

THE STATUES OF THE REPUBLIC OF SINGAPORE

REGULATION OF EMPLOYMENT ACT

(CHAPTER 272)

1970 Ed. Cap. 127

Act

12 of 1965

Amended by

45 of 1975

25 of 1982

REVISED EDITION 1985

Regulation of Employment Act

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An Act to provide for the regulation of employment in Singapore and for matters connected therewith.

[1st February 1966]

1. This Act may be cited as the Regulation of Short title.
Employment Act.

Interpre-
tation.
25/82.

2. In this Act, unless the context otherwise requires —
- “Commissioner” means the Commissioner for Employment referred to in section 3;
- “contractor” means any person who contracts with any other person to carry out the whole or part of any work undertaken by that other person in the course of, or for the purpose of, that other person’s trade or business;
- “contract worker” means any person who seeks employment with, or is offered employment by, or is employed by, a contractor at a salary of not more than \$1,500* a month or such other sum as may, from time to time, be fixed by the Minister by notification in the *Gazette*, and includes any person who is already employed by a contractor on 1st February 1966;
- “employee” means any person who seeks employment with, or is offered employment by, or is employed by, an employer at a salary of not more than \$1,500* a month or such other sum as may, from time to time, be fixed by the Minister by notification in the *Gazette*, and includes any person who is already employed by an employer on 1st February 1966;
- “employer” means any person employing an employee;
- “employment officer” means the Commissioner and includes the Deputy Commissioner for Employment, any Assistant Commissioner for Employment and any person appointed as an employment officer under section 3;
- “levy” means the levy imposed under section 10;
- “salary” means all monetary remuneration payable to an employee or a contract worker but does not include the following:
- (a) additional payment by way of overtime, bonus or commission;
 - (b) travelling, food or housing allowances;
 - (c) any sum paid to an employee or contract worker to defray special expenses

*Increased from \$750 to \$1,000 by G.N. No. S222/82; and from \$1,000 to \$1,500 by G.N. No. S 235/84.

incurred by him owing to the special, unusual or hazardous nature of the employment;

(d) any contribution paid by the employer or contractor to any pension fund or provident fund; or

(e) any gratuity payable on discharge or retirement;

“work permit” means a work permit issued under section 5.

3.—(1) The Commissioner for Labour, the Deputy Commissioner for Labour and the Assistant Commissioners for Labour appointed under the Employment Act shall be the Commissioner for Employment, Deputy Commissioner for Employment and Assistant Commissioners for Employment respectively for the purposes of this Act. Officers.
Cap. 91.

(2) The Minister may appoint such number of employment officers as he may consider necessary or expedient for the purposes of this Act.

(3) The Commissioner shall, subject to the general direction and control of the Minister, perform the duties imposed and exercise the rights and powers conferred upon him by this Act.

(4) The Deputy Commissioner for Employment, the Assistant Commissioners for Employment and employment officers shall be under the direction and control of the Commissioner.

4.—(1) Every employee and every contract worker shall, before accepting employment, make application for a work permit to the Commissioner in such form as the Commissioner may require. Application
for work
permit, etc.

(2) Every employer shall, prior to engaging an employee, submit to the Commissioner in such form as the Commissioner may require particulars of the employment and of the employee.

5.—(1) Upon the receipt of an application for a work permit under section 4, the Commissioner may, in his discretion, issue a work permit to an employee or contract Issue of
work
permit, etc.

worker attaching thereto such conditions as he may determine for carrying out the purposes of this Act, or without attaching conditions thereto.

(2) The Commissioner may, at any time, vary or revoke any existing conditions or impose new or additional conditions.

(3) The Commissioner may in his discretion at any time cancel or suspend a work permit issued to any employee or contract worker.

(4) Any person aggrieved by a decision of the Commissioner under subsection (1), (2) or (3) may appeal to the Minister whose decision shall be final and shall not be called in question in any court.

Register.

6.—(1) The Commissioner shall cause to be kept separate registers of employees and contract workers to whom work permits have been issued under section 5.

(2) The register shall be in such form and shall contain such particulars as the Minister may require.

