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EMPLOYMENT ACT
(CHAPTER 91)

EMPLOYMENT
(PART-TIME EMPLOYEES)
(AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred by sections 66B and 139 of the Employment Act, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Employment (Part-Time Employees) (Amendment) Regulations 2017 and come into operation on 1 April 2017.

Amendment of regulation 2

2. Regulation 2(1) of the Employment (Part-Time Employees) Regulations (Rg 8) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately before the definition of “full-time employee”, the following definitions:

““basic rate of pay for half a day’s work”, in relation to a part-time employee, means the part-time employee’s hourly basic rate of pay multiplied by half the part-time employee’s normal hours of work for one day;

“basic rate of pay for one day’s work”, in relation to a part-time employee, means the part-time employee’s hourly basic rate of pay multiplied by the part-time employee’s normal hours of work for one day;”;

and

(b) by inserting, immediately after the definition of “full-time employee”, the following definitions:

““hourly basic rate of pay”, in relation to a part-time employee, means —

(a) the amount specified in the contract of service of the part-time employee as the part-time employee’s hourly basic rate of pay; or

(b) if not specified in the contract of service, the amount as determined by the formula in paragraph 1 of the Schedule;

“hourly gross rate of pay”, in relation to a part-time employee, means —

(a) the amount specified in the contract of service of the part-time employee as the part-time employee’s hourly gross rate of pay; or

(b) if not specified in the contract of service, the amount as determined by the formula in paragraph 3 of the Schedule;

“normal hours of work for one day” —

(a) in relation to a part-time employee, means —

(i) the number of hours of work specified in the contract of service of the part-time employee as the part-time employee’s number of hours of work for one day; or

(ii) if not specified in the contract of service, the number of hours of work as determined by the formula in paragraph 2(a) of the Schedule; or

(b) in relation to a similar full-time employee, means the normal hours of work as defined in section 37(3A)(a) of the Act;

“normal hours of work for one week” —

(a) in relation to a part-time employee, means —

(i) the number of hours of work specified in the contract of service of the part-time employee as the part-time employee’s number of hours of work for one week; or

(ii) if not specified in the contract of service, the number of hours of work as determined by the formula in paragraph 2(b) of the Schedule; or

(b) in relation to a similar full-time employee, means —

(i) the number of hours of work (not exceeding the limits applicable to a full-time employee under section 38 or 40 of the Act, as the case may be) that is agreed between an employer and the similar full-time employee to be the number of hours of work for one week; or

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- (ii) in the absence of any such agreement, 44 hours in one week;”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —

- (a) by deleting the words “working hours” in paragraph (1)(b) and substituting the words “hours of work”; and
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) Where a contract of service does not specify any item mentioned in paragraph (1)(a), (b) or (d), that item is to be determined according to the formula set out in paragraph 1, 2 or 3 of the Schedule, as the case may be.”.

Deletion and substitution of regulation 4

4. Regulation 4 of the principal Regulations is deleted and the following regulation substituted therefor:

“Payment for work on rest day

4.—(1) Section 37(2) of the Act applies to a part-time employee who at the part-time employee’s own request works for an employer on a rest day, with the following modifications:

- (a) if the period of work does not exceed half the part-time employee’s normal hours of work for one day, the part-time employee is to be paid for that day a sum at the part-time employee’s basic rate of pay for half a day’s work;
- (b) if the period of work exceeds half but does not exceed the part-time employee’s normal hours of work for one day, the part-time employee is to be paid for that day a sum at the part-time employee’s basic rate of pay for one day’s work;

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- (c) if the period of work exceeds the part-time employee's normal hours of work for one day but does not exceed the normal hours of work for one day of a similar full-time employee, the part-time employee is to be paid for that day —
- (i) a sum at the part-time employee's basic rate of pay for one day's work; and
 - (ii) at the part-time employee's hourly basic rate of pay for each hour or part thereof which exceeds the part-time employee's normal hours of work for one day;
- (d) if the period of work exceeds the normal hours of work for one day of a similar full-time employee, the part-time employee is to be paid for that day —
- (i) a sum at the part-time employee's basic rate of pay for one day's work;
 - (ii) at the part-time employee's hourly basic rate of pay for each hour or part thereof which exceeds the part-time employee's normal hours of work for one day but does not exceed the normal hours of work for one day of a similar full-time employee; and
 - (iii) at one and a half times the part-time employee's hourly basic rate of pay for each hour or part thereof which exceeds the normal hours of work for one day of a similar full-time employee.
- (2) Section 37(3) of the Act applies to a part-time employee who, at the request of the part-time employee's employer, works on a rest day, with the following modifications:
- (a) if the period of work does not exceed half the part-time employee's normal hours of work for one day, the part-time employee is to be paid for that day a sum at the part-time employee's basic rate of pay for one day's work;

