealt with in accordance with the relevant laws of the country.

## **CHAPTER 3**

### **FOREIGN WORKERS RECRUITMENT AGENT**

#### **Application**

51. This Chapter shall apply to any registered agency engaged recruitment of foreign workers in the country.
52. No person shall be allowed to operate as a Foreign Workers Recruitment Agent (FWRA) without registering with the Ministry and without a valid license.

## **Registration**

53. Any person applying for the operation of FWRA shall register with DoL and the following criteria shall be fulfilled:

- (1) Be a Bhutanese citizen;
- (2) Produce approved security clearance certificate; and
- (3) Submit an application to the CLA along with the proposal in the format prescribed in Annexure III.

## **Review Committee**

54. The proposal shall be reviewed by a committee comprising of four members and chaired by the CLA. The committee members shall comprise:

- (1) Chief Labour Officer, Foreign Workers Division;

(2) Chief Labour Officer, Labour Protection Division; and

(3) Two Labour Officers, Foreign Workers Division.

55. The proposal shall be reviewed by the committee based on the terms of reference and screening tools specified in Annexure IV.

### **Disqualification**

56. Any person may be disqualified to register as FWRA on the following grounds:

(1) Have an adverse record or information with the Ministry; and

(2) Probable cause or prima facie finding of guilt for illegal recruitment or other related cases.



## **Certification of Registration**

57. A Certificate of Registration (CoR) shall be issued by the CLA to those FWRA's fulfilling the following conditions:

- (1) The proposal submitted should be approved; and
- (2) Meet the required conditions for office setup, facilities, and other requirements as per this Regulation and other relevant laws.

58. The CLA shall;

- (1) Notify the FWRA's of the approval of their proposal; and
- (2) Ensure to conduct physical verification of the office space and facilities as required by this Regulation within 7 working days.

59. The approved applicant or FWRA within 30 working days of issuance of the CoR by the CLA shall undertake a letter of undertaking as per Annexure V.
60. The CoR shall be valid for one year from the date of issuance unless sooner cancelled for violation of applicable laws of the country and any other pertinent issues.

### **Appeal against not approval**

61. An individual applying for the FWRA shall have the right to appeal to the CLA within 15 working days of receiving the notice of the result.
62. The CLA shall take the decision and communicate to the applicant within 15 working days from the date of appeal.

## **License**

63. On being issued with the CoR, the applicant shall apply for a business license.
64. The entity shall act as FWRA upon obtaining of business license to operate.
65. A copy of the business license must be submitted to the CLA to activate the user account for the FWRA in the Foreign Workers Management System (FWMS).
66. The business license shall be valid only at the place stated therein and when used by the licensed person/entity.

## **Establishment of Office**

67. The FWRA shall not establish any permanent office or branch office in places other than that specified in the business license.

68. The office of the FWRA shall:
- (1) Be accessible to the employer, foreign workers, and relevant authorities;
  - (2) Have a minimum of two rooms of which one room shall have adequate space to accommodate a minimum of 15 people for conducting orientation to the foreign workers; and
  - (3) Have basic office equipment with internet and communication facilities.
69. The FWRA shall **NOT**:
- (1) Share the office space for other purposes; and
  - (2) Operate from their residence.
70. FWRA shall employ at least four Bhutanese citizens with a minimum qualification of Class X.

## **Renewal of Certificate of Registration**

71. The renewal of a business license shall be subject to the renewal of the CoR.
72. FWRAs shall submit an application to CLA for the renewal of CoR within 15 working days before its expiry.
73. The CLA shall;
  - (1) Determine the renewal of the CoR based on the periodic monitoring report; and
  - (2) Communicate its decisions within 7 working days from the receipt of the application for renewal.
74. The FWRAs failing to renew the CoR shall not be allowed to operate as an agent from the date of expiry of the CoR.

## **Registration and Renewal Fees**

75. The applicant shall pay non-refundable registration and renewal fees as follows:

- (1) Registration Fee - Nu. 10,000/- and
- (2) Renewal of CoR - Nu. 5,000/-

## **Change or closure of Office**

76. FWRA's **SHALL** notify the CLA on:

- (1) Any changes in the location of their office within 7 working days;
- (2) Any changes in the contact details; and
- (3) Closure of their business to cancel their user accounts in FWMS within 7 working days.

