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INFECTIOUS DISEASES ACT
(CHAPTER 137)

INFECTIOUS DISEASES
(COVID-19 WORKPLACE INCIDENCE MITIGATION)
REGULATIONS 2021

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In exercise of the powers conferred by section 73 of the Infectious Diseases Act, the Minister for Health makes the following Regulations:

Citation and commencement

1. These Regulations are the Infectious Diseases (COVID-19 Workplace Incidence Mitigation) Regulations 2021 and come into operation on 8 September 2021.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“at work” means —

- (a) in relation to an employee, all times when the employee is performing work in connection with

any trade, business, profession or undertaking carried on by his or her employer, wherever that work is carried out;

- (b) in relation to a self-employed person, all times when the person is performing work as a self-employed person, wherever the work is carried out; and
- (c) in any other case, all times when the person is performing work at the direction of the other person who engaged him or her, wherever the work is carried out;

“contract of service” means any agreement, whether oral or in writing, express or implied, whereby any person agrees to employ any individual as an employee and the individual agrees to serve as an employee of the person, and includes a contract of apprenticeship;

“contractor” means a person engaged by another person (called in these Regulations the principal) otherwise than under a contract of service —

- (a) to supply any labour for gain or reward; or
- (b) to do any work for gain or reward,

in connection with any trade, business, profession or undertaking carried on by the principal;

“COVID-19 incidence mitigation programme” has the meaning given by regulation 4 or 5;

“employee” means an individual employed by an employer to do any work under a contract of service, and includes any of the following:

- (a) a volunteer who —
 - (i) does work for another person with the knowledge or consent of that other person; and

(ii) does the work on an ongoing and regular basis for that other person,

being work that is in connection with any trade, business, profession or undertaking carried on by that other person;

(b) an individual who is in a workplace for the purpose of receiving on-the-job training or gaining work experience, including under a rehabilitation scheme;

(c) a loaned employee who would be treated by section 6(4) of the Workplace Safety and Health Act (Cap. 354A) to be an employee of a person while at work for that person;

“employer” means a person who, in the course of the person’s trade, business, profession or undertaking, employs any individual to do any work under a contract of service;

“on-site worker” means an individual who is required to perform work the nature of which necessarily requires or involves the individual —

(a) to drive, pilot or travel in any motor vehicle, vessel or other mode of conveyance; or

(b) to be physically present at his or her workplace —

(i) to operate or use machinery, equipment, plant, materials or other matter, the provision of which is impracticable elsewhere but is required in order to perform that work;

(ii) to retrieve, access or use documents, information, material or other matter, the provision of which elsewhere is impracticable but is required in order to perform that work; or

(iii) to perform the work, such as patrolling or guarding another person’s property, crowd control or administering a beauty therapy procedure;

“PCR test” means a polymerase chain reaction test carried out in Singapore in relation to an individual, the purpose of which is to test for the presence of SARS-CoV-2 in that individual;

“premises” includes any place whether enclosed or built on or not, whether situated underground or underwater and, in particular, includes —

- (a) any building, vehicle, vessel or aircraft;
- (b) any structure, whether a fixed structure or a movable structure such as a tent; and
- (c) a part of any premises, including a part of premises of a kind referred to in paragraph (a) or (b);

“relevant period” has the meaning given by regulation 7;

“relevant worker” means an employee of an employer, or a contractor or subcontractor of a principal, other than an on-site worker;

“subcontractor” means an individual engaged (otherwise than under a contract of service) by any contractor or subcontractor —

- (a) to supply any labour for gain or reward; or
- (b) to do any work for gain or reward,

which the contractor or subcontractor has been engaged as contractor or subcontractor (as the case may be) to do;

“trigger event” has the meaning given by regulation 6(3);

“workplace” means any premises where an employee, a contractor or subcontractor or any other individual is at work or is to work, for the time being works, or customarily works, but does not include the ordinary place of residence of the employee, contractor or subcontractor or other individual, as the case may be.

(2) Unless expressly provided otherwise in these Regulations, any word or expression in these Regulations that is defined in regulation 2 of the Infectious Diseases (Mass Gathering Testing for Coronavirus

Disease 2019) Regulations 2021 (G.N. No. S 273/2021) has the meaning given to it by those Regulations.

(3) For the purposes of these Regulations, where any employer or principal is a sole proprietor or a partnership of individuals, the individual who is the sole proprietor or every partner (as the case may be) must be counted as if he or she were an employee of the employer or a contractor of the principal.

Saving for Government, etc.

3. These Regulations do not apply to prevent or restrict the Government or any public body doing or omitting to do anything in the performance of any function, the exercise of any power or the discharge of any duty of the Government or public body (as the case may be) under law.

COVID-19 incidence mitigation programme for employees

4.—(1) Every employer has to take, so far as is reasonably practicable, such measures as are necessary to prevent, protect against, delay or otherwise control the incidence or transmission of COVID-19 among the employees of the employer who are at work in a workplace.

(2) For the purposes of paragraph (1), the measures necessary to prevent, protect against, delay or otherwise control the incidence or transmission of COVID-19 at the workplace among the employees of an employer who are at work include establishing, implementing and maintaining appropriate internal policies, procedures and controls to effect an expeditious implementation of arrangements required by regulation 6(1) upon the happening of a trigger event relating to any employee of the employer.

