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No. S 298

EMPLOYMENT CLAIMS ACT 2016 (ACT 21 OF 2016)

EMPLOYMENT CLAIMS (AMENDMENT) RULES 2019

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 2019 and come into operation on 15 April 2019.

Amendment of rule 1A

2. Rule 1A of the Employment Claims Rules 2017 (G.N. No. S 104/2017) (called in these Rules the principal Rules) is amended —

(a) by inserting, immediately after the definition of “messaging system”, the following definition:

““registrar of the State Courts” means the registrar of the State Courts appointed under the State Courts Act (Cap. 321) and includes a deputy registrar appointed under that Act;” and

(b) by deleting the full-stop at the end of the definition of “SingPass credential” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

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

Amendment of rule 2

3. Rule 2(2) of the principal Rules is amended by deleting sub-paragraph (b) and substituting the following sub-paragraph:

“(b) any procedure for proceedings in a District Court or in the High Court for which provision is made in these Rules.”.

Amendment of rule 3

4. Rule 3 of the principal Rules is amended —

(a) by deleting the words “or the Registrar” wherever they appear in paragraph (1) and substituting in each case the words “, the Registrar or a court”; and

(b) by deleting the words “by the Registrar” in paragraph (2) and substituting the words “the Registrar or the court”.

Amendment of rule 3E

5. Rule 3E(1) of the principal Rules is amended by deleting the words “or the Registrar” in sub-paragraph (a) and substituting the words “, the Registrar or a court”.

Amendment of rule 8

6. Rule 8 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraphs:

“(3) For the purposes of section 13(2)(b)(ii) of the Act, a claim must be accompanied by —

(a) every document on which the claimant relies or will rely; and

(b) any of the following reports which accompany the claim referral certificate:

(i) a report on the findings of the approved mediator or an authorised person in relation to a wrongful dismissal dispute;

(ii) a report on the findings of the Commissioner, an authorised person, an inspecting officer under

the Employment Act (Cap. 91) or an employment inspector under the Employment of Foreign Manpower Act (Cap. 91A) for the purpose of enabling a tribunal under section 21(1A) of the Act to determine whether there has been a failure to comply with any obligation mentioned in that section.

(4) A claim may be lodged in respect of one or more specified employment disputes, except that a separate claim must be lodged in respect of a wrongful dismissal dispute.”.

Amendment of rule 15

7. Rule 15 of the principal Rules is amended by deleting the word “discontinue” in paragraphs (1), (2) and (7) and substituting in each case the word “withdraw”.

Amendment of rule 17

8. Rule 17(2) of the principal Rules is amended by deleting the full-stop at the end of sub-paragraph (c) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

- “(d) where there are 2 or more claims brought by the same claimant or against the same respondent, and no joinder has been ordered under rule 12, an order that —
 - (i) the claims be heard separately;
 - (ii) the claims be heard one after the other by the same tribunal or court; or
 - (iii) one or more proceedings be stayed until the determination of one or more of the other proceedings;
- (e) where there is a dispute as to the jurisdiction of the tribunal in the proceedings, an order —
 - (i) dismissing the claim or part of the claim for lack of jurisdiction; or

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- (ii) setting down the dispute on jurisdiction to be tried together with the hearing of the claim.”.

Amendment of rule 20

9. Rule 20(1) of the principal Rules is amended by deleting the full-stop at the end of sub-paragraph (e) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

- “(f) dispensing with the attendance before the tribunal of any party to the claim, with the consent of the party;
- (g) the time for the payment of any money to any party under section 22(1)(a) or (c) of the Act, including whether payment may be made by instalments.”.

New rules 20A and 20B

10. The principal Rules are amended by inserting, immediately after rule 20, the following rules:

“Adjournment to correct errors in claim referral certificate

20A.—(1) A tribunal or the Registrar may, at any time before the conclusion of the proceedings before the tribunal, adjourn the proceedings to allow for the correction by an approved mediator of any error in a claim referral certificate relating to the proceedings, within the time specified by the tribunal or the Registrar.