Termination
of employ-
ment of
employees
and contract
workers.

7.—(1) Notwithstanding the provisions of any written law or of any term or condition of any contract or agreement, an employer or contractor shall terminate the services of any employee or contract worker whose work permit has been cancelled or suspended under section 5 (3), within 30 days of his being notified in writing by the Commissioner of the cancellation or suspension.

(2) Every employer and every contractor who, under subsection (1), terminates the services of an employee or contract worker shall inform the Commissioner within 14 days of the termination in such form as the Commissioner may require.

(3) The termination of the services of an employee or contract worker under subsection (1) shall not be —

- (a) capable of negotiation with a trade union representing the employee or contract worker;
- (b) a matter in respect of which any form of industrial action may be taken by any such trade union;
- (c) the subject-matter of a trade dispute or of conciliation proceedings or any method of redress whether or not under any written law; and

(d) an industrial matter within the meaning of the Industrial Relations Act.

Cap. 136.

8.—(1) No employer or contractor shall employ an employee or contract worker, as the case may be, who has not been issued a work permit.

Prohibition of employment of employee or contract worker without work permit.

(2) No employee or contract worker, who is not in possession of a valid work permit, shall accept employment from, or be in the employment of, an employer or contractor, as the case may be.

(3) No employer or contractor shall employ an employee or contract worker, as the case may be, otherwise than in accordance with the conditions contained in the work permit.

45/75.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

25/82.

9. The Minister may from time to time by notification in the *Gazette* prohibit any person, not being employed under a contract of service, from engaging in any trade, calling, occupation or other activity for the purposes of gain that is specified in the notification unless he has obtained a work permit for that purpose.

Self-employed persons carrying on certain occupations to apply for work permits.
45/75.

[8A

10.—(1) The Minister may, by order published in the *Gazette*, provide for the imposition of a levy of such amount as may be specified in the order on employers and contractors in respect of any person or class of persons employed by them who are required before accepting any employment to apply for work permits.

Levy in respect of the employment of certain classes of employees and contract workers.

(2) Any order made under subsection (1) may provide for the recovery of the levy in such manner and through such channels as may be specified in the order.

25/82.

(3) Where the amount of the levy which an employer or a contractor is liable to pay in respect of any month is not paid within such period as may be specified in the order, the employer or the contractor shall be liable to pay a penalty on the amount for every day the amount remains unpaid commencing from the first day of the month succeeding the month in respect of which the amount is payable and the

penalty shall be calculated at the rate of 2% per month, or the sum of \$5, whichever is the greater, but the total penalty shall not exceed 20% of the amount of levy outstanding.

(4) The Commissioner may in any case in which he thinks fit remit in whole or in part any penalty due under subsection (3).

(5) Any levy and penalty due from and payable by an employer or a contractor shall be recoverable by the Commissioner, or any person duly authorised by the Commissioner to act on his behalf, as a debt due to the Government.

(6) For the purpose of reimbursing any person authorised by the Commissioner to act on his behalf for the expenses incurred by him in the collection and recovery of the levy, the Minister may authorise that person to be paid such amount as the Minister may determine.

(7) In any proceedings for the recovery of any levy and penalty due thereon which an employer or a contractor is liable to pay, a certificate purporting to be under the hand of the Commissioner certifying the amount of the levy and penalty due thereon payable by such person shall be prima facie evidence of the facts stated therein. [8B

Extent of
validity
of work
permit.
25/82.

11.—(1) A work permit issued to an employee shall be valid only in respect of the trade or occupation and the employer specified therein.

(2) A work permit issued to a contract worker shall be valid only in respect of the trade or occupation specified therein.

(3) A work permit issued to an employee or a contract worker shall be valid for the period specified in the work permit unless it is cancelled by the Commissioner. [9

Custody
of work
permit,
etc.

12.—(1) A work permit issued to an employee or a contract worker shall not be transferable.

(2) A work permit issued to an employee shall be kept by him throughout his period of employment and he shall

produce it for inspection when required to do so by an employment officer acting under section 16.