COVID-19 incidence mitigation programme for contractors, etc.

5.—(1) Every principal has to take, so far as is reasonably practicable, such measures as are necessary to prevent, protect against, delay or otherwise control the incidence or transmission of COVID-19 among the following who are at work in a workplace

under the direction of the principal as to the manner in which the work is carried out:

- (a) any contractor engaged by the principal when at work;
- (b) any direct or indirect subcontractor engaged by such contractor when at work;
- (c) any employee employed by such a contractor or subcontractor when at work.

(2) For the purposes of paragraph (1), the measures necessary to prevent, protect against, delay or otherwise control the incidence or transmission of COVID-19 at the workplace among the individuals referred to in paragraph (1)(a), (b) or (c) who are at work include establishing, implementing and maintaining appropriate internal policies, procedures and controls to effect an expeditious implementation of arrangements required by regulation 6(2) upon the happening of a trigger event relating to any of those individuals.

Mandatory work-from-home arrangements

6.—(1) If an employer has knowledge —

- (a) about the happening of a trigger event relating to any employee of the employer; and
- (b) that the employee in sub-paragraph (a) has been at work in a workplace, at any time during the look-back period for the trigger event, in connection with any trade, business, profession or undertaking carried on by the employer,

then despite regulation 13D of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020), the employer must not cause or permit, during the relevant period any of the following to be at work at that workplace, in connection with any trade, business, profession or undertaking carried on by the employer:

- (c) any employee of the employer and who is a relevant worker;
- (d) any contractor who is engaged by the employer in the capacity as principal and is a relevant worker;

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- (e) any direct or indirect subcontractor who is engaged by a contractor in sub-paragraph (d) and is a relevant worker;
 - (f) any employee who is employed by a contractor or subcontractor in sub-paragraph (d) or (e) and is a relevant worker.
- (2) If a principal has knowledge —
- (a) about the happening of a trigger event relating to any of the following individuals who are at work under the direction of the principal as to the manner in which the work is carried out:
 - (i) any contractor engaged by the principal;
 - (ii) any direct or indirect subcontractor engaged by a contractor in sub-paragraph (i);
 - (iii) any employee employed by a contractor or subcontractor in sub-paragraph (i) or (ii); and
 - (b) that the individual mentioned in sub-paragraph (a) has been at work in a workplace, at any time during the look-back period for the trigger event, in connection with any trade, business, profession or undertaking carried on by the principal,

then despite regulation 13D of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020, the principal must not cause or permit, during the relevant period any of the following to be at work at that workplace, in connection with any trade, business, profession or undertaking carried on by the principal:

- (c) any employee of the principal as employer and who is a relevant worker;
- (d) any contractor who is engaged by the principal and is a relevant worker;
- (e) any direct or indirect subcontractor who is engaged by a contractor in sub-paragraph (d) and is a relevant worker;

- (f) any employee who is employed by a contractor or subcontractor in sub-paragraph (d) or (e) and is a relevant worker,

to be at work at that workplace, in connection with any trade, business, profession or undertaking carried on by the principal.

(3) A trigger event happens in relation to an employee of an employer or an individual mentioned in regulation 5(1) connected with a principal, when —

- (a) the employee or individual (as the case may be) tests positive for SARS-CoV-2 after undergoing a PCR test or PCR tests with an approved test provider and that result is not an atypical finding for SARS-CoV-2; or
- (b) an order under —
- (i) section 15 or 17 of the Act; or
 - (ii) regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020 (G.N. No. S 182/2020),

is made against that employee or individual, as the case may be.

(4) For the purposes of paragraphs (1) and (2), the look-back period for a trigger event is a period of 7 days before the trigger event, ending on the day the trigger event happens.

(5) To avoid doubt, a look-back period may consist of any time falling before 8 September 2021.

Counting relevant period for work-from-home arrangements

7.—(1) For the purposes of regulation 6(1) or (2), the relevant period applicable to a workplace is 14 days starting the day after —

- (a) a trigger event happens in relation to an employee who has been at work in that workplace at any time during the look-back period for that trigger event; or
- (b) a trigger event happens in relation to —
- (i) any contractor engaged by the principal;

(ii) any direct or indirect subcontractor engaged by a contractor in sub-paragraph (i); or

(iii) any employee employed by a contractor or subcontractor in sub-paragraph (i) or (ii),

who has been at work in that workplace at any time during the look-back period for that trigger event,

whichever is applicable.

(2) However, where before the end of any relevant period applicable to a workplace, another trigger event happens and is applicable to the same workplace, the 2 or more relevant periods then run consecutively after disregarding any overlapping periods between them; and any reference to the relevant period in regulation 6(1) or (2) includes a reference to the initial relevant period as extended by the operation of this paragraph.

Offence

8.—(1) A person commits an offence if the person intentionally or negligently fails to comply with regulation 6(1) or (2).

(2) A person who is guilty of an offence under paragraph (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Made on 7 September 2021.

NG HOW YUE
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(Health Development),
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Singapore.*