## **Service Charges and Fees**

77. FWRA's may charge employers, a maximum of 20% of the 30 days daily National Minimum Wage.

However, the fees charged may exclude the medical, transportation, work permit card, and accommodation charges.

78. FWRA shall maintain records of the charges and fees collected and produce them to the relevant authorized government agencies as and when required.

## **Roles and Responsibilities**

### **Mobilization**

79. The FWRA shall receive an application from the employer by sector, occupation, duration, and apply online to the CLA and Department of Immigration for approval.
80. FWRA **SHALL**;
  - (1) Be responsible for the mobilization and recruitment of foreign workers;

- (2) Maintain the list of foreign workers eligible and ready to work in Bhutan; and
- (3) Ensure that foreign workers applying to work in Bhutan meet all the eligibility criteria in accordance with Section 13 of this Regulation;

## Recruitment

81. FWRA shall not recruit or assist any person in recruiting or employing foreign workers without approval from the CLA.
82. FWRA **SHALL**:
  - (1) Facilitate entry of foreign workers through the designated Port of Entry;
  - (2) Facilitate accommodation for the foreign worker during the recruitment process;



- (3) Ensure foreign workers undergo health screening and drug tests as per the requirements set by the Bhutan Narcotics Control Agency (BNCA), Bhutan Medical and Health Council (BMHC) and Ministry of Health (MoH);
- (4) Facilitate the opening of Bank accounts and acquiring SIM cards;
- (5) Comply with and complete immigration formalities;
- (6) Recruit foreign workers as per the zonation system;
- (7) Facilitate workers' compensation and insurance for the foreign worker; and
- (8) Provide orientation and awareness programs to acquaint foreign workers with employment

rights, prevailing laws, and socio-cultural practices.

## Deployment

### 83. FWRA's **SHALL:**

- (1) Facilitate employer in arranging transportation of foreign worker to the workplace and also during repatriation through transporter on the request of the employer or as agreed between the parties.
- (2) Ensure that the transporter is present at the Ports of Entry and Exit or Immigration Checkpoints and Integrated Check Points during the travel of foreign workers. The Foreign worker shall not be allowed to pass through the checkpoints without the presence of FWRA's or their representative.

## Management

### 84. FWRA**s SHALL:**

- (1) Maintain and be accountable for the user account in the FWMS;
- (2) Report any grievances communicated either by the foreign worker or employer to DoL or authorized agency for dispute settlement in accordance with the grievance redressal mechanism; and
- (3) Renew the work permit of the foreign worker 14 calendar days before the expiry of the work permit after obtaining authorization from the employer.

## **Repatriation**

85. FWRA shall facilitate the repatriation of the foreign worker before the expiry of the work permit in coordination with the employer.
86. In the event of any invalid cases among the foreign worker recruited through the FWRA, approval for fresh recruitment shall not be granted unless the issues are resolved.

## **Monitoring**

87. FWRA shall be subject to periodic inspections by DoL.
88. Any violations found during the inspection shall be the basis for imposition of penalties and deregistration.

## **Deregistration**

89. FWRAs shall be deregistered if they fail to comply with the provisions of the Labour and Employment Act of Bhutan, 2007, and its regulations.
90. In the event of deregistration:
- (1) FWRAs shall not be allowed to recruit any foreign worker and shall not be granted approval for the recruitment of foreign workers by DoL and Department of Immigration; and
  - (2) Renewal, Repatriation, and Exit of the foreign worker shall be transferred to other FWRAs based on the choice of the employer.

## **Penalty**

91. Any person who contravenes Section 52 of the Regulation shall be liable to pay a fine of Three

hundred and sixty (360) times the Daily National Minimum Wage.

92. FWRA's who contravene Sections 64 to 69, 75 to 77, and 79 to 84 of this Regulation shall be liable for the following:

- (1) First instance: Three hundred and sixty (360) times the Daily National Minimum Wage;
- (2) Second instance: Double the times of three hundred and sixty (360) times the Daily National Minimum Wage; and
- (3) Third instance: Three hundred and sixty (360) times the Daily National Minimum Wage and deregister and recommend for cancellation of license.

## **CHAPTER 4**

### **DIAGNOSTIC SERVICE CENTER**

#### **Application**

93. This Chapter shall apply to the Diagnostic Service Centers (DSCs) that conduct medical examinations of the foreign worker.
94. No person shall be allowed to operate DSCs without registering with the Ministry and without a valid license.