(3) An employee shall hand over his work permit to his employer on the day he is paid his last salary before he ceases employment with that employer and such employer shall return such work permit to the Commissioner within 7 days of the date thereof.

(4) A work permit issued to a contract worker shall be returned by him to the Commissioner within 7 days of the date of its expiry. [10

13.—(1) When a work permit has been lost, destroyed or defaced, the employee or contract worker to whom the work permit was issued shall, within 14 days of such loss, destruction or defacement, report the same to the Commissioner and shall apply for a duplicate work permit. Loss of work permit.

(2) A duplicate work permit may be issued by the Commissioner in place of a work permit which has been lost, destroyed or defaced upon payment of the prescribed fee. 45/75.

(3) (a) Where any employee or contract worker, after notifying the loss of his work permit, recovers possession of the work permit, he shall forthwith notify the Commissioner of the recovery and may retain the work permit provided that no duplicate work permit has been issued by the Commissioner under subsection (2).

(b) Where any employee or contract worker recovers possession of his work permit after he has been issued with a duplicate work permit under subsection (2), he shall forthwith return the work permit so recovered for cancellation.

(4) Any person who finds or comes into possession of a work permit other than his own shall forthwith deliver it to the Commissioner. [11

14. The onus of proving the truth of the contents of a written application for a work permit under section 4 shall be on the employee or contract worker, as the case may be, who makes the application. Onus of proof. [12

15. An employment officer may —

(a) at any reasonable time, enter any premises other than premises used solely as a dwelling place;

Powers of employment officer.

- (b) request any person, who the employment officer has reason to believe has any document or information relevant to the carrying out of the provisions of this Act, to produce any such document or give such information; or
- (c) question any person or require any person by notice in writing to attend at such time and at such place as may be stated in the notice, in regard to any information or document which in the opinion of the employment officer is relevant to the carrying out of the provisions of this Act and which he believes to be in that person's knowledge or possession. [13

Penalties.
45/75
25/82.

16.—(1) Any person who —

- (a) fails to apply for a work permit as required under section 4 (1);
 - (b) before engaging an employee, fails to submit particulars as required under section 4 (2);
 - (c) fails to comply with any conditions imposed under section 5;
 - (d) contravenes section 8 (3) or 9;
 - (e) wilfully obstructs an employment officer in the exercise of his powers under section 15 (a);
 - (f) without reasonable excuse, the proof of which shall lie on him, neglects or refuses to produce any document or give any information required by an employment officer under section 15 (b);
 - (g) fails to answer any question put to him or fails to attend at such place and at such time as may be required by an employment officer acting under section 15 (c);
 - (h) makes any statement or furnishes any information to the Commissioner or an employment officer pursuant to this Act which is false in any material particular or is misleading by reason of the omission of any material particular; or
 - (i) fails to comply with or observe the conditions contained in the work permit issued to him,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person who contravenes or fails to comply with any provision of this Act or any regulations made thereunder shall be guilty of an offence and, unless any other penalty is expressly provided, he shall be liable on conviction to a fine not exceeding \$1,000. [14

17. The Commissioner may compound any offence under this Act by accepting from the person reasonably suspected of committing the offence a sum not exceeding \$100. Compound-
ing of
offences.
45/75. [14A

18. Where in respect of the employment of any person there has been any contravention of section 7, that person shall not, by reason only of such contravention, be deemed to be employed under an illegal contract of employment. Effect of
contraven-
tion of
section 7. [15

19.—(1) Sections 4 (1), 8 (2) and 9 shall not apply to citizens of Singapore. Application
of this Act.
45/75.

(2) The Minister may, by notification in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act. [16

20.—(1) The Minister may make regulations generally for carrying out the provisions of this Act. Regulations.

(2) Such regulations may —

- (a) prescribe that any act or omission in contravention of the provisions of any regulation shall be an offence;
- (b) provide for the imposition of penalties, which shall not exceed a fine of \$500;
- (c) prescribe such fees or charges as may be necessary for the purposes of this Act.

(3) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [17

21. For the purposes of this Act, the Commissioner may devise and use such forms as he may consider necessary. Forms. [18