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EMPLOYMENT ACT (CHAPTER 91)

EMPLOYMENT (EMPLOYMENT RECORDS, KEY EMPLOYMENT TERMS AND PAY SLIPS) REGULATIONS 2016

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The Schedules

In exercise of the powers conferred by section 139 of the Employment Act, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Employment (Employment Records, Key Employment Terms and Pay Slips) Regulations 2016 and come into operation on 1 April 2016.

Definitions

2. In these Regulations, unless the context otherwise requires —
 - “identity card”, for an individual, means an identity card issued to the individual under the National Registration Act (Cap. 201);
 - “serving employee” means an individual, who on 1 April 2016, is an employee;
 - “work pass”, for an individual, means a work pass issued to the individual under the Employment of Foreign Manpower Act (Cap. 91A).

Application of Regulations

3. These Regulations apply to and in relation to every serving employee, and every person who becomes an employee on or after 1 April 2016.

Employee records — content

4. For the purposes of section 95(1) of the Act, an employer must make employee records relating to an employee for every matter specified in the First Schedule, and every employee record relating to an employee of an employer must be about the employee’s period of employment with the employer, starting from —

- (a) 1 April 2016; or
- (b) the first day of the employee’s employment with the employer if that is after 1 April 2016.

Employee records — retention period

5. For the purposes of section 95(1) of the Act, the record retention period for an employee record relating to an employee of an employer is —

- (a) for an employee record relating to a matter in item 1, 2 or 3 of the First Schedule, during the period of employment with the employer and, if employment with the employer ends, for one year after the last day of employment with the employer; and

- (b) for each entry made to an employee record relating to a matter described in any other item of the First Schedule, a period of 2 years after the entry is made and, if employment with the employer ends, for one year after the last day of employment with the employer.

Key employment terms

6.—(1) For the purposes of section 95A(1)(b) of the Act, the prescribed minimum period of service is a continuous period of 14 days.

(2) For the purposes of section 95A(7) of the Act, every employment term specified in the Second Schedule is a key employment term.

Pay slip — time of giving

7.—(1) For the purposes of section 96(1)(a) of the Act and subject to paragraph (2), an employer must give to an employee a pay slip in accordance with the following:

(a) if the pay slip is a single pay slip relating to one salary period —

- (i) on the day the salary is paid to the employee (called in this regulation the salary payment date); or
- (ii) if it is not possible to give the pay slip on the salary payment date, not later than 3 days (excluding any Saturday, Sunday or public holiday) after the salary payment date;

(b) if the pay slip is a consolidated pay slip relating to 2 or more salary periods, at least once a month —

- (i) on any salary payment date in that month; or
- (ii) if it is not possible to give the pay slip on a salary payment date in that month, not later than 3 days (excluding any Saturday, Sunday or public holiday) after that salary payment date.

(2) Where an employee's employment with an employer ends, a pay slip, relating to all salary periods for which a pay slip was earlier not given, must be given —

- (a) on the salary payment date relating to the last salary period preceding the end of employment; or
- (b) on the employee's last day of employment with the employer.

(3) An employer must give to the employee a pay slip for every sum paid by the employer under section 22 or 23 of the Act —

- (a) on the day the sum is paid; or
- (b) on the employee's last day of employment with the employer.

(4) To avoid doubt, a sum is paid by the employer even where the employee is not in receipt of such sum due to a set-off or deduction by the employer.

Pay slip — form

8. For the purposes of section 96(2) of the Act, an employer must give to every employee of the employer a pay slip in the form of —

- (a) if the employee's salary period is one month, a single pay slip for that salary period; or
- (b) if the employee's salary period is less than one month —
 - (i) a consolidated pay slip for all the preceding salary periods for which a pay slip was not given; or
 - (ii) a separate single pay slip for each salary period.

Pay slip — content

9. For the purposes of section 96(2) of the Act, a pay slip must contain the information specified in the Third Schedule.

Record of public holidays, etc.

10. During each year, every employer must maintain and conspicuously display at each place at which the employer's employees are employed to work a record specifying —

- (a) all of the public holidays for that year; and
- (b) any day in that year which the employer and all of the employer's employees working at that place have agreed may be substituted for any public holiday in that year.