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- (b) if the period of work exceeds half but does not exceed the part-time employee's normal hours of work for one day, the part-time employee is to be paid for that day a sum at the part-time employee's basic rate of pay for 2 days' work;
 - (c) if the period of work exceeds the part-time employee's normal hours of work for one day but does not exceed the normal hours of work for one day of a similar full-time employee, the part-time employee is to be paid for that day —
 - (i) a sum at the part-time employee's basic rate of pay for 2 days' work; and
 - (ii) at the part-time employee's hourly basic rate of pay for each hour or part thereof which exceeds the part-time employee's normal hours of work for one day;
 - (d) if the period of work exceeds the normal hours of work for one day of a similar full-time employee, the part-time employee is to be paid for that day —
 - (i) a sum at the part-time employee's basic rate of pay for 2 days' work;
 - (ii) at the part-time employee's hourly basic rate of pay for each hour or part thereof that exceeds the part-time employee's normal hours of work for one day but does not exceed the normal hours of work for one day of a similar full-time employee; and
 - (iii) at one and a half times the part-time employee's hourly basic rate of pay for each hour or part thereof that exceeds the normal hours of work for one day of a similar full-time employee.
- (3) Section 36(1) of the Act does not apply to a part-time employee unless the part-time employee is required to work on 5 or more days in any one week.

(4) Section 37(3A) of the Act does not apply to a part-time employee.”.

Deletion and substitution of regulation 5

5. Regulation 5 of the principal Regulations is deleted and the following regulation substituted therefor:

“Overtime pay

5.—(1) Section 38(4) of the Act applies to a part-time employee with the following modifications:

- (a) where the part-time employee works beyond the part-time employee’s normal hours of work for one day, the part-time employee is to be paid —
 - (i) at the part-time employee’s hourly basic rate of pay for each hour or part thereof that exceeds the part-time employee’s normal hours of work for one day but does not exceed the normal hours of work for one day of a similar full-time employee; and
 - (ii) at one and a half times the part-time employee’s hourly basic rate of pay for each hour or part thereof that exceeds the normal hours of work for one day of a similar full-time employee;
- (b) where the part-time employee works beyond the part-time employee’s normal hours of work for one week, the part-time employee is to be paid —
 - (i) at the part-time employee’s hourly basic rate of pay for each hour or part thereof that exceeds the part-time employee’s normal hours of work for one week but does not exceed the normal hours of work for one week of a similar full-time employee; and
 - (ii) at one and a half times the part-time employee’s hourly basic rate of pay for each hour or part thereof that exceeds the normal hours of work for one week of a similar full-time employee.

(2) Section 38(6) of the Act does not apply to a part-time employee.”.

Amendment of regulation 6

6. Regulation 6 of the principal Regulations is amended —

- (a) by deleting the words “A part-time employee shall be entitled to paid holidays on such days as are provided by section 88 of the Act; and for each paid holiday he shall” in paragraph (1) and substituting the words “Section 88(1) of the Act applies to a part-time employee, who is entitled to paid holidays on such days as are provided by section 88 of the Act, with the modification that for each paid holiday the part-time employee is to”;
- (b) by deleting the words “If a part-time employee is required by his employer to work on any day on which he is entitled to a paid holiday, he shall” in paragraph (2) and substituting the words “Section 88(4) of the Act applies to a part-time employee who is required by the part-time employee’s employer to work on any day on which the part-time employee is entitled to a paid holiday, with the modification that the part-time employee is to”;
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(2A) Section 88(4A) of the Act applies to a part-time employee employed in a managerial or an executive position who is required by the part-time employee’s employer to work on any public holiday on which the part-time employee would otherwise be entitled to a paid holiday, with the modification that the part-time employee is to be paid in accordance with paragraph (2) for that day and may be given the following, in lieu of a day off in substitution for that holiday or a sum at the part-time employee’s basic rate of pay for one day’s work:

- (a) part of a day off on a working day comprising such number of hours as may

be agreed between the part-time employee and his employer;

(b) in the case where there is no such agreement —

(i) part of a day off on a working day comprising half of the part-time employee's normal hours of work for one day if the part-time employee worked on that holiday for a period not exceeding half of the part-time employee's normal hours of work for one day; or

(ii) a day off on a working day if the part-time employee worked on that holiday for a period of more than half of the part-time employee's normal hours of work for one day.”;

(d) by deleting paragraph (3); and

(e) by deleting the words “Section 88(4) and (5) of the Act shall” in paragraph (6) and substituting the words “Section 88(7) of the Act does”.