(2) A claim referral certificate so corrected in accordance with paragraph (1) is treated as having been lodged with the Registry on the date the claim referral certificate was first lodged.

Continuation of proceedings by another tribunal magistrate

20B.—(1) When a tribunal magistrate who has commenced any proceedings under the Act is unable through death, illness or other cause to conclude the proceedings, the Presiding Judge of

the State Courts may nominate another tribunal magistrate to continue the proceedings.

(2) Nothing prevents a tribunal magistrate so nominated from recalling all or any of the witnesses or taking their evidence afresh.”.

Amendment of rule 21

11. Rule 21 of the principal Rules is amended —

- (a) by deleting the word “summons;” in paragraph (1)(a) and substituting the words “summons to give evidence at the hearing and produce documents in the person’s possession, custody or control; or”;
- (b) by deleting sub-paragraph (b) of paragraph (1);
- (c) by inserting, immediately before the words “to produce” in paragraph (1)(c), the words “without attending before the tribunal,”; and
- (d) by inserting, immediately after the word “payable” in paragraph (2), the words “by the party requesting the summons”.

Amendment of rule 25

12. Rule 25 of the principal Rules is amended by deleting the word “Leave” in the rule heading and substituting the words “Application for leave”.

New rules 25A and 25B

13. The principal Rules are amended by inserting, immediately after rule 25, the following rules:

“Hearing of application for leave to appeal

25A.—(1) A District Court may, at any time after an application for leave to appeal is filed under rule 25, convene a case management conference or direct parties to appear before the registrar of the State Courts for a case management conference, for that Court or registrar to make such orders or

give such directions as that Court or registrar thinks fit for the just, expedient and economical disposal of the application.

(2) When a District Court refuses an application under rule 25, the District Court may order the applicant to pay costs not exceeding \$1,000 to the respondent or, where there is more than one respondent, to each of the respondents.

(3) When a District Court decides an application under rule 25, the Registrar must give notice of the decision to the applicant and respondent.

Withdrawal of application for leave to appeal

25B.—(1) An applicant under rule 25 may, without the leave of a District Court, withdraw the application at any time before the application is served on the respondent, by filing the relevant Form with the Registry.

(2) Where the application has been served on the respondent, the applicant may withdraw the application —

(a) with the consent of the respondent and without the leave of a District Court, by filing the relevant Form and the respondent's written consent with the Registry; or

(b) in any other case, with the leave of a District Court.

(3) When granting leave under paragraph (2)(b), a District Court may make such order as to costs as it thinks just.”.

Amendment of rule 36

14. Rule 36(1) of the principal Rules is amended by deleting the word “discontinue” and substituting the word “withdraw”.

Deletion and substitution of rule 44

15. Rule 44 of the principal Rules is deleted and the following rule substituted therefor:

“Fees

44.—(1) The fees specified in the First Schedule are payable for proceedings and other matters under the Act and these Rules.

(2) A fee specified in the First Schedule must be paid to the Registry within the time and in the manner directed by the Registrar.

(3) The claimant or applicant (as the case may be) must pay the hearing fees specified in item 17 of the First Schedule at a time determined by the Registrar.

(4) Despite paragraph (3), the Registrar may, in any proceedings and on such terms as the Registrar thinks fit, direct that the whole or part of any fee to be paid by any party to the proceedings, be paid instead by another party to the proceedings, or be apportioned among all or such of the parties to the proceedings, as the Registrar determines.”.

Deletion of rule 45

16. Rule 45 of the principal Rules is deleted.

Amendment of rule 46

17. Rule 46(3) of the principal Rules is amended by deleting the words “rule 45” in sub-paragraphs (a) and (b) and substituting in each case the words “rule 44”.