#### **Registration**

95. Any DSCs applying for medical examination of foreign worker shall register with DoL and the following criteria shall be fulfilled:
  - (1) Be registered with the MoH and BMHC; and
  - (2) Have a valid license issued by the Ministry of Economic Affairs.

96. DSCs shall submit an application for registration to CLA to conduct a medical examination of the foreign worker in the prescribed format as annexed in Annexure VI.
97. DoL shall review the application submitted in accordance with Sections 54 and 55 of this Regulation.

### **Certificate of Registration**

98. CLA shall issue CoR to the approved DSCs in accordance with Sections 57 and 58 of this Regulation.
99. The CoR shall be valid for one year from the date of issuance unless cancelled for violation of applicable laws of the country and other pertinent issues.
100. DSCs shall undertake a Letter of Undertaking as prescribed in Annexure VII.



## **Establishment of Office**

101. DSCs shall have a sufficient number of qualified and competent staff as prescribed by MoH and BMHC.
102. DSCs shall be equipped with equipment that meets standards and norms set by MoH.

## **Disqualification**

103. DSCs may be disqualified to register on the following grounds:
  - (1) Having any adverse records or information with the relevant agencies; and
  - (2) Probable cause or prima facie finding of guilt for falsification of test results or documents or any other related cases.

## **Change or closure of Office**

104. DSCs shall notify the CLA on:

- (1) Any changes in the location of the office within 7 working days;
- (2) Any changes in the contact details; and
- (3) Closure of their business within 7 working days.

### **Renewal of Certificate of Registration**

105. DSCs shall submit an application to CLA for the renewal of CoR 15 working days before its expiry.
106. DoL shall determine the renewal of the CoR based on the periodic monitoring report.
107. CLA shall communicate its decision within 7 working days from the receipt of the application for renewal.
108. DSCs failing to renew the CoR shall not be allowed to operate from the day of expiry of the CoR.

## **Registration and Renewal Fees**

109. DSCs shall be required to pay non-refundable registration and renewal fees as specified in Section 75 of this Regulation.

## **Roles and Responsibilities**

110. DSCs SHALL:

- (1) Conduct medical tests as per the test parameters prescribed in Annexure I of this Regulation.
- (2) Ensure testing materials or reagents do not run out of stock which may hamper the service delivery.
- (3) Adhere to the laboratory ethics and procedures while collecting and examining the samples.

- (4) Ensure timely submission of medical reports or laboratory results through the FWMS to the competent person or entity authorized by MoH and BMHC.
- (5) Limit its functions only to diagnostic services.
- (6) Display the price list of the services determined by the RGoB in a prominent place.
- (7) Ensure that the medical test report of the foreign worker is protected against unauthorized access, use, modification, and disclosure.

111. DSCs shall **NOT**;

- (1) Conduct false, misleading, or inaccurate medical tests; and
- (2) Impose service charges more than what is indicated in the contractual agreement.

## **Service Charges**

112. DSCs shall charge reasonable and fair fees within the maximum amount fixed by the competent authorities from time to time.

## **Monitoring**

113. DSCs shall be subject to periodic inspection by the relevant agencies.
114. Any violations found during the inspection shall be ground for imposition of penalties and deregistration.

## **Deregistration**

115. DSCs may be deregistered in the event of failing to comply with the provisions of the Labour and Employment Act of Bhutan, 2007, and its regulations and any relevant laws.

116. In the event of deregistration, the login credentials in FWMS shall be cancelled by DoL.
117. The deregistered DSCs shall be liable for penalties sanctioned for failing to comply with the provisions under the Labour and Employment Act of Bhutan, 2007, and its regulations.

## **Penalty**

118. Any person who contravenes Section 94 of the Regulation shall be liable to pay a fine of a maximum of Three hundred and sixty (360) times the Daily National Minimum Wage.
119. DSCs that contravene Sections 101, 102, 104, and 110 to 112 of this Regulation shall be liable for the following:
  - (1) First instance: Three hundred and sixty (360) times the Daily National Minimum Wage;

- (2) Second instance: Double the times of three hundred and sixty (360) times the Daily National Minimum Wage; and
- (3) Third instance: Three hundred and sixty (360) times the Daily National Minimum Wage and De-register and recommend for cancellation of license.

