



ལས་མི་ལས་ཁུངས། དཔལ་ལྷན་འབྲུག་གཞུང། བཟོ་གྲུ་རྫོང་ལས་དང་ལུ་གཡོག་ལྷན་ཁག།
Royal Government of Bhutan
Ministry of Industry, Commerce and Employment
Department of Labour

MoICE/DoL/21/2022-2023/169

April 7, 2023

Notification on Transferring Foreign Workers Between Employers and Worksites

Foreign Workers (FWs) play a crucial role in meeting our domestic workforce need, and it is imperative that they are treated with respect and given safe and supportive working conditions. FWs should be able to exercise their **Rights and Duties** as per the Labour and Employment Act, 2007, Working Conditions Regulations, (amended in 2022), Occupational Health and Safety Regulations (OHS), 2022 (amendment) and other relevant laws and regulations. The Department of Labour (DoL) has the important mandate of ensuring effective, efficient and transparent foreign labour administration which covers areas ranging from *Sourcing, Recruitment, Management* to *Repatriation* of FWs. We are in the process of implementing strategies and actions of ‘Streamlining Foreign Workers Management’ reform. In the above contexts and in continuation to our public notification issued on 5th July, 2022, we would like to remind you of the following sections of Chapter XIV-Employment of Foreigners, Labour and Employment Act, 2007:

Section 219: No person shall employ a foreigner unless the employer has an approval of the Chief Labour Administrator to employ a foreigner.

ཡུལ་མི་ངོ་ཅིག་གིས་ལུ་གཡོག་བྱིན་མི་ཅིག་ལུ་ བྱི་མི་ལུ་གཡོག་ནང་བཅུགས་ཚོག་པའི་གནང་བ་ ལས་མི་བདག་སྐྱོང་གཙོ་
འཛིན་ལས་ཡོད་ན་མ་གཏོགས་ དེ་མིན་ མི་ངོ་ག་གིས་ཡང་ བྱི་མི་གཡོག་ནང་ བཅུག་མི་ཚོག།

Section 220: No person shall knowingly assist a person to employ a foreigner without a permit.

ཡུལ་གནང་བ་མེད་མི་ བྱི་མི་ཅིག་ གཡོག་ནང་བཅུགས་ནིའི་དོན་ལུ་ མི་ངོ་ཅིག་གིས་ ཤེས་བཞིན་དུ་ མི་ངོ་གཞན་ཅིག་ལུ་
ཆ་རོགས་འབད་མི་ཚོག།

Section 221: No permit to employ a foreigner shall be **varied or transferred to another person without the approval of the Chief Labour Administrator.**

ཡུལ་ལས་མི་བདག་སྐྱོང་གཙོ་འཛིན་ལས་གནང་བ་ཡོད་ན་མ་གཏོགས་བྱི་མི་གཡོག་གཡོག་ནང་བཅུགས་ཚོག་པའི་གནང་བ་འ
དི་ མི་ངོ་གཞན་ཅིག་ལུ་ རྩོད་བྱུང་དང་བསྐྱར་བ་འབད་མི་ཚོག།



ལས་མི་ལས་ཁུངས། དཔལ་ལྷན་འགྲུག་གཞུང། བཟོ་གྲུ་ཚོང་ལས་དང་ལུ་གཡོག་ལྷན་ཁག།
Royal Government of Bhutan
Ministry of Industry, Commerce and Employment
Department of Labour

Section 222: A person who contravenes section 219-221 shall be guilty of an offence which shall be a felony of the **Fourth Degree**.

འདྲའི་མི་ངོ་ཅིག་གིས་ དོན་ཚན་ ༢༡༩ ལས་ ༢༢༡ ཚུན་ལས་འགལ་བ་ཅིན་ དབྱེ་ རིམ་བཞི་པའི་ཉེས་ཚན་སྤོང་དགོ།

Considering the above sections, we remind you to refrain from transferring FWs between employers and worksites and changing their occupations for whatsoever duration without the approval of the CLA or Department of Labour (DoL), MOICE. We are putting all possible efforts to prevent the employers from facing legal consequences of violating the above sections. In this respect, we hope all employers, FWs and any other relevant individuals and agencies would cooperate with us.

You can process the online approval for the temporary or permanent transfer of FWs between employers, location and worksites (**Variation of Work Permit**) through <https://www.blmis.gov.bt/foreign-workers-management>. As you know, the work permit is granted to a FW only to work in the approved location and occupation and with that particular employer.

The employers who employ FWs after getting the temporary transfer approval from the CLA are requested to ensure FWs use the appropriate Personal Protective Equipment (PPE) for their safety and productivity. The PPE could be temporarily transferred from the primary employer (to save cost) or provided new. The minimum PPE for the construction and related works constitutes safety helmet, reflective jacket, appropriate footwear, safety harness (for work at height), etc. For more information on OHS, please refer Regulations on Occupational Health and Safety in the Construction Sector (amended 2022) and Regulations on Occupational Health, Safety and Welfare (amended 2022). These documents are accessible online at https://www.moice.gov.bt/?page_id=242275.

Chief Labour Administrator (CLA)

Note: Our first notification was posted on the Ministry's website and Facebook page on July, 5, 2022, updated it on Dec. 10, 2022 and Feb. 7, 2023 after the restructuring the ministries.