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EMPLOYMENT ACT (CHAPTER 91)

EMPLOYMENT (RETRENCHMENT REPORTING) NOTIFICATION 2019

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In exercise of the powers conferred by section 96A(1) of the Employment Act, the Commissioner for Labour makes the following Notification:

Citation and commencement

1. This Notification is the Employment (Retrenchment Reporting) Notification 2019 and comes into operation on 1 April 2019.

Definitions

2.—(1) In this Notification —

“employer” means an employer with 10 or more employees;

“reporting period” has the meaning given by paragraph 3(1)(b);

“retrench”, in relation to an employee, means to terminate the employee’s contract of service at the initiative of the employer because of redundancy or any reorganisation of the employer’s profession, business, trade or work;

“retrenchment report” means a report required by this Notification to be given by an employer to the Commissioner containing the information about the retrenchment of any employee by that employer;

“working day” means a day other than a Saturday, Sunday or public holiday.

(2) In this Notification, any reference to an employee is a reference to an employee who has or works under a contract of service (whenever made) —

(a) that does not specify an end date for the contract; or

(b) that has a term of employment of at least 6 months.

(3) Whether or not an employer has 10 or more employees is to be worked out as at the time when a notice of retrenchment is given by the employer to an employee who becomes retrenched, regardless when the notice takes effect.

Retrenchment report to be given to Commissioner

3.—(1) Every employer must give to the Commissioner a retrenchment report if —

(a) the employer gives any of its employees a notice of his or her retrenchment, regardless when the notice takes effect or when the employment ends; and

(b) within the preceding period of 6 consecutive months ending on the date the notice in sub-paragraph (a) is given (called a reporting period), the employer has given 5 or more of its employees notices of their respective retrenchments.

(2) Every retrenchment report by an employer for a reporting period must contain the information specified in the Schedule in relation to every employee who is given a notice of retrenchment in that period by the employer.

(3) However, no retrenchment report has to be given in relation to any employee who was the subject of a retrenchment report for any earlier reporting period.

Time of retrenchment report

4. Every retrenchment report for a reporting period must be given to the Commissioner not later than 5 working days after the last day of the reporting period.

Form of retrenchment report

5. Every retrenchment report must be in the form provided at the website of the Ministry of Manpower at <http://www.mom.gov.sg>, unless the Commissioner allows otherwise in any particular case.

THE SCHEDULE

Paragraph 3(2)

INFORMATION ABOUT RETRENCHED EMPLOYEE

1. Details relating to the employer of an employee to whom a notice of retrenchment is given (called in this Schedule a retrenched employee), including the following:
 - (a) the name and address of the employer —
 - (i) for an employer who is an individual, as specified on the identity card or passport of the employer; and
 - (ii) for an employer who is not an individual —
 - (A) as specified on any register or official record kept under any written law; or
 - (B) where sub-paragraph (A) is not applicable, the name in which the employer employed the retrenched employee and the address of the principal place of business of the employer;
 - (b) the employer's trade name if different from that in sub-paragraph (a);
 - (c) the nature of the profession, business, trade or work carried on by the employer;
 - (d) the name of any trade union registered under the Trade Unions Act (Cap. 333) recognised by the employer under the Industrial Relations (Recognition of a Trade Union of Employees) Regulations (Cap. 136, Rg 3), and whether that trade union was consulted on the retrenchment of one or more retrenched employees;
 - (e) the particulars of the contact person of the employer;

THE SCHEDULE — *continued*

- (f) the number of retrenched employees who are the subject of the retrenchment report;
 - (g) the number of employees of the employer on the date of submission of the retrenchment report, including a breakdown of the number of citizens of Singapore, the number of permanent residents of Singapore and the number of foreigners.
2. Details of each retrenched employee, including the following:
- (a) the name of the retrenched employee as specified on the retrenched employee's identity card or work pass, and the identity card number or foreign identification number (as the case may be) of the retrenched employee;
 - (b) the job title of the retrenched employee immediately before the notice of retrenchment was given;
 - (c) whether the retrenched employee is a citizen of Singapore, a permanent resident of Singapore or a foreigner;
 - (d) the date of the notice of retrenchment given to the employee;
 - (e) the effective date of retrenchment;
 - (f) the retrenchment benefits paid or to be paid to the retrenched employee;
 - (g) if no retrenchment benefits were paid to the retrenched employee, the reasons for not paying so;
 - (h) the employment facilitation assistance provided or to be provided to the retrenched employee.

Made on 29 March 2019.

AUBECK KAM
*Commissioner for Labour,
Singapore.*