Amendment of regulation 7

7. Regulation 7 of the principal Regulations is amended —

(a) by deleting the words “A part-time employee shall be entitled to paid annual leave in proportion to the entitlement of a similar full-time employee provided by section 43 of the Act, which shall be” in paragraph (1) and substituting the words “Section 43(1) of the Act applies to a part-time employee, with the modification that the part-time employee is entitled to paid annual leave in proportion to the entitlement of a similar full-time employee provided by section 43 of the Act, that is”;

(b) by deleting the words “The employer shall” in paragraph (2) and substituting the words “Section 43(7)

of the Act applies to a part-time employee, with the modification that the employer is to”; and

- (c) by deleting the words “Section 43(7) of the Act shall” in paragraph (4) and substituting the words “Section 43(3) of the Act does”.

Amendment of regulation 8

8. Regulation 8 of the principal Regulations is amended —

- (a) by deleting the words “A part-time employee shall be entitled to paid sick leave in proportion to the entitlement of a similar full-time employee provided by section 89 of the Act, which shall be” in paragraph (1) and substituting the words “Section 89(1) and (2) of the Act applies to a part-time employee, with the modification that the part-time employee is entitled to paid sick leave in proportion to the entitlement of a similar full-time employee provided by section 89 of the Act, that is”;
- (b) by deleting the words “The employer shall pay the part-time employee” in paragraph (2) and substituting the words “Section 89(5) of the Act applies to a part-time employee, with the modification that the part-time employee is to be paid”; and
- (c) by deleting paragraph (3).

Amendment of regulation 8A

9. Regulation 8A of the principal Regulations is amended —

- (a) by deleting the words “A part-time employee shall be entitled to paid childcare leave in proportion to the entitlement of a similar full-time employee provided by section 87A of the Act, which shall be” in paragraph (1) and substituting the words “Section 87A(1) of the Act applies to a part-time employee, with the modification that the part-time employee is entitled to paid childcare leave in proportion to the entitlement of a similar full-time employee provided by section 87A of the Act, that is”;

(b) by deleting the words “The employer shall pay the part-time employee” in paragraph (2) and substituting the words “Section 87A(5) of the Act applies to a part-time employee, with the modification that the part-time employee is to be paid”; and

(c) by deleting paragraph (3) and substituting the following paragraph:

“(3) Section 87A(2), (4) and (6) of the Act applies to a part-time employee, with the modification that the reference to childcare leave of 2 days is a reference to the entitlement of childcare leave calculated according to the formula mentioned in paragraph (1).”.

Amendment of regulation 9

10. Regulation 9 of the principal Regulations is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Subject to the modifications in paragraph (2), section 76 of the Act applies to a female part-time employee, who is entitled to the benefit period provided in that section.”; and

(b) by deleting paragraph (3) and substituting the following paragraph:

“(3) Sections 77 to 80, 83, 84, 84A, 86 and 87 of the Act apply to a female part-time employee, with the modification that any reference to a payment referred to in section 76 of the Act, a rate prescribed under section 76 of the Act or a payment under Part IX of the Act, is a reference to the payment or rate to which the female part-time employee is entitled under paragraph (2).”.

New regulation 12 and Schedule

11. The principal Regulations are amended by inserting, immediately after regulation 11, the following regulation and Schedule:

“Offences

12. If any employer fails to pay the employer’s part-time employee in accordance with regulation 6(4) or 7(3), the employer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding —

- (a) \$5,000 in the case of a first conviction; and
- (b) \$10,000 in the case of a second or subsequent conviction for a contravention of the same provision within one year after the preceding conviction.

THE SCHEDULE

Regulations 2 and 3(2)

FORMULA FOR DETERMINING HOURLY BASIC RATE OF PAY, HOURS OF WORK FOR ONE DAY OR ONE WEEK, AND HOURLY GROSS RATE OF PAY

1. The hourly basic rate of pay of a part-time employee is computed as follows:

- (a) in the case of a daily rated part-time employee:

$$\frac{\text{Daily basic rate of pay}}{\text{Hours of work for one day}}$$

- (b) in the case of a monthly rated part-time employee:

$$\frac{\text{Monthly basic rate of pay} \times 12}{\text{Hours of work for one week} \times 52}$$

2. The hours of work for one day or one week of a part-time employee are computed as follows:

(a) in the case of hours of work for one day:

$$\frac{\text{Total hours of work for one week} \\ \text{(excluding total hours of work on any rest days in that week)}}{\text{Total number of days worked for that week} \\ \text{(excluding any rest days)}}$$

(b) in the case of hours of work for one week:

$$\frac{\text{Total hours of work for one year} \\ \text{(excluding total hours of work on any rest days in that year)}}{\text{Total number of weeks worked for that year}}$$

3. The hourly gross rate of pay of a part-time employee is computed as follows:

(a) in the case of a daily rated part-time employee:

$$\frac{\text{Daily gross rate of pay}}{\text{Hours of work for one day}}$$

(b) in the case of a monthly rated part-time employee:

$$\frac{\text{Monthly gross rate of pay} \times 12}{\text{Hours of work for one week} \times 52}$$

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[G.N. Nos. S 605/2004; S 666/2008]

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Singapore.*

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