



THE STATUTES OF THE REPUBLIC OF SINGAPORE

EMPLOYMENT AGENCIES ACT

(CHAPTER 92)

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Employment Agencies Act

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Appointment of officers
4. Application
5. Other laws not affected
6. Requirement for licence
7. Application for licence
8. Security
9. [*Repealed*]
10. Period of validity of licence
11. Suspension or revocation of licence
12. Effect of suspension or revocation of licence
- 12A. Registration of employment agency personnel
- 12B. Registration cards
13. Appeals
14. Fees for services rendered
15. Offer of fees, etc., prohibited
16. [*Repealed*]
17. [*Repealed*]
18. Powers of employment agency inspector
19. Power to arrest without warrant
- 19A. Arrest how made
- 19B. No unnecessary restraint
- 19C. Search of persons arrested
- 19D. Employment agency inspector to be armed
- 19E. Power to seize offensive weapons
- 19F. Power on escape to pursue and arrest
- 19G. Disposal of documents or articles
- 19H. Complaint by employment agency inspector
20. Power to enter and inspect premises
21. Liability of licensee for act of servant and partner
22. Furnishing false information
- 22A. Offence for persons to engage unlicensed persons

Section

- 22B. Offence for licensed employment agencies to make certain applications
 - 22C. Disqualification of key appointment holders or employment agency personnel
 - 23. Miscellaneous offences
 - 24. Certain offences deemed to be arrestable offences
 - 25. Officers to be public servants
 - 26. Employment agency deemed to be public place
 - 27. Right of hearing
 - 28. Power to deal with evidence taken by another officer
 - 28A. Offences by bodies corporate, etc.
 - 28B. Abetment
 - 28C. Composition of offences
 - 28D. Protection from personal liability
 - 28E. Jurisdiction of court
 - 28F. Registers
 - 29. Power to make rules
-

An Act to provide for the regulation of employment agencies.

[1st January 1959]

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires —

“Commissioner” means the Commissioner for Employment Agencies appointed under section 3(1);

“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;

“employment agency personnel” means any person who performs any work for an employment agency (including work which is not specified employment agency work) for or in connection with the employment of persons in any capacity, and includes —

- (a) any key appointment holder of the employment agency; and
- (b) any person who is engaged, whether on a permanent, temporary or contractual basis, by the employment agency to perform such work;

“key appointment holder”, in relation to an employment agency, means —

- (a) any director, chief executive officer, chief financial officer, chief operating officer, partner or sole-proprietor of the employment agency; or
- (b) any person, by whatever name called, who has general control and management of the administration of any specified employment agency work of the employment agency;

“licence” means a licence granted under this Act;

“licensee” means the person to whom a licence is granted under this Act;

“partner” includes a partner of a limited liability partnership, a general partner of a limited partnership and a limited partner of a limited partnership;

“premises” includes —

- (a) any building or structure, whether permanent or temporary;
- (b) any land, whether or not built on;
- (c) any place, whether or not enclosed, and whether or not situated underground or underwater;

- (d) any vessel, aircraft, train or vehicle (whether mechanically propelled or otherwise) or any other means of transport; and
- (e) any part of any premises referred to in paragraphs (a) to (d);

“public officer” means a person holding a paid office in the service of the Government;

[5/2011 wef 01/04/2011]

“specified employment agency work” means any of the following work:

- (a) communication with any applicant for employment for the purpose of processing any application by such applicant for employment;
- (b) collation of the biodata or resume of any applicant for employment for the purpose of helping the applicant establish an employer-employee relationship;
- (c) submission of any application on behalf of any employer or applicant for employment to the Controller of Work Passes appointed under section 3 of the Employment of Foreign Manpower Act (Cap. 91A), which application is required under that Act;
- (d) facilitation of the placement of any applicant for employment with an employer.

Appointment of officers

3.—(1) The Minister may appoint a Commissioner for Employment Agencies who shall have such functions and powers as are conferred on him by this Act.

(2) The Minister may appoint such number of Deputy Commissioners for Employment Agencies and Assistant Commissioners for Employment Agencies as the Minister may think necessary to assist the Commissioner in the proper discharge of his functions.

(3) The Deputy Commissioners for Employment Agencies and Assistant Commissioners for Employment Agencies shall have and may exercise and perform all the powers, duties and functions of the Commissioner conferred by this Act, subject to such limitations as the Commissioner may think fit to impose.

