

THE STATUTES OF THE REPUBLIC OF SINGAPORE

EMPLOYMENT AGENCIES ACT
(CHAPTER 92)

1970 Ed. Cap. 244
Ordinance
47 of 1958

Amended by
11 of 1984

REVISED EDITION 1985

Employment Agencies Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Officers.
4. Application.
5. Other laws not affected.
6. Persons carrying on an employment agency to be licensed.
7. Application for licence.
8. Security.
9. Licence fee.
10. Period for which licence is in force.
11. Revocation of licence.
12. Effect of revocation.
13. Appeals.
14. Fees for services rendered.
15. Sharing of fees prohibited.
16. Keeping of registers.
17. Submission of monthly returns.
18. Power to summon.
19. Commissioner may institute proceedings.
20. Power to enter and inspect premises.
21. Liability of licensee for act of servant.
22. Furnishing false particulars in application.
23. Miscellaneous offences.
24. Penalties.
25. Officers to be public servants.
26. Employment agency deemed to be a public place.
27. Right of hearing.
28. Power to deal with evidence taken by another officer.
29. Power to make rules.

An Act to provide for the regulation of employment agencies.

[1st January 1959]

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

Interpre-
tation.

2. In this Act, unless the context otherwise requires —
- “employment agency” means any agency or registry carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity, but does not include any registry set up by an employer for the sole purpose of recruiting persons for employment on his own behalf;
- “licence” means a licence granted under this Act;
- “licensee” means the person to whom a licence is granted under this Act;
- “public officer” means a person holding a paid office in the service of the Government.

Officers.
Cap. 91.

- 3.—(1) The Commissioner for Labour appointed under the Employment Act (referred to in this Act as the Commissioner) shall be the officer in charge of the general administration of this Act and any Deputy Commissioner for Labour or Assistant Commissioner for Labour appointed under the Employment Act may, subject to such limitations as may be prescribed in this Act, perform all duties imposed and exercise all powers conferred on the Commissioner by this Act and every duty so performed and power so exercised shall be deemed to have been duly performed and exercised for the purpose of this Act.
- (2) The Minister may appoint such other officers with such powers as may be necessary for carrying into effect the provisions of this Act.

Application.

- 4.—(1) Nothing in this Act shall apply to any employment agency wholly maintained or wholly managed by any department of the Government.
- (2) The provisions of this Act shall apply to employment agencies in the premises of any statutory authority.
- (3) The Minister may, by order, exempt any employment agency from all or any of the provisions of this Act either absolutely or subject to such conditions as he may think fit to impose, and may, at any time, at his discretion, revoke any such exemption or cancel, alter or add to any such conditions.

5. Nothing in this Act shall operate to relieve any employment agency of any duty or liability imposed upon it by any other written law for the time being in force or to limit any powers given to any public officer by any other written law.

Other laws not affected.

6.—(1) No person shall carry on an employment agency unless he is the holder of a licence from the Commissioner authorising him to carry on such an agency.

Persons carrying on an employment agency to be licensed. 11/84.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and in the case of a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

7.—(1) Any person who desires to obtain a licence shall make an application to the Commissioner in such form as the Commissioner may require.

Application for licence. 11/84.

(2) Upon receiving an application under subsection (1) the Commissioner shall consider the application and may grant a licence with or without conditions or refuse to grant a licence.

(3) The Commissioner may at any time vary or revoke any of the existing conditions of a licence or impose new conditions.

8.—(1) The Commissioner may, before granting a licence, require the applicant to give such security as may be prescribed.

Security. 11/84.

(2) Any sum deposited under this section may be forfeited in whole or in part at the discretion of the Commissioner on the revocation of the licence under section 11. [7A

9. Every licensee shall pay such licence fee as may be prescribed. [7B

Licence fee. 11/84.

10. Unless revoked under section 11, a licence shall continue in force for one year from the date of grant of the licence. [7C

Period for which licence is in force. 11/84.

