



Integrated Foreign Workers Recruitment and Management Guideline 2023



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Department of Labour

Ministry of Industry, Commerce and Employment

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PART ONE: EMPLOYMENT OF FOREIGN WORKERS

1. Background

Until the onset of development activities, most works in Bhutan were fully carried out by the Bhutanese. As the economic development activities gathered momentum, Bhutan implemented major infrastructure development projects in the construction, manufacturing, and service sectors. The accelerating rate of development activities and the emergence of hydro-power projects, major government and FDI projects, led to the increase in the import of both skilled and unskilled foreign workers.

In 2000, the Lhengye Zhungtshog during its 20th Session approved the increase in the ceiling of foreign workers within the country at any given time from 30,000 to 45,000 to meet the requirements of the three hydro projects (Tala, Chhukha and Kurichu). The Government initiated additional hydropower projects and the rural-urban development programs led to the increasing demand for foreign workers in the country. The Lhengye Zhungtshog also instructed the Ministry of Labour and Human Resources (MoLHR) to develop foreign workers management strategies in 2020. The Ministry developed 13 strategies to uplift the image of foreign workers for implementation through this Handbook.

The Department of Labour, Ministry of Industry, Commerce and Employment deemed it pertinent to prepare this Handbook on the procedure for recruitment, employment and management of foreign workers so as to provide a comprehensive guideline for both the employers and the foreign workers to fully comprehend their obligations and to abide by the procedures laid down without any confusion.

This guideline on the Recruitment, Employment and Management of Foreign Workers in the country is a compilation of all the procedures that were laid down in the Labour and Employment Act of Bhutan 2007 and its Regulation.

2. Employment of Foreigners

2.1 Approval

- (1) A foreigner can be recruited for employment in Bhutan only after obtaining Approval from the Chief Labour Administrator (CLA) as per chapter XIV, Section 219 of the Labour and Employment Act, 2007.
- (2) A foreigner approved to work in Bhutan will be issued with a work permit and the validity of the Work Permit is for the maximum period of ONE YEAR subjected to renewal on a case by case upon approval from the CLA.
- (3) The employer can apply for foreign workers against any occupation listed in the critical occupational list or as decided by MoLHR.

2.2 Eligibility of FWs to work in Bhutan

A foreigner will be granted a work permit only upon fulfilling the following criteria:

- (1) Minimum age of 18 years old,
- (2) Medically fit,
- (3) Possess the professional knowledge and skills needed for the corresponding work experiences in the field he/she is recruited or as may decide by the Department of Labour,
- (4) Free of criminal records,
- (5) Have a specific employer,
- (6) Possess a valid passport or Voter card (in the case of Indian nationals).

3. Dependency Ratio Ceiling (DRC) and Critical Occupational List

3.1 Dependency Ratio Ceiling

A Dependency Ratio Ceiling (DRC), or Quota, is the maximum ratio of foreignworkers to the total workforce that a company in a given sector can employ. The table 1 to 3 shows the Dependency ratio ceiling (DRC) by sectors.

Table 1: DRC for the Construction sector

Sl #	Sectors	Normal/Quota	Dependency Ratio Ceiling	Duration
1	Government Award Project	As per the formula	90% FWs & 10 % TTI graduates/Bhutanese workers (BWs) (Up to 90% of a project's total workforce may consist of FWs)	As per the project duration
2	Private House	Ceiling	<ul style="list-style-type: none">• Urban/Dzongkhag towns: 90% FWs & 10% TTIs graduates/BWs (If the total workforce required in	Maximum one year

SI #	Sectors	Normal/Quota	Dependency Ratio Ceiling	Duration
			the construction site is 200, then 90 will be FWs and 10 BWs) <ul style="list-style-type: none"> Rural: 90% FWs & 10% BWs 	
3	Hotel /Resort/FDI	Ceiling	90% FWs & 10% TTI graduates/BWs	Maximum one year
4	Gyalsung/Desung	No ceiling	Not applicable	
5	Hydropower projects	No ceiling	Not applicable	Maximum one year
6	DANTAK/ IMTRAT	No ceiling	Not applicable	Not applicable

Table 2: DRC for Service Sector

SI No.	Sectors	Normal/Quota	Proposed criteria Dependency Ratio (FWs:BW)	Duration
1	Automobile workshop	Ceiling	60% FWs & 40% TTI graduates/BWs (If a workshop requires 10 workers in total, 6 will be FWs and 4 BWs)	Maximum one year
2	Cottage/small/medium/large	2/4/5/7	60% FWs & 40% BWs	Maximum one year

Table 3: RRC for Manufacturing Sector

SI.#	Sectors	Normal/Quota	Proposed criteria Dependency Ratio (FWs:BW)	Duration
1	Agro-based Industries	As per the recommendation	60% FWs & 40% BWs	
2	Forest-based Industries		60% FWs & 40% BWs	
3	Mineral based industries		60% FWs & 40% BWs	
4	Other sectors and Occupations		Case-by-case by CLA	

Since 2022, the department has been piloting the Dependency Ratio Ceiling (DRC) Approach as the primary basis for approving foreign workers, particularly to address post-COVID demand. However, concerns have emerged from certain sectors regarding the perceived strictness of DRC implementation, despite the ratios (in favour of foreign workers) being maintained high. For instance, in the construction sector, the DRC stands at 90:10, meaning that out of 100 workers in that particular construction project, 90 are foreign workers and 10

are Bhutanese workers. Yet, the department was not so strict with the DRC with many cases seeing 100% foreign workforce. Concurrently, there have been concerns from segments of society about the department facilitating an influx of foreign workers, potentially at the expense of Bhutanese employment opportunities, leading to divergent opinions on the department's approach.