## **CHAPTER 5 TRANSPORTERS**

### **Application**

120. This Chapter shall apply to the transporter engaged in transporting foreign workers in the country.

### **General Provision**

121. CLA shall authorize transporter who are registered with Road Safety and Transport Authority (RSTA) and possess authorizing credentials to engage in transporting foreign workers in the country.

122. No person or transporter shall be allowed to transport a foreign worker without any authorization from CLA to transport a foreign worker at the time of entry and exit or otherwise as specified in this Regulation.



123. The transporter shall enter into a tripartite agreement with RSTA and CLA as per the prescribed format in Annexure VIII.

## **Roles and Responsibilities**

124. The transporter **SHALL**:

- (1) Provide suitable transport facilities for the foreign worker.
- (2) Determine the duties and responsibilities of the public transport operator/driver as per the Road Safety and Transport Regulations, 2021.
- (3) Ensure that there is a well-defined contingency plan in case of vehicle breakdown or any unforeseen incidents.
- (4) Facilitate drug tests for the drivers every 6 months as mandated by the RSTA or as and

when deemed necessary by the relevant authorities.

(5) Provide information on the foreign worker transported as and when deemed necessary by DoL and the Department of Immigration; and

(6) Display the identity of the transporter on the vehicle's dashboard at all times.

125. Fulfil due diligence at every checkpoint during the entry and exit of the foreign worker.

### **Transportation fare**

126. The transporter shall charge the foreign worker or employer within the fares fixed by the RSTA.

## Compensation

127. The transporter shall be liable to pay compensation for the death or injury of any foreign worker as a result of an accident during the transportation.
128. The transporter shall ensure that their vehicles are covered under a comprehensive insurance policy.
129. The compensation payment shall be in accordance with Division 6 of the Road Safety and Transport Act, 1999.
130. In the event of death, the transporter shall facilitate handing over the deceased body to the bereaved family members in one's home country in collaboration with FWRA, DoL, Department of Immigration, and relevant agencies.

## Penalty

131. The transporter contravening Section 122 to 130 of this Regulation shall be liable for the following:

- (1) First instance: Three hundred and sixty (360) times the Daily National Minimum Wage; and
- (2) Second instance and thereafter: Double the three hundred and sixty (360) times the Daily National Minimum Wage.

## CHAPTER 6

### DEFINITION

132. For this Regulation unless the context indicates otherwise, the words, phrases, and acronyms are defined as follows:

**Applicant** includes a person who makes a formal application to the Ministry to operate as FWRA or DSC.

**Adverse Record** refers to the existence of negative information such as, but not limited to, illegal recruitment, falsification, swindling, and conviction for crimes involving moral turpitude.

**Business License** refers to a license issued by the Ministry of Economic Affairs.

**Certificate of Registration** refers to the document issued by CLA to the applicant upon approval of their proposal.

**Competent Authority** refers to a government agency entrusted with the responsibilities and identified as the nodal agency in the relevant subject.

**Chief Labour Administrator** means the Head of the Secretariat of the Ministry or an officer of the Royal Civil Service recruited, selected, and appointed under the Bhutan Civil Service Rules to exercise the functions and powers in sections 22 to 24 of the Labour and Employment Act of Bhutan, 2007.

**Contract of employment** means an agreement, whether oral or in writing, expressed or implied to employ or to serve as an employee for payment and includes a contract of training.

**Death** means the end of life, the permanent cessation of all bodily functions.

**Department of Immigration** means the Department of Immigration under the Ministry of Home and Cultural Affairs, Royal Government of Bhutan.

**Department of Labour** means an agency under the Royal Government of Bhutan responsible for

providing policy directives on foreign workers and overall management of foreign workers in the country.

**Diagnostic Service Center** refers to any privately operated clinical services registered with the Ministry of Health and Bhutan Medical and Health Council and obtained a business license from the Ministry of Economic Affairs to operate as diagnostic service providers.

**Employee** means a person employed under a contract of employment.

**Employer** means a person who employs one or more other persons under a contract of employment.

**Foreign worker** means a foreigner recruited from a country other than Bhutan to work for the employer.

**Foreigner** means a person who is not a citizen or resident of the Kingdom of Bhutan, or who is living in the Kingdom and is married to a Bhutanese citizen.