(4) The Minister may appoint such number of employment agency inspectors and employment agency licensing officers as he may think fit for carrying out the purposes of this Act.

(5) The Commissioner, Deputy Commissioners for Employment Agencies and Assistant Commissioners for Employment Agencies shall have and may exercise and perform all the powers, duties and functions of an employment agency inspector or an employment agency licensing officer conferred by 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 Minister may, by order, exempt any person or employment agency, or any class thereof, when performing any type of work or activity as may be stated in the order, from all or any of the provisions of this Act, either absolutely or subject to such conditions as he may think fit to impose.

(3) The Minister may, at any time, in his discretion, revoke any exemption order made under subsection (2), or cancel, alter or add to any condition in the exemption order.

(4) Without limiting the conditions that may be imposed under subsection (2), the Minister may, when exempting any person or employment agency, or any class thereof, from the requirement for a licence, impose a condition requiring the person or employment agency, or any class thereof, to obtain the approval of the Commissioner to be registered, in such form and manner as the Commissioner may determine, as an exempt person or exempt employment agency, as the case may be.

Other laws not affected

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.

Requirement for licence

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

[5/2011 wef 01/04/2011]

[11/84]

(2) Subject to subsection (3), no person shall perform any work or activity in Singapore —

- (a) for or in connection with the employment of one or more persons in any capacity, whether or not those persons are to be employed within or outside Singapore; and
- (b) on his own behalf or on behalf of an employment agency which is carried on outside Singapore,

unless he is the holder of a licence from the Commissioner authorising him to perform such work or activity.

(3) Subsection (2) shall not apply in relation to —

- (a) any person who is the holder of a licence referred to in subsection (1);
- (b) any person who performs such work or activity referred to in subsection (2) in his capacity as an employment agency personnel and who is registered under section 12A; or
- (c) any person who performs such work or activity referred to in subsection (2) for the sole purpose of recruiting persons for employment on his own behalf.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$80,000 or to imprisonment for a term not exceeding 2 years or to both; and

- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$160,000 or to imprisonment for a term not exceeding 4 years or to both.

Application for licence

7.—(1) Any person who desires to obtain or to renew a licence shall make an application to the Commissioner in such form as the Commissioner may require, which shall be accompanied by the prescribed application fee.

[5/2011 wef 01/04/2011]

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

[5/2011 wef 01/04/2011]

(2A) If the Commissioner decides to grant or renew a licence under subsection (2), he may do so upon the payment of the prescribed fee.

[5/2011 wef 01/04/2011]

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

(4) The Commissioner may, if he so deems fit, debar any person from applying for or being granted a licence for such period of time as may be determined by the Commissioner.

[5/2011 wef 01/04/2011]

Security

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

[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, or if the Commissioner is satisfied that the licensee has failed to comply with any condition as may be specified by the Commissioner in respect of any security given under subsection (1).

[7A

9. *[Deleted by Act 5/2011]*

Period of validity of licence

10.—(1) A licence shall continue to be in force for the period specified in the licence unless it is earlier suspended or revoked by the Commissioner, as the case may be.

(2) The holder of a licence who carries on an employment agency, or performs any work or activity referred to in section 6(2), for which the licence is granted, after the validity period specified in the licence shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$80,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$160,000 or to imprisonment for a term not exceeding 4 years or to both.

(3) Notwithstanding subsection (2), where the Commissioner has received an application for the renewal of a licence within the prescribed period after the expiry of the licence, he may, in his discretion, renew the licence upon the payment of the prescribed late renewal fee.

(4) Where the Commissioner has renewed a licence under subsection (3), the renewal shall take effect from the date immediately after the date on which the licence would have expired had it not been renewed.

Suspension or revocation of licence

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

- (a) is contravening or has contravened any of the provisions of this Act;
[5/2011 wef 01/04/2011]
- (b) has failed to comply with any of the conditions of the licence;
[5/2011 wef 01/04/2011]
- (c) has carried on or is carrying on an employment agency, or has performed or is performing any work or activity

referred to in section 6(2), in a manner likely to be detrimental to the interests of the clients of the licensee;

- (d) has ceased to carry on an employment agency or ceased to perform any work or activity referred to in section 6(2) for which the licensee has been licensed or, if the licensee is a company, goes into liquidation or is wound up or otherwise dissolved;

[5/2011 wef 01/04/2011]

[11/84]

- (e) has not carried on an employment agency or performed any work or activity referred to in section 6(2), for which the licence is granted, for a continuous period of 6 months;
- (f) has acted in a manner detrimental to public interest;
- (g) has committed a criminal offence; or
- (h) is no longer a fit and proper person to continue to hold the licence.

(2) The Commissioner may, in his discretion, revoke a licence upon the application for revocation of the licence by the licensee.

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

[5/2011 wef 01/04/2011]

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

[5/2011 wef 01/04/2011]

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

[5/2011 wef 01/04/2011]

[7D

(6) The Commissioner may at any time reinstate a licence which has been suspended.

Effect of suspension or revocation of licence

12.—(1) Where an order of suspension becomes effective under section 11, the licensee concerned may continue to carry on the employment agency or perform any work or activity referred to in section 6(2), as the case may be, except that he shall not enter into new recruitment or placement agreements.

(2) Where an order of revocation becomes effective under section 11, the licensee concerned shall immediately cease to carry on the employment agency, or perform all work or activity referred to in section 6(2), as the case may be.

(3) Subject to any directions which the Commissioner may give under subsection (4), subsections (1) and (2) 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 suspension or revocation of the licence.

(4) Where an order of suspension or revocation is served on a licensee or where such order becomes effective under section 11, notwithstanding any rule of law or agreement to the contrary or any other provision in this section, the licensee concerned shall comply with such directions as the Commissioner thinks fit to give which directions may include, but are not limited to, all or any of the following:

- (a) to inform, in writing, every applicant for employment and every applicant for workers who uses any service of the licensee of the fact that the licensee has been given the order;
- (b) not to collect any deposit or fee from any applicant referred to in paragraph (a) or any class thereof;
- (c) to refund any applicant referred to in paragraph (a) or any class thereof, within such time as may be specified in the direction, the whole or such part of any deposit or fee received from the applicant as the Commissioner deems equitable;

- (d) to make arrangements so that any applicant referred to in paragraph (a) or any class thereof will continue to receive the services to be provided by the licensee from another licensee and to notify the applicant or class of applicants, as the case may be, accordingly;
 - (e) not to make any application to the Controller of Work Passes appointed under section 3 of the Employment of Foreign Manpower Act (Cap. 91A);
 - (f) to return the passports or other documents of identity in the possession of the licensee to the persons to whom they belong.
- (5) Any person who, without reasonable excuse, contravenes subsection (1) or (2), or any direction given by the Commissioner under subsection (4), shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$80,000 or to imprisonment for a term not exceeding 2 years or to both; and
 - (b) in the case of a second or subsequent conviction, to a fine not exceeding \$160,000 or to imprisonment for a term not exceeding 4 years or to both.

Registration of employment agency personnel

12A.—(1) Any licensee shall, before permitting or authorising any employment agency personnel to perform any specified employment agency work, apply to the Commissioner for the employment agency personnel to be registered as such.

(2) Any application under subsection (1) shall be in such form as the Commissioner may require, and be accompanied by the prescribed registration fee.

(3) Upon receiving an application under subsection (1), the Commissioner shall consider the application and may grant the application or refuse to grant the application.

(4) The Commissioner may, before or after granting the application, require the employment agency personnel to be certified as having

attended or successfully completed, to the satisfaction of the Commissioner, such courses as the Commissioner may determine.

(5) The Commissioner may, in any particular case if he thinks fit, grant the application notwithstanding that the employment agency personnel has not satisfied such requirements of the Commissioner under subsection (4).

(6) Any person who contravenes subsection (1) 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 6 months or to both.

(7) Any person who performs any specified employment agency work when he knows or ought reasonably to have known that he is not registered in accordance with subsection (1) 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 6 months or to both.

(8) Where any employment agency personnel of a licensee —

(a) has ceased to be engaged by the licensee; or

(b) has ceased to perform all specified employment agency work upon the request of the employment agency personnel or the instruction of the licensee, notwithstanding that the employment agency personnel concerned is still engaged by the licensee,

the licensee concerned shall, within such time as may be prescribed, apply to the Commissioner, using such form as the Commissioner may require, to de-register the employment agency personnel.

(9) Upon receiving an application under subsection (8) —

(a) in a case where the application is accompanied by the written consent of the employment agency personnel referred to in that subsection stating that he wishes to be de-registered, the Commissioner shall grant the application for de-registration; or

(b) in any other case, the Commissioner may grant or refuse to grant the application for de-registration.

(10) The Commissioner may, in any particular case if he thinks fit, de-register any employment agency personnel.

(11) Any licensee who contravenes subsection (8) 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 6 months or to both.

(12) A licensee shall remain liable for any act, omission, neglect or default of a person in relation to any specified employment agency work performed by that person who —

(a) has ceased to be engaged by the licensee to perform such work; and

(b) continues to be registered as an employment agency personnel of the licensee,

unless the licensee has applied to de-register the person in accordance with subsection (8).

[5/2011 wef 01/07/2011]

Registration cards

12B. (1) Upon the registration of an employment agency personnel under section 12A, the licensee concerned shall issue a registration card to the employment agency personnel in such form as may be prescribed.

(2) Any person who —

(a) forges or unlawfully alters a registration card;

(b) uses or has in his possession any forged or unlawfully altered registration card;

(c) uses a registration card which is not issued to him; or

(d) without reasonable excuse, gives or sells any registration card,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000; and
- (b) in respect of a second or subsequent offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[5/2011 wef 01/07/2011]

Appeals

13.—(1) Any person who is aggrieved by a decision of the Commissioner to —

- (a) refuse to grant or renew a licence under section 7(2);
- (b) debar that person from applying or being granted a licence under section 7(4);
- (c) suspend or revoke a licence under section 11(1);
- (d) refuse to register an employment agency personnel under section 12A(3); or
- (e) de-register an employment agency personnel under section 12A(10),

may, within 14 days of the date of receipt of the notice of such decision, appeal in writing to the Minister whose decision shall be final.

(2) The Minister may, by writing under his hand, delegate all or any of his powers under this section (except this power of delegation) to any public officer.

(3) A delegation under subsection (2) is revocable at will and no delegation shall prevent the exercise of any power under this section by the Minister.

(4) A power so delegated, when exercised by the delegate, shall for the purposes of this section be deemed to have been exercised by the Minister.

Fees for services rendered

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

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

[5/2011 wef 01/04/2011]

[8

Offer of fees, etc., prohibited

15.—(1) No licensee or employment agency personnel shall give or offer to give (whether directly or indirectly) to an employer or prospective employer, any sum or other benefit —

- (a) as consideration or as inducement for employing a person as the employee of the employer or prospective employer;
- (b) as consideration or as inducement for continuing to employ a person as the employee of the employer or prospective employer; or
- (c) as a financial guarantee related, whether directly or indirectly, to the employment of a person as the employee of the employer or prospective employer.

(2) Any person who contravenes subsection (1) 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 6 months or to both.

16. [Deleted by Act 5/2011]

17. [Deleted by Act 5/2011]

Powers of employment agency inspector

18.—(1) An employment agency inspector shall, for the purposes of this Act, have power to do all or any of the following:

- (a) to enter and search, by day or by night, any premises or part thereof when he has reasonable cause to believe that

evidence of the commission of an offence under this Act can be found therein;

- (b) to require any person, who the employment agency inspector has reason to believe has any document or information relevant to any investigation carried out by him under this Act, to produce any such document or give such information;
- (c) to retain any document relevant to any investigation carried out by him under this Act;
- (d) to examine orally any person supposed to be acquainted with the facts and circumstances relevant to any investigation carried out by him under this Act, and to reduce into writing the answer given or statement made by that person who shall be bound to state truly the facts and circumstances with which he is acquainted; and the statement made by that person shall be read over to him and shall, after correction, be signed by him;
- (e) to require by order in writing the attendance before him of any person who, from information given or otherwise, appears to be acquainted with the facts and circumstances relevant to any investigation carried out by him under this Act, and that person shall so attend as required and if he fails to attend as so required, to report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order;
- (f) to take such photographs, or audio or video recording, as he thinks necessary of the premises and persons reasonably believed to be acquainted with the facts and circumstances relevant to any investigation carried out by him under this Act;
- (g) to require any person to produce any article which is relevant to any investigation carried out by him under this Act and, if necessary, to take into custody any such article.

(2) An employment agency inspector may require the occupier of any premises and his agents and any person found in the premises to

furnish such means required by the employment agency inspector as necessary for any entry, search, examination or investigation, the taking of photographs or audio or video recordings, the taking of articles into custody or otherwise in the exercise of his powers under this Act.

(3) If any person —

- (a) intentionally offers any resistance to or wilfully delays an employment agency inspector in the exercise of any power under this section;
- (b) fails to comply with the requisition of an employment agency inspector under this section;
- (c) fails to produce any document which he is required by or under this section to produce; or
- (d) conceals or prevents or attempts to conceal or prevent a person from appearing before or being examined by an employment agency inspector,

that person shall be deemed, for the purposes of section 23(4), to obstruct an employment agency inspector in the exercise of his powers.

(4) Every employment agency inspector shall have authority to appear in court and may, with the authorisation of the Public Prosecutor, conduct any prosecution in respect of any offence under this Act.

Power to arrest without warrant

19.—(1) Any police officer or employment agency inspector may arrest without warrant any person whom he reasonably believes to be carrying on an employment agency or performing any work or activity referred to in section 6(2) without a licence.

(2) An employment agency inspector making an arrest without warrant shall, without unnecessary delay and subject to subsection (3), take or send the person arrested before a Magistrate's Court.

(3) No employment agency inspector shall detain in custody a person arrested without warrant for longer than is reasonable in the circumstances, and such period shall not exceed 48 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

(4) Any person who has been arrested by an employment agency inspector may be released on bail, or on his own bond.

Arrest how made

19A.—(1) In making an arrest, an employment agency inspector making the arrest shall touch or confine the body of the person to be arrested unless the person submits to arrest by word or action.

(2) If the person forcibly resists or tries to evade arrest, the employment agency inspector may use all means necessary to effect the arrest.

No unnecessary restraint

19B.—(1) The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

(2) An employment agency inspector may use handcuffs or any similar means of restraint on a person arrested to prevent him from —

- (a) inflicting any bodily injury to himself or others;
- (b) damaging any property;
- (c) creating any disturbance; or
- (d) escaping from custody.

(3) The handcuffs or means of restraint shall not be used for the purpose of punishment.

Search of persons arrested

19C.—(1) When a person is arrested, the employment agency inspector making the arrest may search the person and take possession of all articles (other than necessary wearing apparel) found upon the person that the employment agency inspector has

reason to believe were connected with the offence for which the person was being arrested.

(2) Whenever it is necessary to cause a person to be searched, the search shall be made by an employment agency inspector of the same sex as the person, with strict regard to decency.

Employment agency inspector to be armed

19D. Every employment agency inspector shall be provided with such batons and accoutrements as may be necessary for the effective discharge of his duties.

Power to seize offensive weapons

19E. An employment agency inspector making any arrest may take from the person arrested any offensive weapons which he has about his person.

Power on escape to pursue and arrest

19F. If a person in lawful custody escapes or is rescued, the employment agency inspector from whose custody he escaped or was rescued may immediately pursue and arrest him in any place within Singapore and deal with that person as he might have done on the original arrest.

Disposal of documents or articles

19G.—(1) Any document or article produced, retained or requisitioned under section 18(1)(b), (c) or (g), 19C or 19E shall —

- (a) where the document or article is produced in any criminal trial, be dealt with in accordance with section 364 of the Criminal Procedure Code 2010 (Act 15 of 2010); or
- (b) in any other case —
 - (i) be returned to the owner; or
 - (ii) if the owner is not known, be reported to a Magistrate's Court.

(2) Where the report of any document or article produced, retained or requisitioned under section 18(1)(b), (c) or (g), 19C or 19E is made

to a Magistrate's Court under subsection (1)(b)(ii), the Magistrate's Court may order the document or article —

(a) to be forfeited; or

(b) to be disposed of in such manner as the Magistrate's Court thinks fit.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

Complaint by employment agency inspector

19H. For the purpose of section 151 of the Criminal Procedure Code 2010 (Act 15 of 2010) on receiving the complaint in writing and signed by any employment agency inspector, the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of that Code.

Power to enter and inspect premises

20. The Commissioner or any employment agency inspector 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.

[5/2011 wef 01/04/2011]

[14

Liability of licensee for act of servant and partner

21. Whenever any licensee would be liable under the provisions of this Act to any pecuniary penalty or forfeiture for any act, omission, neglect or default, the licensee shall be liable to the same pecuniary penalty or forfeiture for every similar act, omission, neglect or default, of —

- (a) any agent or servant employed by the licensee in the course of the operation of an employment agency in respect of which the licensee holds a licence; or
- (b) any of the partners, where the employment agency is a partnership, limited liability partnership or limited partnership.

Furnishing false information

22. Any person who makes any statement or furnishes any information to the Commissioner or any officer authorised under this Act which he knows or ought reasonably to know is false in any material particular or is misleading by reason of the omission of any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

Offence for persons to engage unlicensed persons

22A.—(1) Any person who, directly or indirectly, engages or uses the services of a person who has not obtained a licence as required under section 6 in connection with the employment of any person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 for each employee engaged through that person who has not so obtained a licence.

(2) In any proceedings for an offence under subsection (1), it shall not be a defence for a defendant to prove that he did not know that the person has not obtained a licence as required under section 6 unless the defendant further proves that he had exercised due diligence to ascertain the status of such person.

(3) For the purpose of subsection (2), a defendant shall not be deemed to have exercised due diligence unless he had verified, in such manner as may be prescribed, that the person referred to in that subsection has obtained a licence as required under section 6.

Offence for licensed employment agencies to make certain applications

22B.—(1) If any employment agency personnel of a licensee makes any application to the Controller of Work Passes appointed under section 3 of the Employment of Foreign Manpower Act (Cap. 91A), which application is required under that Act, on behalf of —

- (a) any person who has not obtained a licence as required under section 6; or
- (b) any person whom the employment agency personnel knows or ought reasonably to know has been directed by the Commissioner under section 12(4) not to make any such application,

the licensee and the employment agency personnel shall each be guilty of an offence.

(2) Any person guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$80,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a second or subsequent offence, to a fine not exceeding \$160,000 or to imprisonment for a term not exceeding 4 years or to both.

(3) In any proceedings for an offence under subsection (1), it shall not be a defence for a defendant to prove that he did not know that the person has not obtained a licence as required under section 6 unless the defendant further proves that he had exercised due diligence to ascertain the status of such person.

(4) For the purpose of subsection (3), a defendant shall not be deemed to have exercised due diligence unless he had verified, in such manner as may be prescribed, that the person referred to in that subsection has obtained a licence as required under section 6.

Disqualification of key appointment holders or employment agency personnel

22C.—(1) Notwithstanding the provisions of any other written law, any person who —

- (a) is an undischarged bankrupt;
- (b) has been convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that he had acted dishonestly;
- (c) has been convicted, whether in Singapore or elsewhere, of an offence involving human trafficking; or
- (d) has been a director of, or directly concerned in the management of, an employment agency for which a licence is obtained under this Act and which licence has been revoked,

shall not, without the consent in writing of the Commissioner, act or continue to act as a key appointment holder of any employment agency in Singapore.

(2) Notwithstanding the provisions of any other written law, any employment agency personnel (not being a key appointment holder) who —

- (a) has been convicted, whether in Singapore or elsewhere, of an offence involving human trafficking; or
- (b) has been a director of, or directly concerned in the management of, an employment agency for which a licence is obtained under this Act and which licence has been revoked,

shall not, without the consent in writing of the Commissioner, act or continue to act as an employment agency personnel of any employment agency in Singapore.

(3) 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 6 months or to both.

Miscellaneous offences

23.—(1) Where any employment agency personnel of a licensee, directly or indirectly, charges or receives for his services any sum greater than the prescribed fee, the licensee and the employment agency personnel shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 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.

(2) Where any employment agency personnel of a licensee gives any information to any person which is relevant to the employment of any applicant for employment, which the employment agency personnel knows or ought reasonably to know is false in any material particular or is misleading by reason of the omission of any material particular, the licensee and the employment agency personnel shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Where any employment agency personnel of a licensee instigates or induces any person not to employ or engage the services of another person who did not apply for employment or work through the licensee, the licensee and the employment agency personnel shall each be guilty of an offence and 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.

(4) Any person who, without reasonable excuse, obstructs an employment agency inspector in the exercise of any of his powers under this Act 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 6 months or to both.

(5) Any licensee who contravenes any of the conditions of the licence 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 6 months or to both.

Certain offences deemed to be arrestable offences

24. Every offence under section 6(4) shall be deemed to be an arrestable offence within the meaning of the Criminal Procedure Code 2010 (Act 15 of 2010).

Officers to be public servants

25. For the purposes of this Act and of the Penal Code [Cap. 224] 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]

Employment agency deemed to be public place

26. For the purposes of section 18 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184), the premises of every employment agency shall be deemed to be a public place.

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]

Offences by bodies corporate, etc.

28A.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar

officer of the body corporate and includes any person purporting to act in any such capacity; or

- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Abetment

28B. Any person who abets the commission of an offence under this Act shall be guilty of the offence and shall be liable on conviction to be punished with the punishment provided for that offence.

Composition of offences

28C.—(1) The Commissioner or any officer authorised in writing by the Commissioner may, in his discretion, compound any offence under this Act by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of either of the following amounts:

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

Protection from personal liability

28D. No suit or other legal proceedings shall lie against the Commissioner or any public officer acting under the direction of the Commissioner for anything which is done with reasonable care and in good faith in the execution or purported execution of this Act.

Jurisdiction of court

28E. Notwithstanding any provision to the contrary in the Criminal Procedure Code 2010 (Act 15 of 2010), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Registers

28F.—(1) The Commissioner may establish, maintain and cause to be published in such manner as he may determine, one or more registers in respect of —

- (a) any person or employment agency, or any class thereof, exempted under section 4(2);
- (b) the holder of any licence granted under section 6, or any class thereof;
- (c) the employment agency personnel registered under section 12A(3), or any class thereof; or
- (d) such other information relating to employment agencies generally, or to any class of employment agencies, as the Commissioner may determine.

(2) Rules may be made under section 29 to prescribe the manner in which the registers are established or maintained under subsection (1), including the details or particulars required to be entered in the registers.

(3) Any person may, upon payment of a prescribed fee, inspect and take an extract from any register established under subsection (1).

(4) Any extract taken under subsection (3), if certified by the Commissioner to be a true copy, shall be admissible as evidence in any legal proceedings.

Power to make rules

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 or for performing any work or activity referred to in section 6(2);
- (c) the fees payable to licensees by applicants for employment and applicants for employees;
[30/2007 wef 01/07/2007]
- (d) the fees payable for the application, grant and renewal of licences;
- (da) the fee payable for the registration of employment agency personnel;
- (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 or persons may be granted permission to place or recruit employees outside Singapore;
[30/2007 wef 01/07/2007]
[5/2011 wef 01/04/2011]
- (g) the circumstances and conditions under which fees may be collected from applicants for employment and applicants for employees, as the case may be, and the circumstances and conditions under which such fees shall, whether in whole or in part, be refunded;
[30/2007 wef 01/07/2007]
[5/2011 wef 01/04/2011]
- (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 \$10,000 or 12 months' imprisonment or both;

- (i) the kind and amount of security required to be given under this Act, and the circumstances and conditions under which the amount of security may be varied;
- (j) the form of the registration card to be issued by a licensee;
- (k) the imposition of any requirement, restriction or prohibition on licensees or employment agency personnel in relation to the carrying on of any employment agency, or the performance of any work or activity referred to in section 6(2);
- (l) any matter relating to the release of any arrested person on any bail or bond under this Act; and
- (m) anything that is required or permitted to be prescribed 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

LEGISLATIVE HISTORY
EMPLOYMENT AGENCIES ACT
(CHAPTER 92)

This Legislative History is provided for the convenience of users of the Employment Agencies Act. It is not part of this Act.

1. Ordinance 47 of 1958 — Employment Agency Ordinance 1958

Date of First Reading : 5 November 1958
(Bill No. 180/58 published on
15 November 1958)

Date of Second and Third Readings : 4 December 1958

Date of commencement : 1 January 1959

2. 1970 Revised Edition — Employment Agencies Act (Chapter 244)

Date of operation : 31 July 1971

3. Act 11 of 1984 — Employment Agencies (Amendment) Act 1984

Date of First Reading : 17 January 1984
(Bill No. 4/84 published on
21 January 1984)

Date of Second and Third Readings : 2 March 1984

Date of commencement : 4 May 1984

4. 1985 Revised Edition — Employment Agencies Act (Chapter 92)

Date of operation : 30 March 1987

5. Act 30 of 2007 — Employment of Foreign Workers (Amendment) Act 2007

(Consequential amendments made to Act by)

Date of First Reading : 9 April 2007
(Bill No. 17/2007 published on
10 April 2007)

Date of Second and Third Readings : 22 May 2007

Date of commencement : 1 July 2007

6. Act 5 of 2011 — Employment Agencies (Amendment) Act 2011

Date of First Reading : 22 November 2010
(Bill No. 37/2010 published on
22 November 2010)

Date of Second and Third Readings : 11 January 2011
Dates of commencement : 1 April 2011 (except section 12)
1 July 2011 (section 12)