Acknowledging this challenge and to foster economic growth, the department emphasised the importance of adopting a need-based approach across regional offices since 2023. This approach entails assessing foreign worker approvals based on local demand and the availability of local workers. However, certain occupations must prioritize Bhutanese workers, particularly in the hotel and service sectors, select administrative and managerial roles, and technical positions such as plumbing and electrical work, which local colleges and TVET institutes train and produce in large numbers. These occupations are not entirely closed off to foreign workers should the need arise. Nevertheless, for example, despite training over 3000 electricians locally between 2008 and 2020, Bhutanese employers still tend to favour foreign workers for these roles.

Furthermore, efforts have been directed towards transitioning from a Closed Category Occupation Approach to a Critical Skills List Approach. In 2024, following a comprehensive study, the department published a list of Critical Skills on the ministry's website. This list encompasses skills critical to industries and projects yet inadequately met by the local labour market, necessitating the approval of foreign workers to address the skills gap.

In the border towns, the department has introduced Hourly-Type Work Permits in 2023 to meet urgent expertise requirements from outside the border, particularly during emergencies such as machinery breakdowns (for few hours). Getting the work permits for this type of work permit is easy but the regional offices reported people are not applying and then later they make blame the department or regional offices. If they need, they must check out from the regional offices about availability of different options of work permits. Other than putting up our guidelines on the website, it is difficult to reach to each and every industry or individual. They must check the ministry's website for information or visit the regional offices or call them.

3.2 Critical Skills or Occupation List

Since Bhutanese people are not available or are not willing to work in the following occupations, these occupations are considered "critical". Therefore, the following

occupations will be given to foreign workers based on the prevailing DRC.

Table 4: Critical Skill Shortage or occupation List

Sector	Critical Skills shortage / Occupation List
Manufacturing and Mining Sector	<ol style="list-style-type: none"> 1. Plant Operator 2. Crusher Operator 3. Process workers 4. Carpenter (furniture house) 5. Ripsaw operator (furniture house) 6. Saw operator (furniture house)
Service Sector	<ol style="list-style-type: none"> 1. Ripsaw operator 2. DD Saw operator 3. Dryer Machine operator 4. Peeling operator 5. Sanding Machine operator 6. Fuel pump injector 7. Lathe machine injector 8. Automobile mechanic 9. Sawyer 10. Denter 11. Fabricator 12. Welder 13. Technician
Construction Sector	<ol style="list-style-type: none"> 1. Mason 2. Carpenter 3. Tile layer 4. Rod Binder 5. Welder 6. Paver Operator 7. Concreter
<p><i>Note: The Critical Occupational list is subject to change periodically and other occupations which are not listed, accord approval from CLA case by case.</i></p>	

After a comprehensive study in 2023 (<https://www.moice.gov.bt/wp-content/uploads/2023/12/Report-on-Critical-Occupational-Shortage-COS.pdf>), the department has published a list of critical skills shortage on the ministry's website which can be accessed from <https://www.moice.gov.bt/wp-content/uploads/2024/02/cssl.pdf>

4. Border Town Foreign Workers (BTFW)

4.1 Who is BTFW

A BTFW is an Indian national who shall be allowed to work in the Bhutanese border towns and thromdes. The Ministry of Home and Culture Affairs delimits the border town area and location.

A BTFW shall come to work in the morning and return to the country in the same evening. The Department of Immigration (DoI) and Royal Bhutan Police (RBP) shall determine the timing for entry and exit of BTFWs for the respective Point of Entry (POE), including the night shift BTFWs.

4.2 Types of BTFW

A casual worker/hourly worker is another type of BTFW to be approved case by case to help the industries meet the emergency expertise requirement. For example, an employer can hire a casual worker for a few hours to fix a machine or other experts urgently not at his disposal in the domestic labour market.

Table 5: BTFW Ratio

Key area	Criteria
Applicable	The BTFW policy will be applicable only in the following border towns; <ol style="list-style-type: none">(1) Phuentsholing(2) Samtse(3) Gelephu(4) Samdrup Jongkhar
Overall Ratio	<ul style="list-style-type: none">• The approval of occupation and number of BTFW for the unskilled category of workers shall be based on the need of the economy and society. A certain ratio shall be applied for the BTFWs in the professional and skilled categories. The ratios are as follows:<ul style="list-style-type: none">○ Professional (20% FWs: 80%BWs)○ Skilled (30% FWs: 70%BWs)○ Unskilled (as per the requirement but not to displace Bhutanese Workers)• Casual (Hourly) workers will be approved on a case-by-case basis and shall be allowed to work for a maximum of 6 hours a day. The casual or hourly workers shall possess a copy of an online work permit issued by DoL (need not print the work permit).

5. Furniture House and Sawmill

The following table denotes the criteria and process for approval of foreign workers in the furniture houses and Sawmill.