**Foreign Workers Recruitment Agent (FWRA)** refers to an agent who is registered with the Ministry of Labour and Human Resources and obtained a business license from the Ministry of Economic Affairs to operate as a recruitment agent and includes the branch office of the FWRA.

**Grievance** means a complaint by one or more workers, a workers' association, or an employer, relating to any matter concerning working conditions or the working environment arising at work or out of the workplace, as covered by the Act.

**Immediate Family Member** means spouse, children, parent, father-in-law, and mother-in-law.

**Injury** means any physical damage to a person resulting from an accident.

**Ministry** refers to a government ministry entrusted with the mandate to provide policy directives on foreign workers and manage foreign workers in the country.



**Transporter** means a transport agent or company or an organization registered with RSTA and possesses authorizing credentials to engage in public transport service and registered with CLA to transport foreign workers in the country.

**Wages** means remuneration or earnings that can be expressed in terms of money and payable by an employer to an employee under a contract of employment.

**Workplace** means any place, whether a building or structure, open space, home, office, or factory, where an employee works.

**Work permit** means an approval granted by the CLA for a foreigner to work in Bhutan and the permit can be in the form of a card or e-work permit.

# ANNEXURE

## Annexure I: Medical Examination form

Part 1: Personal Information		
Name:	Passport No/Identity Card No./Voter Card No.	Nationality
Occupation:	Date of Birth/Age	Gender
Address in Bhutan (Employer's name and company)		

Part II: Medical History (to be declared and signed by the applicant in the presence of/or with the assistance of a medical or health professional)							
				Y= YES; N=NO			
Medical Condition	Y	N	If yes, provide brief details	Medical Condition	Y	N	If yes, provide brief details
Mental illness				Epilepsy			
Asthma/COPD				Diabetes Mellitus			
Hypertension				Tuberculosis			
Heart Disease				Kidney Disease			
Addiction to drugs or Alcohol				Prolonged or repeated hospital admission			

Major Surgical Operations				Long-term medication			
Visual & Hearing Impairment				Pregnancy			
<p>I declare that all the information given above is correct and true. I also understand that providing false or misleading information may result in the refusal of my application and cancellation of any work permit/visa issued</p> <p>Signature/Thumbprint of the applicant.....</p> <p>Date.....</p>							

Part III: Physical Examination (to be conducted by registered medical or health professionals)			
A. General	Normal	Abnormal	If abnormal, give brief details
Pulse Rate ..... per minute			
Blood Pressure.....mmHg			
Conjunctiva (circle): Pallor/ Non-icteric/Others (Specify):.....			
Vision: R L			
Lymphadenopathy			
Pedal Oedema			
Visible Deformity			
B. Systemic			
Skin: Hypo Pigmented patch			
Cutaneous Nerve			

Enlargement			
Cardiovascular system			
Per Abdomen/ liver/spleen			
Hernia			
Mental State (Sensory and Coordination)			
Respiratory System			

**Part IV: Laboratory tests and Chest X-Ray (to be conducted at authorized health/diagnostic centers in Bhutan.)**

Note: Minimum standard to be met to perform X-Ray services in any of the POEs: Red brick wall of double brick thickness is the minimum requirement for occupational and radiation safety of all and radiation hazard-related PPE (personal protective equipment) should be worn at all times by the radio technicians.

2. Original lab. test results and chest X-ray must be attached for verification by certifying medical professional

1	Chest X-ray no. .... Date of Xray..... Name of Health/Diagnostic Centre: ..... Remarks/Report.....
2	Urine analysis: a) Albumin..... b) Sugar..... c) RBCs..... Name of Health/Diagnostic Center: ..... Date of Test..... Remarks/Report.....