Revocation

11. The Employment (Register of Employees) Regulations (Rg 6) are revoked.

Savings and transitional provision

12. Despite regulation 11, an employer must continue to keep until 31 March 2018, any register required before 1 April 2016 to be kept by section 95 of the Act repealed by the Employment (Amendment) Act 2015 (Act 27 of 2015).

FIRST SCHEDULE

Regulations 4 and 5

PARTICULARS OF EVERY EMPLOYEE RECORD

1. Employee's personal particulars consisting of —
 - (a) latest name as specified on the employee's identity card, work pass or passport;
 - (b) current address of place of residence;
 - (c) date of birth;
 - (d) gender; and
 - (e) identity card number or foreign identification number
2. First day of period of continuous employment
3. Last day of period of continuous employment (if applicable)
4. Hours worked each day and duration of any meal break or other break
5. Dates of public holidays and other holidays taken by employee

FIRST SCHEDULE — *continued*

6. Date when leave is taken (such as but not limited to any annual leave, sick leave, maternity leave, paternity leave and childcare leave) taken by employee
7. First and last days of each salary period
8. Amount of basic salary paid to employee during each salary period, calculated by reference to the basic rate of pay
9. Amount of allowances and other additional payments during each salary period, with itemisation of every allowance or payment (if applicable)
10. First and last days of each overtime payment period (called in this Schedule the overtime period) if different from each salary period
11. Overtime hours worked during each overtime period (if applicable)
12. Overtime pay for each overtime period (if applicable) and date of payment
13. Amount of deductions from salary during each salary period, with itemisation of every deduction (if applicable)
14. Net amount paid to employee for each salary period and date of payment

SECOND SCHEDULE

Regulation 6(2)

KEY EMPLOYMENT TERMS

1. Employer's name —
 - (a) for an employer who is an individual, as specified on the identity card or passport of the employer; or
 - (b) for an employer which is not an individual —
 - (i) as specified on any register or official record kept under any written law; or
 - (ii) where sub-paragraph (i) is not applicable, the name in which the employer employed the employee
2. Employer's trade name if different from that in item 1
3. Employee's name as specified on the employee's identity card, work pass or passport
4. Job title
5. Description of main duties and responsibilities
6. First day of period of employment

SECOND SCHEDULE — *continued*

7. Duration of employment (for a fixed term employment contract only)
8. Daily working hours, number of working days per week and rest days
9. Salary period
10. Basic rate of pay
11. Any fixed allowance during each salary period (if applicable)
12. Any fixed deduction during each salary period (if applicable)
13. Payment period for overtime pay (if different from salary period)
14. Rate of overtime pay
15. Any other salary-related component (such as but not limited to any bonus or other monetary incentive) (if applicable)
16. Leave entitlement (such as but not limited to any annual leave, sick leave, maternity leave, paternity leave and childcare leave)
17. Medical benefits (such as but not limited to any medical or health insurance or dental benefits)
18. Probation period (if applicable)
19. Notice period for dismissal by employer or termination of employment contract by employee (as the case may be)

THIRD SCHEDULE

Regulation 9

INFORMATION IN PAY SLIP

1. Employer's name —
 - (a) for an employer who is an individual, as specified on the identity card or passport of the employer; or
 - (b) for an employer which is not an individual —
 - (i) as specified on any register or official record kept under any written law; or
 - (ii) where sub-paragraph (i) is not applicable, the name in which the employer employed the employee
2. Employer's trade name if different from that in item 1
3. Employee's name as specified on the employee's identity card, work pass or passport

THIRD SCHEDULE — *continued*

4. Amount of basic salary paid to employee during each salary period or salary periods, calculated by reference to the basic rate of pay
5. First and last days of each salary period
6. Amount of allowances and other additional payments during each salary period, with itemisation of every allowance or payment (if applicable)
7. First and last days of each overtime payment period (called in this Schedule the overtime period) if different from each salary period
8. Overtime hours worked during each overtime period (if applicable)
9. Overtime pay paid for each overtime period (if applicable) and date of payment
10. Amount of deductions from salary during each salary period, with itemisation of every deduction (if applicable)
11. Net amount paid to employee for each salary period and date of payment

Made on 31 March 2016.

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