Table 6: Eligible criteria and documents required

Key area	Criteria
Foreign workers allotment	<p>The wood-based industries are eligible for 60:40 as Dependency Ratio Ceiling (DRC) however, the foreign worker will be approved on a case by case based on the investment, production and employment of Bhutanese.</p> <p>Furniture House</p> <p>(1) The foreign workers in the furniture unit will be approved a total of 2 FWs upon fulfilling the undertaking declaration available on the website. In case of additional requirements, DoL will approved on case by case upon verifying the requirement.</p> <p>(2) Bhutanese workers should be in the category of carpentry trade.</p> <p>Sawmill</p> <p>(1) For the Sawmill a maximum of 2 foreign workers will be eligible as sawyers.</p>
Minimum conditions	<p>In order to sanction FWs, the Furniture unit should meet the following minimum standards;</p> <p>(a) The Furniture house should have a minimum area measuring 1000 sqft with a separate polishing room.</p> <p>(b) Equipment and Machinery as reflected in the Annexure I</p>
Undertaking by the employer	<p>The employer shall accept the letter of undertaking with the MoICE ensuring compliance with these guidelines and other directive issued by the Ministry from time to time. (Letter of undertaking attached as Annexure I & II)</p>

6. Foreign Child Caregiver

Households seeking to employ FCC must adhere to the separate guideline developed and implemented specifically for the Foreign Child Caregiver by the ministry.

PART TWO: TYPES OF WORK PERMIT AND APPLICATION PROCESS

7. Work Permit (WP)

All foreigners who intended to work in Bhutan must have a valid approved work permit. The employer or any person recruiting Foreign Workers must ensure that they hold a valid work permit.

7.1 Types of Work Permits approval

The approval of foreign workers in the country is categorized into five (5) broad groups as defined below.

- (1) **R - Types work permit:** This is a work permit approved for a period of one year subject to renewals. This type of work permit is issued to regular foreignworkers working across the country.
- (2) **S - Types work permit:** Work permit approved for a duration of less than one month and non-renewal. The S – types of work permits will be in the form of e-permit. This is a special work permit given to foreign workers from any country who are hired for a duration not exceeding one month for their expertise.
- (3) **B - Types work permit:** this work permit is issued for the Border Towns with a validity of one year. The BTFW will be entering the country every morning and will be exiting every evening. This is a work permit issued to foreign workers, specifically the ones who reside across the border and come to work in the country on daily basis. As they rely on work in the border towns of Bhutan, the work permit is approved for one year, subject to renewal.
- (4) **H - Types work permit:** Foreign workers are issued with the e-permit to work (approved by DOL on the FWMS) for a maximum of half a day or 6 hours and an entry permit to be issued by Immigration. This type of work permit approval is applicable in the border town or thromdes only.
- (5) **C - Types of work permit:** this type of work permit is approved for a foreign child caregiver.

The following table shows a summary of the types of Work permits and eligibility.

Table 7: Eligibility criteria for different types of Work permits

Types of Work Permits	Eligibility
R - Work Permit (Regular)	<ol style="list-style-type: none"> 1. Skill level <ul style="list-style-type: none"> • Professionals • Skilled, Simi-skilled and Unskilled 2. Sectors <ul style="list-style-type: none"> ○ All sectors 3. Validity <ul style="list-style-type: none"> • Validity of WP for 1 year with possibility of extension if the worker has not completed the maximum of three years. 4. Medical screening <ul style="list-style-type: none"> • Required
S - Work Permit (short-term)	<ol style="list-style-type: none"> 1. Skill level <ul style="list-style-type: none"> • Professionals • Skilled 2. Sectors <ul style="list-style-type: none"> ○ All sectors 3. Validity <ul style="list-style-type: none"> ○ Validity of WP will be less than 30 days 4. Medical screening <ul style="list-style-type: none"> • Medical certification of the host country.
B - Work permit (Border Town Foreign Workers)	<ol style="list-style-type: none"> 1. Skill level <ul style="list-style-type: none"> • Professionals • Skilled, Semiskilled, Unskilled 2. Sectors <ul style="list-style-type: none"> ○ All sectors 3. Places <ul style="list-style-type: none"> ○ Border town area 4. Validity <ul style="list-style-type: none"> ○ Validity of WP will be for 1 year with possibility of extension 5. Medical screening <ul style="list-style-type: none"> ○ Every 3 months
H- Work Permit (casual/hourly workers)	<ol style="list-style-type: none"> 1. Skill level <ul style="list-style-type: none"> • Not applicable 2. Sectors <ul style="list-style-type: none"> ○ All sectors 3. Places <ul style="list-style-type: none"> ○ Boarder town area 4. Validity <ul style="list-style-type: none"> • Validity of WP will be for a maximum of 6 hours 5. Medical screening <ul style="list-style-type: none"> • Not required

8. How to Apply

The following diagram shows the flow chart of the Foreign Workers' Recruitment process through FWMS:

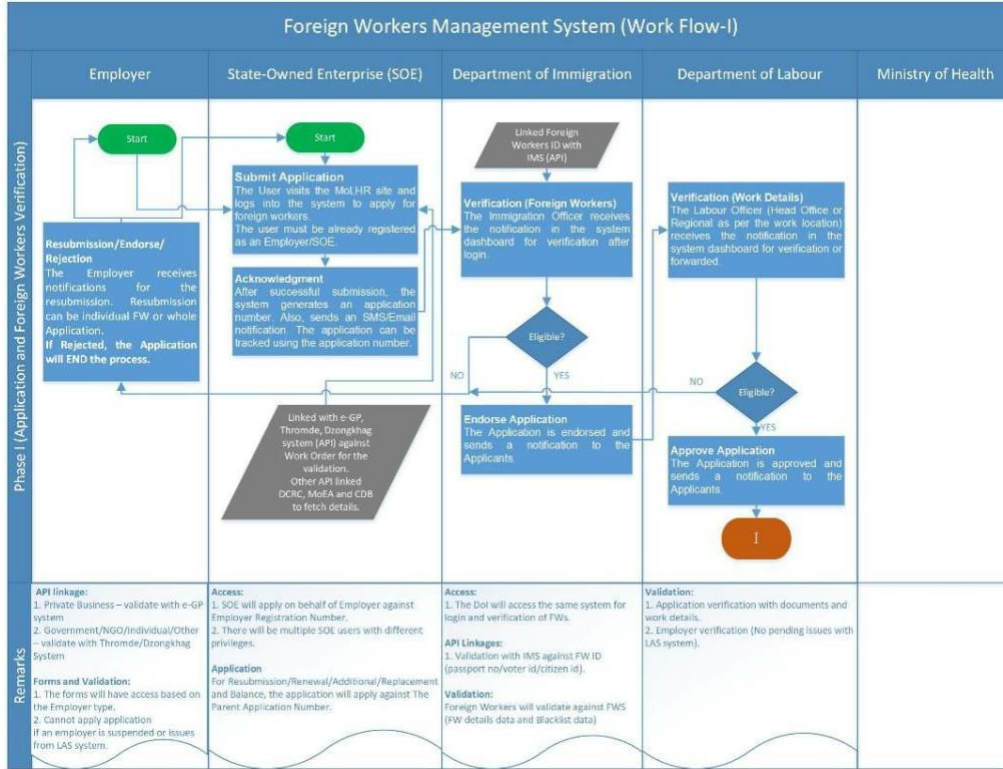


Figure 1: FW recruitment Process

The diagram below will provide the users (who facilitate the application) the idea of the overall framework of the FWMS and its work flow system.

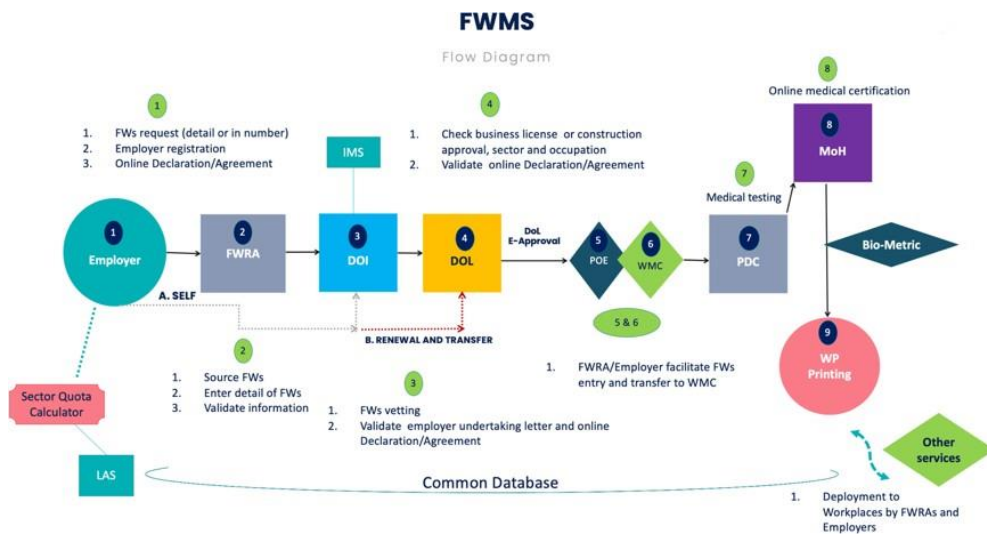


Figure 2: FWMS process

8.1 R - Regular Work Permit

(1) Eligibility and Documents requirements

The following table shows the eligibility and the documents required for applying for R-types of Work permit

Table 8: R types WP eligibility and documents

Conditions	Requirements
Eligibility	<ul style="list-style-type: none">○ A person of any nationality can apply for Work Permit○ The position must be professional, skilled, and unskilled
Documents Required	<ul style="list-style-type: none">○ Identification documents (Passport/Voter card)○ Notarized Bachelor degree or Diploma Certificates for Professional FWs○ Employer Undertaking letter (Annexure-II)○ Contract award or work order (if applicable)○ License copy○ Approval letter from concern agency (if applicable)

Note: Notarized documents should be in the English language

(2) Application

Step 1: Submit an application online

- The registered Employer shall apply for foreign workers online through the FWMS.
- The employer can recruit FWs either by themselves or use Foreign Workers' Recruitment Agents (FWRAs).
- In the event, Employer use FWRAs, the employer shall submit the requisition online to the FWRA or can approach FWRA directly to apply online.
- The Employer or FWRAs should submit all the required documents while applying online.
- The Employer or FWRAs shall apply by individual names.
- FWRAs shall not act as an employer but facilitate the employers in processing their applications.

Step 2: Vetting and review of the application

- All the applications received will be vetted by immigration and take

necessary actions.

- After the action taken by the Immigration, Department of Labour will review and take necessary action.

Step 3: Notification of the approval or rejection

- The employer or FWRA shall be notified of the approval or rejection of the application through email, SMS and can check the status in the FWMS.

Step 4: Arrival at the POE

- The employer or FWRA will make an arrangement to receive the Foreigner at the Port of Entry and transport them for medical screening.

Step 5: Medical screening

- The foreign workers shall undergo medical screening as per the medical test parameters.
- The medical test results will be examined by the medical practitioner and certified to be fit for work.
- The foreigner medically unfit for work should be repatriated by the employer or FWRA.