	.....
3	Blood test:.....Date of Test..... Name of Health/Diagnostic Centre..... a) Syphilis Serology: Result..... b) Malaria Parasite: Result..... c) Hepatitis B: Result..... d) Hepatitis C: Result..... e) HIV: Result..... F) Random Blood Sugar (RBS): Result.....
<p><i>Note: To rule out TB and MDR-TB, subject all presumptive TB (people with Cough for 2 weeks or more or Cough for more than 1-week with persistent fever, night sweats, weight loss) to Xpert MTB/RIF test. The sample will be collected at the authorized health/diagnostic centers and shall be shipped to the respective Hospital for testing.</i></p>	

Part V: Drug test (to be conducted at authorized health/diagnostic centres in Bhutan)	
Name of Health/Diagnostic Centre..... Date of Test.....	
1. Amphetamine (AMP): Result..... 2. Benzodiazepine (BZO): Result.... 3. Cocaine (CoC): Result.....	6. Methylenedioxyamphetamine (MDMA): Result..... 7. Marijuana (THC): Result..... 8. Opiates (OPI): Result.....

4. Ketamine (KET) Result.....	9. Propoxyphene (PPX): Result.....
5. Methamphetamine (MET): Result.....	10. Tramadol (TRA): Result.....

<p>Part VI: Certification and Declaration (to be completed by an authorized medical professional)</p> <p>I certify that I have examined the applicant  .....  bearing Passport/ ID/ voter card no.....  .....  and analyzed his/ her laboratory test results and Chest X-ray report. I declare the applicant to be:</p> <p style="text-align: center;"><input type="checkbox"/> FIT                      <input type="checkbox"/> UNFIT</p> <p><u>Comments (if any) by the Examining Medical Or Health Professional</u></p> <p><u>Examining Medical or Health Professional</u></p> <p>Name and Address:</p> <p>BMHC Registration No.</p> <p>Signature and Official Seal</p> <p><i>Note: This form will be retained with the certifying health center/facility, and the exam will be provided with a medical certificate to process for a work permit</i></p> <p><b><u>For Official Use only</u></b></p> <p><i>Fee (excludes laboratory and Chest X-ray cost) Nu.....</i></p>
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# Annexure II: Transfer of Contract of Employment and Workplace Change

## 1. Employer Details

### 1.1 Relieving Employer

Employer Name/Entity:.....CID/Trade license/CDB.....  
 Contact number:.....Contact email:.....  
 Worksite Location: Dzongkhag:.....Dungkhag.....  
 Gewog:.....Exact Location.....

### 1.2 Receiving Employer

Employer Name/Entity: .....CID/Trade license/CDB.....  
 Contact number:..... Contact email:.....  
 Worksite Location: Dzongkhag:.....Dungkhag.....  
 Gewog:.....Exact Location.....

## 2. Foreign Workers Details

Foreign Workers to be transferred: Fill in the table below.

Sl.#	Name of Foreign Worker	Work Permit Number	Occupation	WP Expire date
1				
2				
3				
4				
5				
6				
7				
8				

*Note: Attached additional page if more FWs.*

### 3. Undertaking

3.1 Relieving Employer (Tick the relevant statement either a or b)

- a. Please cancel the work permit of the above listed foreign Worker/s which was/were issued in my name/entity as my construction work/business undertaking is completed and the workers being transferred.
- b. The above foreign workers is/are temporarily transfer to the receiving employer for a period of .....days/hours and will return to my work site after the completion of the specified agreed period.

(Affix legal stamp)  
Name and Sign  
Date:

3.2 Receiving Employer (Tick the relevant statement either a or b)

- a. I hereby undertake full responsibility of the above foreign worker/s to be deployed in my construction or business undertaking till the completion of my work and repatriate to their origin of country without fail.
- b. I hereby undertake to deploy the above foreign worker/s in my work site for a period of ..... hours/days on temporary basis and will send back the workers to the original employer after the completion of the specified agreed period.

(Affix legal stamp)  
Name and Sign  
Date:



## **Annexure III: FWRA proposal format**

The proposal for establishing FWRA/DSC shall contain the following information;

1. Executive summary
2. Profile of the applicant
3. Project location and Contract information
4. Organization and management structure (*proposed*)
5. Office space and facilities (*proposed*)
6. HR strength (*details of every employee*)
7. Equipment (*list of equipment with broacher*)
8. Schedule of fees
9. Strategy to maintain a pool or list of foreign workers ready to deploy.

## **Annexure IV: Terms of Reference for Reviewing Committee**

### **1. Terms of Reference**

The following are the ToR for the Review Committee;

- (a) The review committee shall review the proposal received;
- (b) Review the proposal in line with the regulation, guidelines, and use of screening tools; and
- (c) Committee will recommend the proposals.

