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No. S 149

EMPLOYMENT ACT (CHAPTER 91)

EMPLOYMENT (ADMINISTRATIVE PENALTIES) REGULATIONS 2016

ARRANGEMENT OF REGULATIONS

Regulation

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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 (Administrative Penalties) Regulations 2016 and come into operation on 1 April 2016.

Administrative penalties

2. For the purposes of section 126B(1) and (3) of the Act, the administrative penalties specified in the second and third columns of the Schedule are payable in respect of the civil contraventions specified opposite in the first column.

Request for internal reconsideration

3.—(1) For the purposes of section 126C(1)(a) of the Act, a request by an employer for an internal reconsideration of a contravention notice must be made within 14 days after the employer receives the contravention notice.

(2) An employer may withdraw a request for an internal reconsideration of a contravention notice at any time before the reviewing authorised officer confirms or cancels the contravention notice under section 126C(3) of the Act.

(3) A request for an internal reconsideration or a withdrawal of the request (as the case may be) must be made in the form and manner specified on the official website of the Ministry of Manpower at <http://www.mom.gov.sg>.

(4) A request for an internal reconsideration is treated as withdrawn if after the request is made but before the reviewing authorised officer confirms or cancels the contravention notice, an initial authorised officer is served with an originating summons concerning an appeal to the High Court against the same contravention notice that is the subject of the request.

(5) A reviewing authorised officer may refuse to reconsider a contravention notice if the request for an internal reconsideration is not made in compliance with paragraph (1) or (3).

Appeal to High Court

4.—(1) For the purposes of section 126C(1)(b) of the Act, an appeal by an employer to the High Court against a contravention notice must be made within 14 days after the employer receives the contravention notice.

(2) For the purposes of section 126C(4) of the Act, an appeal by an employer to the High Court against a reviewing authorised officer's decision under section 126C(3) of the Act must be made within 14 days after the employer receives the reviewing authorised officer's decision.

Issuance of documents

5.—(1) A document that is required by Part XVA of the Act or these Regulations to be issued to any person may be issued as described in this regulation.

(2) A document required by Part XVA of the Act or these Regulations to be issued to an individual may be issued —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, to the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the last email address of the individual.

(3) A document required by Part XVA of the Act or these Regulations to be issued to a partnership (other than a limited liability partnership) may be issued —

- (a) by giving it to any partner, secretary or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the last email address of the partnership.

(4) A document required by Part XVA of the Act or these Regulations to be issued to a body corporate (including a limited liability partnership) or an unincorporated association may be issued —

- (a) by giving it to the secretary or other like officer of the body corporate or the unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the body corporate or unincorporated association;
- (c) by sending it by fax to the fax number used at the registered office or principal office of the body corporate or unincorporated association; or
- (d) by sending it by email to the last email address of the body corporate or unincorporated association.

(5) A document issued under paragraph (1) takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is addressed; and
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) This regulation does not apply to documents to be served in proceedings in court.

(7) In this regulation —

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business;

“last email address” means —

- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under Part XVA of the Act or these Regulations; or
- (b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence.

THE SCHEDULE

Regulation 2

ADMINISTRATIVE PENALTIES

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Civil contravention</i>	<i>Amount of administrative penalty for first occasion</i>	<i>Amount of administrative penalty for subsequent occasion</i>
1. Failure under section 95(1) of the Act to make, or keep for the prescribed retention period, employee records	\$200 for the first occasion of failure with respect to any one employee or former employee	\$400 for each subsequent occasion of failure, whether or not with respect to the same employee or former employee
2. Failure under section 95(1) of the Act to keep complete and accurate employee records containing the prescribed particulars	\$100 for the first occasion of failure with respect to any one employee or former employee	\$200 for each subsequent occasion of failure, whether or not with respect to the same employee or former employee

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Civil contravention</i>	<i>Amount of administrative penalty for first occasion</i>	<i>Amount of administrative penalty for subsequent occasion</i>
3. Failure under section 95A(2) of the Act to give an employee a written record of the key employment terms within the time specified in that section	\$200 for the first occasion of failure with respect to any one employee or former employee	\$400 for each subsequent occasion of failure, whether or not with respect to the same employee or former employee
4. Failure under section 95A(2) of the Act to — (a) specify; or (b) specify completely and accurately, the prescribed key employment terms in a written record of key employment terms given within the time specified in that section	\$100 for the first occasion of failure with respect to any one employee or former employee	\$200 for each subsequent occasion of failure, whether or not with respect to the same employee or former employee
5. Failure under section 96(1)(a) of the Act to give an employee a pay slip within the time prescribed	\$200 for the first occasion of failure with respect to any one employee or former employee	\$400 for each subsequent occasion of failure, whether or not with respect to the same employee or former employee

 THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Civil contravention</i>	<i>Amount of administrative penalty for first occasion</i>	<i>Amount of administrative penalty for subsequent occasion</i>
6. Failure under section 96(1) of the Act to — (a) provide; or (b) provide completely and accurately, the prescribed information in a pay slip given to an employee within the time prescribed	\$100 for the first occasion of failure with respect to any one employee or former employee	\$200 for each subsequent occasion of failure, whether or not with respect to the same employee or former employee
7. Provision of inaccurate information or particulars to the Commissioner or an inspecting officer under the Act, inadvertently or without intent to mislead or to defraud	\$200 for the first occasion of provision	\$400 for each subsequent occasion of provision, whether or not with respect to the same inaccurate information or particulars

Note:

In this Schedule, “prescribed” means as prescribed by the Employment (Employment Records, Key Employment Terms and Pay Slips) Regulations 2016 (G.N. No. S 148/2016).

Made on 31 March 2016.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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(To be presented to Parliament under section 139(3) of the
Employment Act).