Step 6: Register Biometric and Issuance of Work Permit

- The foreigner certified as medically fit will undergo physical verification and biometric scanning by the Immigration officials. (WMC).
- Upon confirming the details through physical verification and biometrics
- enrollment, the application shall be submitted for final approval upon payment of applicable card fees.
- The work permit card shall be printed and the entry-record of the card holder shall be updated accordingly. The work permit card will then be handed over to the employer/ FWRA.
- The Foreigner will be issued with Work Permit card upon completion of biometric scanning and paying card fees.

Step 7: Transport to the Workplace

- Upon the issuance of a Work Permit, the Foreign Workers will be transported to the respective work site by the employer or FWRAs.
- The employer or FWRAs shall ensure that the foreign workers are transported by the authorized transporters or by the employer themselves.

(3) Re-entry on leave

- The foreign workers holding an R- Work Permit while going on leave must have a valid work permit while exiting the PoE.
- No medical test is required for re-entry on leave

(4) Renewal of Work Permit

- The Employers or FWRAs can apply for renewal of Work Permit through FWMS at least 15 days before the validity expiry date.
- Once the work permit is expired the FWs to be deported immediately after paying the overstay penalties.
- The approved application will then proceed for the WP card printing and pay a renewal card fee.
- The foreign workers whose renewal of Work Permit is not approved; the employer has to repatriate them properly.
- While applying for renewal, the foreign workers should be inside the country.

8.2 S - Work Permit (Short Term)

The following table shows the process and requirements for the recruitment of foreign workers under S- work permit

Table 9: S-types WP eligibility and documents required

Conditions	Requirements
Eligibility	<ul style="list-style-type: none"> ○ A person of any nationality can apply for Work Permit. ○ The position must be professional or highly skilled. ○ The duration will be equal to or less than 30 days.
Documents Required	<ul style="list-style-type: none"> ○ Identification documents (Passport/Voter card) ○ Notarized Bachelor degree or Diploma Certificates for professionals and experience certificates for highly skilled FWs. ○ Employer Undertaking a letter (Annexure-III)

Conditions	Requirements
	<ul style="list-style-type: none"> ○ Contract award or work order (if applicable) ○ Medical fitness certificate from the country of origin (General medical fitness).
Application	<ul style="list-style-type: none"> ○ Submission of the application and process will be the same as applying for an R - Work Permit. ○ Extension of dates will not be entertained if cross more than 30 days.
Note: Notarized documents should be in the English language	

8.3 B - Work permit (BTFW)

The following tables shows the eligibility, documents requirements and application process for BTFW of B – Work Permit

Table 10: B types of WP Eligibility and documents required

Conditions	Requirements
Eligibility	<ul style="list-style-type: none"> ○ The position must be professional, skilled, Simi-skilled, and Unskilled
Documents Required	<ul style="list-style-type: none"> ○ Identification documents (Passeports/Voter card) ○ Employer Undertaking letter (Annexure-III) ○ Contract award or work order
Application	<ul style="list-style-type: none"> • Step 1: Submit an application online by the Employer or FWRAs • Step 2: Review and vetting of the application by the Department of Immigration and Department of Labour • Step 3: Notification of the Approval or rejection of the Application • Step 4: Arrival at the POE • Step 5: Medical screening <ul style="list-style-type: none"> ○ Medical certificate (Health screening and Drug test are mandatory for obtaining a work permit as well as for the renewal of a work permit. BTFW shall be required to undergo detailed health screening every quarter. • Step 6: Register Biometrics and issue of Work Permit <ul style="list-style-type: none"> ○ The foreigner certified as medically fit will undergo biometric scanning at the Immigration offices. ○ The Foreigner will be issued with Work Permit upon completion of biometric

Conditions	Requirements
	scanning. Note: All the approval of BTFW will be sanctioned by ROs, MoLHR.
Renewal of Work Permit	<ul style="list-style-type: none"> • The Employers or FWRAs can apply for renewal of Work Permit through FWMS at least 15 days before the validity expiry date. ○ On the expiry of the validity of the work permit, the D- Work Permit holders will not be allowed to enter the PoE and should apply for a new work permit. ○ The renewal of the BTFW work permits shall be subject to the submission of periodic health screening certificates and the fulfillment of Immigration and Department of Labor requirements. ○ The BTFW medical certificate will be renewed quarterly and the due date for renewal of the medical certificate will be alerted through SMS to the concerned employer or FWRA. ○ The renewal of BTFW work permit shall be facilitated by ROs/RIOs as per the request of the employer and the requirement of the skill of the employee in his or her workplace. ○ The approved application will then proceed for the WP card printing and pay a card fee.
Entry and Exit	○ BTFW shall enter/exit through the designated Port of Entry/Exit Terminal.

8.4 H - Work Permit (Hourly Workers)

Table 11: C types of WP eligibility and document required

Conditions	Requirements
Eligibility	○ The position must be professional, skilled, Simi-skilled, and unskilled
Applicable	○ Border town area
Documents Required	○ No document required
Application	○ Submission of the application and process will be the same as applying for a BTFW but no vetting will be done by DoI. The Workers will be issued with E-permit by DoL and entry permit by Immigration (RIO)

9. Change of employer, workplace, and occupation

The transfer of contract of employment will be as indicated in the table below.