Revocation
of licence.
11//84.

11.—(1) The Commissioner may revoke a licence if he is satisfied that the licensee —

- (a) is contravening or has contravened any of the provisions of this Act or any rules made thereunder;
- (b) has failed to comply with any of the conditions of his licence;
- (c) has carried on or is carrying on an employment agency in a manner likely to be detrimental to the interests of his clients; or
- (d) has ceased to carry on an employment agency for which he has been licensed or, if the licensee is a company, goes into liquidation or is wound up or otherwise dissolved.

(2) The Commissioner shall, before revoking any licence under subsection (1), give the licensee concerned notice in writing of his intention to do so, specifying a date, not less than 21 days after the date of the notice, upon which such revocation shall take effect and calling upon the licensee to show cause to the Commissioner why such licence should not be revoked.

(3) When the Commissioner has revoked a licence under subsection (1), he shall forthwith inform the licensee concerned by notice in writing of the revocation.

(4) An order of revocation shall not take effect until the expiration of 14 days after the order has been served on the licensee.

(5) If within the period stated in subsection (4) the licensee gives due notice of appeal to the Minister, the order of revocation shall not take effect unless the order is confirmed by the Minister or the appeal is withdrawn. [7D

Effect of
revocation.
11//84.

12.—(1) Where an order of revocation becomes effective under section 11, the licensee concerned shall forthwith cease to carry on the employment agency.

(2) Subsection (1) shall not prejudice the enforcement by any person of any right or claim against the licensee concerned or by the licensee concerned of any right or claim against any person arising out of or concerning any matter or thing done prior to the revocation of the licence. [7E

13. Any person who is aggrieved by the refusal of the Commissioner to grant a licence or by a decision of the Commissioner to revoke a licence may, within 14 days of the date of receipt of the notice of such refusal or revocation, appeal in writing to the Minister whose decision shall be final. [7F]

Appeals.
11/84.

14.—(1) It shall be lawful for a licensee to charge and receive such fees as may be prescribed from time to time. [8]

Fees for ser-
vices
rendered.

(2) No licensee shall charge or receive any form of fees, remuneration, profit or compensation otherwise than as provided in this Act or in any rules made thereunder. [8]

15. No licensee shall share the fees charged by him with contractors or contractors' agents to whom applicants for employment are sent for work. [9]

Sharing of
fees pro-
hibited.

16.—(1) Every licensee shall cause to be kept such registers as may be prescribed. [10]

Keeping of
registers.

(2) Such registers shall be kept at the office of the employment agency and shall at all reasonable times be open to inspection by the Commissioner or an officer authorised in writing in that behalf by the Commissioner. [10]

17. Every employment agency shall submit monthly returns in the prescribed form not later than the seventh day of the month following the month in respect of which those returns are required to be so submitted. [11]

Submission
of monthly
returns.

18.—(1) For the purposes of holding inquiries under section 19 and of investigating into allegations of failure to comply with any of the provisions of this Act or of any rules made thereunder the Commissioner may summon before him the licensee or any person whom the Commissioner considers capable of giving information respecting the affairs of an employment agency and the Commissioner may require the licensee or person to produce any document in his custody or power relating to the employment agency.

Power to
summon.

(2) The Commissioner may examine on oath, either by word of mouth or by written interrogation, any person summoned to appear before him under subsection (1).

(3) A person summoned shall be bound to attend at the time and place mentioned in the summons and shall be bound to answer truly all questions put to him by the Commissioner and shall produce all documents required to be produced by him.

(4) No answer which a person is legally bound to give under subsection (3) shall be proved against him in any criminal proceedings except in a prosecution for giving false evidence by such answer.

11/84.

(5) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both. [12]

Commissioner may institute proceedings.

19. If upon inquiry whether upon an allegation of failure to comply with any of the provisions of this Act or of any rules made thereunder or otherwise, the Commissioner is satisfied that an offence has been committed or that the complaint is well founded, he may institute such proceedings as he may consider necessary. [13]

Power to enter and inspect premises.

20. The Commissioner or any officer duly authorised in writing in that behalf by the Commissioner may, subject to any rules made under this Act, at any reasonable time, and without previous notice, enter and inspect any employment agency or any premises reasonably suspected of being used for the purposes of an employment agency, and examine all books, or other documents found in the premises, which may appear to him to be the property of or to have been used for the purposes of an employment agency and remove them for further examination. [14]

Liability of licensee for act of servant.

21. Whenever any licensee would be liable under the provisions of this Act or of any rules made thereunder to any pecuniary penalty or forfeiture for any act, omission, neglect or default, he shall be liable to the same pecuniary penalty or forfeiture for every similar act, omission, neglect or default, of any agent or servant employed by him in the course of the operation of an employment agency in respect of which he holds a licence. [15]

22. Any person who in any application for a licence makes any statement which is false in any material particular shall be guilty of an offence.

[16

Furnishing false particulars in application. 11/84.

23. Any licensee who —

- (a) charges or receives himself or through another person, for his services, any sum greater than the prescribed fee;
- (b) knowingly and voluntarily deceives any person by giving false information;
- (c) instigates or induces any person not to admit in his service any worker who has not applied for employment, work or position through his employment agency; or
- (d) knowingly sends, directs or takes any girl or woman to any place for immoral purposes or to a place where she is likely to be morally corrupted,

shall be guilty of an offence.

[17

Miscellaneous offences.

24.—(1) A licensee or any person who is guilty of an offence under sections 22 and 23, other than an offence under section 23 (d), shall be liable on conviction to a fine not exceeding \$2,000 and in respect of a second or subsequent offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Penalties. 11/84.

(2) A licensee or any person who is guilty of an offence under section 23 (d) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

[18

25. For the purposes of this Act and of the Penal Code the Commissioner and other officers appointed or acting under this Act shall be deemed to be public servants within the meaning of the Penal Code.

[19

Officers to be public servants. Cap. 224.

26. For the purposes of section 21 of the Minor Offences Act every employment agency shall be deemed to be a public place.

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Employment agency deemed to be a public place. Cap. 184.

Right of hearing.

27. The Commissioner and any officer authorised by him in writing in that behalf shall have the right to appear and be heard before a Magistrate's Court or District Court in any proceeding under this Act. [21]

Power to deal with evidence taken by another officer.

28. Where the Commissioner, or any officer performing the duties or exercising the powers conferred on the Commissioner, has, for the purpose of inquiring into any matter under this Act, taken any evidence or made any memorandum and is prevented by death, transfer or other cause from concluding the inquiry, any successor to the Commissioner or other officer may deal with that evidence or memorandum as if he had taken it down or made it and proceed with the inquiry from the stage at which his predecessor left it. [22]

Power to make rules. 11/84.

29.—(1) The Minister may make rules for carrying out the purposes of this Act and in particular and without prejudice to the generality of the foregoing powers he may make rules to prescribe —

- (a) the types of employment in respect of which licences may be granted;
- (b) the manner, circumstances and conditions under which licences may be granted to persons for the purpose of operating employment agencies;
- (c) the fees payable to licensees by applicants for employment and applicants for workers;
- (d) the fees payable for the grant and renewal of licences;
- (e) the forms of licence, applications for the grant or renewal of licences, registers and monthly returns;
- (f) the circumstances and conditions under which employment agencies may be granted permission to place or recruit workers outside Singapore;
- (g) the circumstances and conditions under which fees may be collected from applicants for employment and applicants for workers, as the case may be;
- (h) penalties for any contravention or failure to comply with any of the provisions of any rules made

under this section except that no such penalty shall exceed \$1,000 in the case of a first offence or \$2,000 or 6 months' imprisonment or both in the case of a second or subsequent offence;

- (i) the kind and amount of security required to be given under this Act.

(2) All rules made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

[23