Amendment of rule 47

18. Rule 47 of the principal Rules is amended —

- (a) by deleting the words “before a tribunal or the Registrar” in paragraph (1) and substituting the words “under the Act or these Rules”;
- (b) by deleting the words “or the Registrar” in paragraph (5) and substituting the words “, the Registrar, a District Court or the registrar of the State Courts”; and
- (c) by deleting the words “any means that the tribunal or Registrar considers proper” in paragraph (5) and substituting the words “any suitable means”.

Amendment of rule 47A

19. Rule 47A of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) In any proceedings before a District Court under the Act, paragraphs (1) and (2) apply in relation to any communication between the registrar of the State Courts and any party, and the references to the Registrar in those paragraphs are to be read as references to the registrar of the State Courts.”.

Amendment of rule 49

20. Rule 49 of the principal Rules is amended —

(a) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) A District Court or the registrar of the State Courts may, on such terms as the District Court or registrar thinks just, by order extend or abridge the period within which a person is required or authorised by these Rules, or by any decision, direction or order of a District Court or the registrar, to do any act in any proceedings before a District Court.”;

(b) by deleting the words “A tribunal or the Registrar may extend the period mentioned in paragraph (1)” in paragraph (2) and substituting the words “The period mentioned in paragraph (1) or (1A) may be extended”;

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

“(3) The period within which a person is required to serve, file or amend any claim or other document in any proceedings before a tribunal or a District Court may be extended by consent (given in writing) of the other party to the proceedings without an order of a tribunal, the Registrar, a District Court or the registrar of the State Courts (as the case may be) being made for that purpose, unless the tribunal, Registrar, District Court or registrar specifies otherwise.”; and

(d) by deleting the words “rule 45” in paragraph (4)(f) and substituting the words “rule 44”.

New rule 55

21. The principal Rules are amended by inserting, immediately after rule 54, the following rule:

“Interest on judgment debts

55.—(1) Except when it has been otherwise agreed between the parties, every judgment debt in relation to orders made under section 22(1)(a) and (c) of the Act shall carry interest, to be calculated from the date of judgment until the judgment is satisfied —

(a) at the rate of 5.33% per annum;

(b) at such other rate as the Chief Justice may from time to time direct; or

(c) at such other rate not exceeding the rate mentioned in sub-paragraph (a) as a tribunal or the Registrar directs.

(2) Where instalment payments are allowed by the court, interest is calculated from the date that each instalment is due until the date of payment of the amount of the instalment.

(3) Where part payments are made on a judgment debt, the payments are applied towards the principal amount due before the interest.”.

Amendment of First Schedule

22. The First Schedule to the principal Rules is amended by inserting, immediately after item 16, the following item:

“	17. Hearing of claim or counterclaim before tribunal — for the whole or part of each day of hearing (excluding first day of hearing and any day scheduled for delivery of tribunal’s decision) —	Request
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- (a) where the total value of the claim does not exceed \$10,000 \$30
- (b) where the total value of the claim exceeds \$10,000 \$60

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Amendment of Second Schedule

23. The Form of the Settlement Agreement in the Second Schedule is amended —

- (a) by deleting the word “and” at the end of clause (1)(a) and substituting “*”;
- (b) by deleting “.*” at the end of clause (1)(b) and substituting “,*”;
- (c) by inserting, immediately after paragraph (b) of clause (1), the following paragraph:

“(c) Party B will reinstate Party A in his/her former employment with effect from (*date*), failing which Party B agrees to pay Party A the sum of \$___ (before/after* deduction of the Central Provident Fund (CPF) Contributions by employer* and employee* and income tax*, if any).*”;

- (d) by inserting, immediately after the words “clause (1)(b)” in clause (3), the words “or (c)”; and
- (e) by deleting the words “or (1)(b)” wherever they appear in clause (5) and substituting in each case the words “, (1)(b) or (1)(c)”.

Deletion of Third Schedule

24. The Third Schedule to the principal Rules is deleted.

[G.N. Nos. S 546/2017; S 851/2018]

Made on 2 April 2019.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
Judge.

SEE KEE OON
Presiding Judge of the State Courts.

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