Table 12: Change of Workplace or employer

Conditions	Applicable
Work Permit Types	Work Permit Type R
Criteria	(1) The employer is allowed to transfer a foreign worker from one employer to another. However, the employer should obtain online approval from the Department of Labour. (2) In the event of a change of employer, the liability or the employment contract will be shifted from one employer to another employer.
Document Required	(1) Transfer of Contract of Employment and Workplace Change form (specified in Annexure IV) (2) Work order or construction approval (in case of construction)
Change of work place	(1) The change of workplace can be from one employer to another employer or the same employer but a different workplace. The employer or any person recruiting FWs should obtain approval online.
Types of Change of workplace or Employer	(1) Temporary change of workplace or employer or (2) Permanent change of workplace or employer

PART THREE: MANAGEMENT OF FOREIGN WORKERS

10. Responsibilities of Employer

Table 13: Responsibilities of Employer

Process	Responsibilities
Legal Compliance	<ol style="list-style-type: none"> (1) 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. (2) The employer or any person recruiting a foreign worker shall ensure that the foreign worker works only at the approved worksite or multiple worksites. (3) The employer or any person recruiting a foreign worker should not change the occupation or worksite or employer without approval from CLA. (4) The employer or any person recruiting a foreign worker should ensure that foreign workers possess a valid work permit card or e-work permit with them all the time.
Social Protection and Welfare	<p>The employer or any person recruiting foreign workers will be responsible for the following social protection and welfare of the foreign workers.</p> <ol style="list-style-type: none"> (1) Ensure that foreign workers recruited and placed by them are not exploited and abused. (2) Ensure that the foreign worker is paid the agreed wage by the first week of the subsequent month in the identified individual bank account of the foreign worker (3) Ensure that in the event of sickness or death of a foreign worker, all necessary supports and arrangements are provided including workers' compensation (4) Ensure that foreign workers are covered under worker's compensation insurance. (5) 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 the Regulation. (6) Be responsible for looking after the welfare of the foreign worker as per the Labour and Employment Act of Bhutan 2007 and its regulation (7) Provide proper care and guidance to the foreign worker during their stay in Bhutan and (8) Bear the cost-of-service charge, transportation, medical and any other charges are not to be recovered the same from the foreign worker.

Process	Responsibilities
Occupational health and Safety	<p>(1) Ensure that Foreign Workers are issued with Personal Protective Equipment based on the nature of the work performed.</p> <p>(2) Provide a safe and conducive working environment.</p>
Repatriation	<p>(1) 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.</p> <p>(2) 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.</p>
Transportation	<p>(3) The foreign worker is allowed to travel either through the identified transporter or in the vehicles registered in the name of:</p> <ol style="list-style-type: none"> a. an employer, or b. immediate family members of the employer, or c. company registered in the name of an employer. <p>(4) Except as specified above, the employer shall not be allowed to hire or use vehicles other than the identified transporters to transport foreign workers under the Regulation.</p> <p>(5) The employer shall fulfill due diligence at every checkpoint during the entry and exit of the foreign worker.</p>
Compensation	<p>(6) 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.</p> <p>(7) 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.</p>
Proper Exit	<ul style="list-style-type: none"> • The Employers or FWRAs must ensure that the work permit card of the foreign worker exiting the country (repatriation) is surrendered at the ICP or the Immigration checkpoints • The Department of Immigration, Check points will immediately update the exit records in the system.
Absconding	In the event of the foreign worker absconding from the country, the employer or any person recruiting a foreign worker shall immediately report to RBP and the Department of Immigration and the Department of Labour (DoL).

11. Responsibilities of Foreign Workers Recruitment Agents

Table 14: Responsibilities of FWRAs

Process	Responsibilities
Mobilization	<ol style="list-style-type: none"> (1) The FWRAs should seek requisition from the employer who wishes to employ foreign workers. (2) FWRAs will be responsible for the mobilization and recruitment of foreign workers. (3) The FWRAs will also maintain the list of foreign workers eligible and ready to work in Bhutan. (4) Ensure that foreign workers applying to work in Bhutan meet all the eligibility criteria (5) Facilitate to apply of foreign workers in critical skill occupations only.
Recruitment	<ol style="list-style-type: none"> (1) FWRAs should not recruit or assist any person in recruiting or employing foreign workers without approval from the CLA. (2) Facilitate entry of foreign workers through the designated Port of Entry. (3) Facilitate accommodation for the foreign worker during the recruitment process. (4) 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); (5) Facilitate the opening of Bank accounts and acquiring SIM cards; (6) Comply with and complete immigration formalities; (7) Recruit foreign workers as per the zonation system; (8) Facilitate workers' compensation and insurance for the foreign worker; and (9) Provide orientation and awareness programs to acquaint foreign workers with employment rights, prevailing laws, and socio-cultural practices.
Deployment	<ol style="list-style-type: none"> (1) The FWFAs/employer will facilitate the employer in arranging transportation of foreign workers to the workplace and also during repatriation through a transporter at the request of the employer or as agreed between the parties. (2) The FWRAs/employer should 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 FWRAs or their representative.
Management	<ol style="list-style-type: none"> (1) FWRAs will 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 an authorized agency for dispute settlement in accordance with the grievance redressal mechanism. (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	<p>(1) FWRAs/employer should facilitate the repatriation of the foreign worker before the expiry of the work permit in coordination with the employer.</p> <p>(2) In the event of any invalid cases among the foreign worker recruited through the FWRAs, approval for fresh recruitment shall not be granted unless the issues are resolved.</p>
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12. Diagnostic Service Center