### **2. Screening tools for the proposal**

- (a) Office Space
- (b) Location
- (c) HR strength and qualification
- (d) Equipment
- (e) Service charges
- (f) Fulfilment of requirements as per the regulation and guideline

## Annexure V: Letter of Undertaking by FWRA

I,.....bearing CID.....  
CEO/Proprietor of .....  
license number .....hereby undertakes that  
I am fully conversant with the Regulation on Foreign  
Workers Management 2022 as it applies to the Foreign  
Workers Recruitment Agent.

I further acknowledge that I am fully aware of my roles and  
responsibilities as a Foreign Workers Recruitment Agent  
and of the penalties and sanctions to be applied against  
me for breach of any provisions of the Act and Regulation  
on Foreign Workers Management 2022.

*(Affix legal stamp)*

Signed by the FWRA

Address:.....

At.....

Date:.....

WITNESS

Name:.....

CID No:.....

Address:.....

Date:.....

## **Annexure VI: DSC proposal format**

The Diagnostic service center required to register with Ministry shall furnish the following information;

1. Executive summary
2. Profile of the applicant
3. Project location and Contract information
4. Organization and management structure/Facilities  
(proposed)
5. Technical component
6. HR strength (*details of every employee*)
7. Equipment (*list of equipment with broacher*)
8. Schedule of fees
9. Infrastructure

## Annexure VII: Letter of Undertaking by DSC

I, .....bearing CID.....  
CEO/Proprietor of .....  
license number ..... hereby undertakes that  
I am fully conversant with the Regulation on Foreign  
Workers Management 2022 as it applies to the Diagnostic  
Centers.

I further acknowledge that I am fully aware of my roles and  
responsibilities as a Diagnostic Service Center and of the  
penalties and sanctions to be applied against me for  
breach of any provisions of the act and Regulation on  
Foreign Workers Management 2022.

(Affix legal stamp)  
Signed by the FWRA  
Address:.....  
At.....  
Date:.....

WITNESS  
Name:.....  
CID No:.....  
Address:.....  
Date:.....

## **Annexure VIII: Tripartite Agreement for transportation of foreign workers**

THIS TRIPARTITE AGREEMENT made at .....on the .....day of the.....month of the year.....amongst; THE DIRECTOR, Department of Labour, MoLHR, Thimphu,

AND THE DIRECTOR, Road Safety and Transport Authority, Ministry of Information and Communication, Thimphu,

AND [ name of a company or agency] registered under the RSTA (Hereinafter referred to as "Transporter),

WHEREAS the Department of Labour, Road Safety and Transport Authority, and the Transporter wish to enter into a tripartite agreement governing the following terms.

THIS AGREEMENT WITNESSETH that in consideration of the premises and mutual covenants and agreements

hereinafter contained is hereby acknowledged and agreed by and between the parties hereto as follows:

### **Terms and Conditions**

1. The transporter shall provide suitable and safe transport facilities to foreign workers within the fares fixed by the Road Safety and Transport Authority.
2. The transporters shall properly plan the transportation of foreign workers to minimize the transit time and also fulfil due diligence at every checkpoint during the entry and exit.
3. The transporter shall determine the duties and responsibilities of the public transport operator/driver as per the Road Safety and Transport Regulations, 2021.
4. In case of vehicle breakdown or any unforeseen incidents, the transporter should have a well-defined contingency plan.
5. The transporter shall be liable to pay compensation for the death or injury of any foreign workers as a result of an accident during transportation. In the event of death, facilitate handing over the deceased body to the family members in collaboration with the Foreign

Workers Recruitment Agents, Department of Labour and Department of Immigration.

6. The transporter shall facilitate drug tests for the drivers every 6 months as mandated by the Road Safety and Transport Authority.
7. The transporter shall provide information on the foreign workers transported as and when deemed necessary by the Department of Labour and Department of Immigration.

### **Interpretation of Agreement**

The validity, interpretation, construction, and performance of this agreement shall be governed by the contract act and other relevant laws of the kingdom of Bhutan. This agreement shall be interpreted with all necessary changes in gender and number as the context may require and shall ensure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.



IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed as of .....day.....month .....year and shall each retain a copy of the agreement in the original.

CEO

Director

Director

[name of the agency or company]

Department of Labour

Road Safety and Transport Authority

WITNESS

Name: Name:

CID No:

Contact No:

