



THE STATUTES OF THE REPUBLIC OF SINGAPORE

EMPLOYMENT AGENCIES ACT 1958

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Employment Agencies Act 1958

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An Act to provide for the regulation of employment agencies.

[1 January 1959]

Short title

1. This Act is the Employment Agencies Act 1958.

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 the employer’s 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;

“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 the 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 1990, 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 has the functions and powers conferred on the Commissioner 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 the Commissioner’s functions.

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

(4) The Minister may appoint such number of employment agency inspectors and employment agency licensing officers as the Minister 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 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 applies 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 any conditions that the Minister may think fit to impose.

(3) The Minister may, at any time, 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 operates 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) A person must not carry on an employment agency unless the person is the holder of a licence from the Commissioner authorising the person to carry on an employment agency.

(2) Subject to subsection (3), a person must not 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 the firstmentioned person's own behalf or on behalf of an employment agency which is carried on outside Singapore,

unless the firstmentioned person is the holder of a licence from the Commissioner authorising that person to perform such work or activity.

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

- (a) any person who is the holder of a licence mentioned in subsection (1);
- (b) any person who performs such work or activity mentioned in subsection (2) in that person's capacity as an employment agency personnel and who is registered under section 12; or
- (c) any person who performs such work or activity mentioned in subsection (2) for the sole purpose of recruiting persons for employment on that person's 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 must make an application to the Commissioner in such form as the Commissioner may require, which must be accompanied by the prescribed application fee.

(2) Upon receiving an application under subsection (1), the Commissioner must 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.

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

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

(5) The Commissioner may debar any person from applying for or being granted a licence for such period of time as may be determined by the Commissioner.

Security

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

(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 10, 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).

Period of validity of licence

9.—(1) A licence continues 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 mentioned 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) Despite 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 or she may 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 takes effect from the date immediately after the date on which the licence would have expired had it not been renewed.

[10

Suspension or revocation of licence

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

- (a) is contravening or has contravened any of the provisions of this Act;
- (b) has failed to comply with any of the conditions of the licence;
- (c) has carried on or is carrying on an employment agency, or has performed or is performing any work or activity mentioned 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 mentioned 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;

- (e) has not carried on an employment agency or performed any work or activity mentioned 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 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 or she must forthwith inform the licensee concerned by written notice of the suspension or revocation.

(4) An order of suspension or revocation does 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 suspension or revocation does not take effect unless the order is confirmed by the Minister or the appeal is withdrawn.

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

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Effect of suspension or revocation of licence

11.—(1) Where an order of suspension becomes effective under section 10, the licensee concerned may continue to carry on the employment agency or perform any work or activity mentioned in section 6(2) (as the case may be), except that the licensee must not enter into new recruitment or placement agreements.

(2) Where an order of revocation becomes effective under section 10, the licensee concerned must immediately cease to carry on the employment agency or perform all work or activity mentioned 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) do 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 10, despite any rule of law or agreement to the contrary or any other provision in this section, the licensee concerned must comply with any directions that 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 mentioned in paragraph (a) or any class thereof;
- (c) to refund any applicant mentioned in paragraph (a) or any class thereof, within the time 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 mentioned 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 1990;
- (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.

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Registration of employment agency personnel

12.—(1) Any licensee must, 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) must 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 must 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 or she thinks fit, grant the application even though the employment agency personnel has not satisfied the 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 that person knows or ought reasonably to have known that he or she 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, even though the employment agency personnel concerned is still engaged by the licensee,

the licensee concerned must, within such time as may be prescribed, apply to the Commissioner, using such form as the Commissioner may require, to deregister 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 the employment agency personnel wishes to be deregistered, the Commissioner must grant the application for deregistration; or

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

(10) The Commissioner may, in any particular case if he or she thinks fit, deregister 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 remains 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 deregister the person in accordance with subsection (8).

[12A

Registration cards

13.—(1) Upon the registration of an employment agency personnel under section 12, the licensee concerned must 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 that person's possession any forged or unlawfully altered registration card;
- (c) uses a registration card which is not issued to that person;
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.

[12B

Appeals

14.—(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(5);
- (c) suspend or revoke a licence under section 10(1);
- (d) refuse to register an employment agency personnel under section 12(3); or
- (e) deregister an employment agency personnel under section 12(10),

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

(2) The Minister may, by writing under the hand of the Minister, delegate all or any of his or her 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 prevents the exercise of any power under this section by the Minister.

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

[13

Fees for services rendered

15.—(1) It is lawful for a licensee to charge and receive such fees as may be prescribed.

(2) A licensee must not charge or receive any form of fees, remuneration, profit or compensation otherwise than as provided in this Act.

[14

Offer of fees, etc., prohibited

16.—(1) A licensee or employment agency personnel must not give or offer to give (whether directly or indirectly) to an employer or a 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.

[15

Powers of employment agency inspector

17.—(1) An employment agency inspector has, for the purposes of this Act, 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 or she 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, whom the employment agency inspector has reason to believe has any document or information relevant to any investigation carried out by him or her under this Act, to produce that document or give that information;
- (c) to retain any document relevant to any investigation carried out by him or her 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 or her under this Act, and to reduce into writing the answer given or statement made by that person who is bound to state truly the facts and circumstances with which that person is acquainted; and the statement made by that person must be read over to him or her and must, after correction, be signed by him or her;
- (e) to require by written order the attendance before him or her 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 or her under this Act, and that person must so attend as required and if that person 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 any photographs, or audio or video recording, that he or she 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 or her under this Act;
- (g) to require any person to produce any article which is relevant to any investigation carried out by him or her under this Act and, if necessary, to take into custody that article.

(2) An employment agency inspector may require the occupier of any premises and the occupier's agents and any person found in the premises to provide 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 or her 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 that person 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 is deemed, for the purposes of section 33(4), to obstruct an employment agency inspector in the exercise of his or her powers.

(4) Every employment agency inspector has 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.

[18

Power to arrest without warrant

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

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

(3) An employment agency inspector must not detain in custody a person arrested without warrant for longer than is reasonable in the circumstances, and such period must 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 that person's own bond.

[19

Arrest how made

19.—(1) In making an arrest, an employment agency inspector making the arrest must 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.

[19A

No unnecessary restraint

20.—(1) The person arrested must not be subjected to more restraint than is necessary to prevent his or her escape.

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

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

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

[19B

Search of persons arrested

21.—(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 must be made by an employment agency inspector of the same sex as the person, with strict regard to decency.

[19C]

Employment agency inspector to be armed

22. Every employment agency inspector must be provided with such batons and accoutrements as may be necessary for the effective discharge of his or her duties.

[19D]

Power to seize offensive weapons

23. An employment agency inspector making any arrest may take from the person arrested any offensive weapons which the person has about his or her person.

[19E]

Power on escape to pursue and arrest

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

[19F]

Disposal of documents or articles

25.—(1) Any document or article produced, retained or requisitioned under section 17(1)(b), (c) or (g), 21 or 23 must —

- (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; 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 17(1)(b), (c) or (g), 21 or 23 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 any manner that the Magistrate's Court thinks fit.

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

[19G]

Complaint by employment agency inspector

26. For the purpose of section 151 of the Criminal Procedure Code 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.

[19H]

Power to enter and inspect premises

27. 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 or her to be the property of or to have been used for the purposes of an employment agency and remove them for further examination.

[20]

Liability of licensee for act of servant and partner

28. 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.

[21]

Providing false information

29. Any person who makes any statement or provides any information to the Commissioner or any officer authorised under this Act which the person 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.

[22]

Offence for persons to engage unlicensed persons

30.—(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 is not a defence for a defendant to prove that the defendant did not know that the person has not obtained a licence as required under section 6 unless the defendant further proves that the defendant had exercised due diligence to ascertain the status of that person.

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

[22A]

Offence for licensed employment agencies to make certain applications

31.—(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 1990, 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 11(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 is not a defence for a defendant to prove that the defendant did not know that the person has not obtained a licence as required under section 6 unless the defendant further proves that the defendant had exercised due diligence to ascertain the status of that person.

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

Disqualification of key appointment holders or employment agency personnel

32.—(1) Despite 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 the person 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,

must 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) Despite 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,

must 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.

[22C

Miscellaneous offences

33.—(1) Where any employment agency personnel of a licensee, directly or indirectly, charges or receives for his or her 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 or her 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.

[23]

Certain offences deemed to be arrestable offences

34. Every offence under section 6(4) is deemed to be an arrestable offence within the meaning of the Criminal Procedure Code 2010.

[24]

Officers to be public servants

35. For the purposes of this Act and of the Penal Code 1871, the Commissioner and other officers appointed or acting under this Act are deemed to be public servants within the meaning of the Penal Code 1871.

[25]

Employment agency deemed to be public place

36. For the purposes of section 14(1) of the Liquor Control (Supply and Consumption) Act 2015, the premises of every employment agency are deemed to be a public place.

[26

[5/2015]

Right of hearing

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

[27]

Power to deal with evidence taken by another officer

38. 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 or she had taken it down or made it and proceed with the inquiry from the stage at which his or her predecessor left it.

[28

Offences by bodies corporate, etc.

39.—(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 an officer's 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) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member 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 a partner's 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 such 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.

[28A

Abetment

40. 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.

[28B]

Composition of offences

41.—(1) The Commissioner or any officer authorised in writing by the Commissioner may 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 the following amounts:

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

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

[28C]

Protection from personal liability

42. 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.

[28D]

Jurisdiction of court

43. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

[28E]

Registers

44.—(1) The Commissioner may establish, maintain and cause to be published in any manner that the Commissioner 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 12(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 45 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, is admissible as evidence in any legal proceedings.

[28F

Power to make rules

45.—(1) The Minister may make rules for carrying out the purposes of this Act and in particular and without limiting the foregoing powers the Minister 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 mentioned in section 6(2);
- (c) the fees payable to licensees by applicants for employment and applicants for employees;
- (d) the fees payable for the application, grant and renewal of licences;

- (e) the fee payable for the registration of employment agency personnel;
- (f) the forms of licence, applications for the grant or renewal of licences, registers and monthly returns;
- (g) the circumstances and conditions under which employment agencies or persons may be granted permission to place or recruit employees outside Singapore;
- (h) 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 must, whether in whole or in part, be refunded;
- (i) penalties for any contravention of any of the provisions of any rules made under this section except that no such penalty may exceed \$10,000 or 12 months' imprisonment or both;
- (j) 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;
- (k) the form of the registration card to be issued by a licensee;
- (l) 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 mentioned in section 6(2);
- (m) any matter relating to the release of any arrested person on any bail or bond under this Act; and
- (n) anything that is required or permitted to be prescribed under this Act.

(2) All rules made under this section must be published in the *Gazette* and must be presented to Parliament as soon as possible after publication; and if a resolution is passed pursuant to a motion notice of which 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 of the rules as from a specified date, the rules or such part of the rules (as the case may be) thereupon become void as from that date but without affecting the validity of anything previously done under the rules or the making of new rules.

[29]

LEGISLATIVE HISTORY

EMPLOYMENT AGENCIES ACT 1958

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Ordinance 47 of 1958 — Employment Agency Ordinance, 1958

Bill	:	180/1958
First Reading	:	5 November 1958
Second and Third Readings	:	4 December 1958
Commencement	:	1 January 1959

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

Operation	:	31 July 1971
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3. Act 11 of 1984 — Employment Agencies (Amendment) Act 1984

Bill	:	4/1984
First Reading	:	17 January 1984
Second and Third Readings	:	2 March 1984
Commencement	:	4 May 1984

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

Operation	:	30 March 1987
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5. Act 30 of 2007 — Employment of Foreign Workers (Amendment) Act 2007

(Amendments made by section 28 read with item (2) of the Schedule to the above Act)

Bill	:	17/2007
First Reading	:	9 April 2007
Second and Third Readings	:	22 May 2007
Commencement	:	1 July 2007 (section 28 read with item (2) of the Schedule)

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

Bill	:	37/2010
First Reading	:	22 November 2010
Second and Third Readings	:	11 January 2011

Commencement : 1 April 2011 (except section 12)
1 July 2011 (section 12)

7. 2012 Revised Edition — Employment Agencies Act (Chapter 92)

Operation : 30 September 2012

8. Act 5 of 2015 — Liquor Control (Supply and Consumption) Act 2015
(Amendments made by section 38(4) of the above Act)

Bill : 1/2015

First Reading : 19 January 2015

Second and Third Readings : 30 January 2015

Commencement : 1 April 2015 (section 38(4))

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
EMPLOYMENT AGENCIES ACT 1958

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2012 Ed.
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(4)	(3)
(5)	(4)
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—	16 [<i>Repealed by Act 5 of 2011</i>]
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