The following table shows the roles and responsibilities of the DSC

Table 15: Responsibilities of DSC

Process	Responsibilities
Medical test	<p>(1) Conduct medical tests as per the prescribed test parameters.</p> <p>(2) Ensure testing materials or reagents do not run out of stock which may hamper the service delivery.</p> <p>(3) Adhere to the laboratory ethics and procedures while collecting and examining the samples.</p> <p>(4) Ensure timely submission of medical reports or laboratory results through the FWMS to the competent person or entity authorized by MoH and BMHC.</p> <p>(5) Display the price list of the services determined by the RGoB in a prominent place</p>
False results and confidentiality	<p>(1) DSCs should not conduct false, misleading, or inaccurate medical tests; and</p> <p>(2) Ensure that the medical test report of the foreign worker is protected against unauthorized access, use, modification, and disclosure.</p>

13. Department of Labour

The following table shows the roles and responsibilities if the Department of Labour in Managing Foreign Workers

Table 16: Responsibilities of DoL, MoICE

Key area	Responsibilities
Policy guidance and Approval	(1) Provide policy guidance and policy decisions such as the number of foreign workers in the country, sector quota, dependency ratio, and Bhutanese first framework.

Key area	Responsibilities
	<ul style="list-style-type: none"> (2) Review the application for the recruitment of foreign workers and take necessary actions. (3) Conduct research and make recommendations to the government on the critical skills/occupation shortage in the country.
Approval of Foreign Workers by the ROs	<ul style="list-style-type: none"> (1) Approval of foreign workers is decentralized to the regional offices in the following sectors or areas; <ul style="list-style-type: none"> i. Private House construction ii. Government awarded projects iii. Gyelsung project iv. Hydropower construction v. Automobile workshop and Fabrication vi. Boarder Town Foreign Workers (2) The Regional Office shall submit reports on the BTFWs when deemed necessary by the Department of Labour. (3) The Regional Offices shall monitor the BTFWs and submit reports on a monthly basis and as and when required to the Department of Labour.
Facilitate and Regulate (F & R) of FWRAs and DCS	<ul style="list-style-type: none"> (1) Streamline the functions of FWRAs and build the competencies through training and education. (2) Orient FWRAs on any new developments affecting their functioning as and when there is any change in government policies, rules, and regulations. (3) Conduct regular assessments of the services provided by the FWRAs to ensure that the services are delivered as per the FWRA regulation. (4) Impose sanctions and deregister the FWRAs failing to comply with the regulations. (5) Ensure efficient service delivery of the DSCs through monitoring and taking actions in accordance with the regulations. (6) Recommend MoH to terminate the service contract or deregister those DSCs failing to deliver effective services. (7) Recommend RSTA to terminate the service contract or deregister those transporters failing to deliver as per the terms and condition.
Social Protection and Welfare	<ul style="list-style-type: none"> (1) Ensure social protection and welfare of foreign workers through the institutionalization of workers' safety insurance, grievance redressals, and ensuring decent living accommodations. (2) Ensure conducive working conditions for foreign workers through constant monitoring and enforcement of Labour laws;

Key area	Responsibilities
Legal Sanctions	<p>(1) Sanctions penalties to individuals and organizations failing to comply with the Labour and Employment Act of Bhutan 2007 and following regulations;</p> <ol style="list-style-type: none"> a. Regulation on Foreign Workers Management 2022, b. Regulation on Working Conditions, 2022 c. Regulation on Occupational Health, Safety and Welfare, 2022 d. Regulation on Occupational Health and Safety in Construction Industry 2022. <p>(2) The Department of Labour in addition to the dispute on working conditions and environment involving FWs, will entertain any dispute or cases involving foreign workers for mediation. However, the dispute involving foreign workers to be mediated will be solely at the discretion of the Department.</p>

14. Responsibilities of relevant agencies

The following tables show the responsibilities of relevant agencies

Table 17: Responsibilities of Relevant agencies

Agencies	Responsibilities
Department of Immigration and Immigration Regional offices and RBP	<ol style="list-style-type: none"> (1) Provide policy guidance and direction on the foreigners seeking employment in Bhutan pertaining to Immigration laws; (2) Verify the identity document and intent of the foreign workers through vetting processes. (3) Ensure that all foreign workers enter the country through designated ports of entry. (4) Strick enforcement of Zonation policy. (5) Implement and enforce Immigration Laws, Rules, and Regulations.
Integrate Check Points	<ul style="list-style-type: none"> • Do not facilitate entry and exit of any foreign workers from the Immigration Checkpoints/RBP without FWRAs/employer or their representatives or employer and their representatives.
Ministry of Health	<ol style="list-style-type: none"> (1) Provide policy guidance on the medical screening and test parameters; (2) Provide clear policy directives on the requirement of medical tests during any public health emergency;

Agencies	Responsibilities
	<ul style="list-style-type: none"> (3) Deploy health professionals for assessment and medical certification of foreign workers in the identified health centers; (4) Enter into service contractual agreements with the PDCs in providing efficient and effective services; and (5) Periodically monitor PDCs to ensure they function as per the guidelines.

15. Definition

- (1) Professional- A professional worker is someone who possesses a minimum of a bachelor's degree or Diploma and can perform advanced tasks that require specific training, knowledge, and experience.
- (2) Skilled- A skilled worker is someone who has special skills, knowledge, and the ability to perform work acquired through work experience or training.
- (3) Unskilled- An unskilled worker is someone who doesn't have or requires special skills or training.
- (3) Notarized document – a certified document that establishes the authenticity of the document by the authorized agency of the FW's country Origin. The documents should be translated into English.

Annexure I: Employer undertaking declaration on Furniture House

I, Mr/Mrs bearing CID/License No the proprietor of Furniture house/unit, Gewog.....Dzongkhag/Thromdeyundertake that my furniture house/unit fulfills the following requirements in order to apply for the foreign worker;

- | | | |
|---|------------------|-----------|
| i. Furniture Units with an area of 1000 sqft. | | (Yes/ No) |
| ii. Furniture Units with a separate polishing room. | | (Yes/No) |
| iii. Sanding Machine | 1 No. | (Yes/No) |
| iv. Drilling Machine | 1 No. | (Yes/No) |
| v. Air Compressor | 1 No.(optional) | (Yes/No) |
| vi. Circular Saw | 1 No. | (Yes/No) |
| vii. Surface Machine | 1 No. | (Yes/No) |
| viii. Clamps | 10 Nos. | (Yes/No) |
| ix. Suction Machine | 1 No. (optional) | (Yes/No) |
| x. Router Machine | 1 No. | (Yes/No) |

1. Maintain a conducive and safe working environment. (Yes/No)
1. Provide Personal Protective Equipment (PPE) to employees in the workplace. (Yes/No)
2. The Furniture Units will maintain 3 Bhutanese Furniture Makers throughout the year (Yes/No)
3. Adhere to the employment conditions in accordance with the Labour and Employment Act of Bhutan 2007 and its regulations. (Yes/No)
4. Not involved in the fronting case
5. Misuse/variation of work permit and its legal obligation
6. The wood-based industries are eligible for 60:40 as Dependency Ratio Calculation (DRC) however, the foreign worker will be approved on a case by case based on the investment, production and employment of Bhutanese.
7. Attach a list of Bhutanese workers/carpenters working in your firm (Including name and CID No.) and is also updated in the Employer registration system.

I declared that the above information agreed by me is correct and if found not in line with the declaration during the inspection by the Department of Labour, I will be liable for any penalties as per the Rules and Regulations on Foreign Workers Management 2022.

(Affix legal stamp)

Signature of employer (legal stamp)

Signature of witness
Contact No:

Date:

Annexure II: Employer undertaking for Sawmill

I, Mr/Mrs..... bearing CID/License No... .. the proprietor of sawmill, Gewog..... Dzongkhag/Thromdey undertake that my firm will abide by the following terms and conditions in order to apply for the foreign worker;

1. Not involved in the fronting case
2. Misuse/variation of work permit and its legal obligation
3. Maintain a conducive and safe working environment;
4. Occupational Health & Safety (OHS) including the issuance of PPE
5. Attach a list of Bhutanese workers working in your firm (Including name and CID No.)
6. The wood-based industries are eligible for 60:40 as Dependency Ratio Calculation (DRC) however, the foreign worker will be approved on a case by case based on the investment, production and employment of Bhutanese.
7. All the provisions of the Labour & Employment Act 2007 and Rules and Regulation on Foreign Workers Management 2022.

I declared that the above information agreed by me is correct and if found not in line with the declaration during the inspection by the Department of Labour, I will be liable for any penalties as per the Rules and Regulations on Foreign Workers Management 2022.

(Affix legal stamp)

Signature of employer (legal stamp)

Signature of witness

Contact No:

Date:

Annexure II: Letter of Undertaking by Employer

I,.....bearing CID.....
hereby undertake that I am fully conversant with the Labour and Employment Act of the Kingdom of Bhutan 2007, the Immigration Act of the Kingdom of Bhutan 2007, and their Regulations, and furthermore acquainted with the Regulation on Foreign Workers Management 2022 as it applies to the Employment of Foreign Workers.

I further acknowledge that I am fully aware of my roles and responsibilities as an Employer and of the penalties and sanctions to be applied against me for breach of any provisions of the Act and its regulation governing Foreign Workers Management

(Affix legal stamp)

Signed by the Employer

Address:..... At..... Date:.....

Contact #:.....

WITNESS

Name:.....

CID No:.....

Address:.....

Date:...

Annexure V: Transfer of Contract of Employment and Workplace Change

1. Employer Details

1.1 Relieving Employer

Employer/Name/entity:.....CID/Trade license/CDB.....

Contact number:.....

Work Location:

Dzongkhag:.....Gewog:....., Exact Location.....

1.2 Receiving Employer

Employer Name/Entity:CID/Trade license/CDB.....

Contact number:.....

Work Location:

Dzongkhag:.....Gewog:....., Exact Location.....

2. Foreign Workers Details (Foreign Workers to be transferred)

Sl.	Name of FW(s)	Work Permit Number	Occupation	WP Expire date
1				
2				
3				
4				
5				
6				
7				
8				

Note: Attach additional page if more FWs.

3.1 Relieving Employer

(Tick the relevant statement either a or b)

- 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 are being transferred.
- The above foreign workers is/are temporarily transferred to the receiving employer for a period ofdays/hours and will return to my work site after the completion of the specified agreed period.

(Affix Legal Stamp)
Name and Signature
Date:

3.2 Receiving Employer

(Tick the relevant statement either a or b)

- 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.
- 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 Signature
Date:-

Reference

1. Labour and Employment Act of Bhutan 2007
2. Immigration Act of Bhutan 2007
3. Regulation on Foreign Workers Management 2022
4. Foreign Workers Management Strategy
5. The Strategy to Import Foreign Workers during the implementation of the post-Pandemic Economy Recovery Plan
6. Guideline on approval of foreign workers in furniture house
7. Guidelines for FCC
8. Guideline for BTFW
9. SOP(s)
10. Record of Decision (s)

