
First published in the Government Gazette, Electronic Edition, on 18 March 2022 at 5 pm.

No. S 200

EMPLOYMENT CLAIMS ACT 2016

EMPLOYMENT CLAIMS (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 33 of the Employment Claims Act 2016, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Employment Claims (Amendment) Rules 2022 and come into operation on 1 April 2022.

Amendment of rule 2

2. Rule 2 of the Employment Claims Rules 2017 (G.N. No. S 104/2017) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “Rules of Court (Cap. 322, R 5)” in paragraph (2) and substituting the words “Rules of Court 2021 (G.N. No. S 914/2021)”; and
- (b) by deleting the words “Order 52 of the Rules of Court” in paragraph (3) and substituting the words “Order 23 of the Rules of Court 2021”.

New rule 15A

3. The principal Rules are amended by inserting, immediately after rule 15, the following rule:

“Discontinuance of action, cause or matter

15A.—(1) Subject to paragraph (2), if no party to a claim has, for more than 6 months, taken any step or proceeding in the claim that appears from records maintained in the Registry, the claim is deemed to have been discontinued.

(2) Paragraph (1) does not apply where the claim has been stayed —

(a) under this Act;

(b) pursuant to an order of the tribunal; or

(c) pursuant to an order of court.

(3) In this rule, “claim” means a claim lodged on or after 1 April 2022.”.

Amendment of rule 33

4. Rule 33 of the principal Rules is amended —

(a) by inserting, immediately after the word “execution”, the words “or enforcement”; and

(b) by inserting, immediately after the word “execution” in the rule heading, the words “or enforcement”.

Amendment of rule 35

5. Rule 35(1) of the principal Rules is amended by deleting the words “originating summons under Order 5 of the Rules of Court (Cap. 322, R 5)” and substituting the words “originating application under Order 6 of the Rules of Court 2021”.

Deletion and substitution of rule 37

6. Rule 37 of the principal Rules is deleted and the following rule substituted therefor:

“Form of settlement agreement

37. Where a specified employment dispute is settled at a mediation under Part 2 of the Act, or at a tripartite mediation conducted by an approved mediator, the parties to the settlement —

(a) must enter into a settlement agreement in the form set out at the website of the Ministry of Manpower at <https://www.mom.gov.sg>; and

- (b) may sign the settlement agreement by electronic means through the electronic platform of the Ministry of Manpower, accessible from <https://www.mom.gov.sg>.”.

Amendment of rule 39

7. Rule 39(1) of the principal Rules is amended by deleting the words “ex parte” and substituting the words “(without notice to any other party)”.

Amendment of rule 48

8. Rule 48(2) of the principal Rules is amended by deleting the words “7 days” in sub-paragraph (c) and substituting the words “6 days”.

Amendment of rule 49

9. Rule 49 of the principal Rules is amended —

- (a) by deleting the word “abridge” in paragraphs (1) and (1A) and substituting in each case the word “shorten”; and
- (b) by deleting the word “abridgement” in the rule heading and substituting the word “shortening”.

Amendment of First Schedule

10. The First Schedule to the principal Rules is amended —

- (a) by inserting, immediately after the word “witness” in item 6, the words “(being a summons that is issued less than 3 days before the day on which the witness is to attend before, or produce documents to, the tribunal)”;
- (b) by deleting the words “first day of hearing” in item 17 and substituting the words “the first day, or the first two half-days, of the first tranche of hearing dates fixed by the Registrar or a tribunal”; and

(c) by inserting, immediately after item 17, the following item:

- “18. Hearing of application under section 22(10) of Act for correction of order or statement — for the whole or part of each day of hearing (excluding the first day of hearing) —
- Application”.
- (a) where the total value of the claim does not exceed \$30
\$10,000
- (b) where the total value of the claim exceeds \$60
\$10,000

Deletion of Second Schedule

11. The principal Rules are amended by deleting the Second Schedule.

Miscellaneous amendments

12. The principal Rules are amended by deleting the word “leave” wherever it appears in the following provisions and substituting in each case the word “permission”:

Rule 7(1) and (2)

Rule 13(1)

Rule 15(1), (2)(b), (3) and (4)(b)

Rule 16(4)

Rule 25(1) and rule heading

Rule 25A(1) and rule heading

Rule 25B(1), (2)(a) and (b) and (3) and rule heading

Rule 26(1) and (2)

Rule 30(4)

Rule 31(3)

Rule 49(4)(a)

First Schedule (item 9).

Saving and transitional provision

13. Despite rule 8, rule 48(2)(c) of the principal Rules as in force immediately before 1 April 2022 continues to apply to the calculation of any period of time for doing an act in any proceedings commenced before that date.

*[G.N. Nos. S 546/2017; S 851/2018; S 298/2019;
S 1033/2020]*

Made on 8 March 2022.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Justice of the Court of Appeal.

STEVEN CHONG
Justice of the Court of Appeal.

BELINDA ANG SAW EAN
Judge of the Appellate Division.

QUENTIN LOH
Judge of the Appellate Division.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

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[SUPCT.RJW.009.0000; AG/LEGIS/SL/91C/2020/1 Vol. 1]

(To be presented to Parliament under section 33(4) of the
Employment Claims Act 2016).