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First published in the *Government Gazette*, Electronic Edition, on 21 December 2018 at 5 pm.

## No. S 851

### EMPLOYMENT CLAIMS ACT 2016 (ACT 21 OF 2016)

### EMPLOYMENT CLAIMS (AMENDMENT) RULES 2018

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 2018 and come into operation on 1 January 2019.

#### **New rule 1A**

2. The Employment Claims Rules 2017 (G.N. No. S 104/2017) (called in these Rules the principal Rules) are amended by inserting, immediately after rule 1, the following rule:

#### **“Definitions**

**1A.** In these Rules, unless the context otherwise requires —

“ACRA” means the Accounting and Corporate Regulatory Authority established by section 3 of the Accounting and Corporate Regulatory Authority Act (Cap. 2A);

“CorpPass” means the identity authentication service, known as Singapore Corporate Access, by which an entity authenticates its identity in order to carry out an online transaction with the Government or a statutory board;

“CorpPass credential” means any username, password or 2-factor authentication detail required to authenticate, using CorpPass, the identity of an entity;

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“electronic system” means the electronic filing and case management system established under rule 3A(1);

“messaging system” means any system that enables the transmission of short text messages or email —

(a) from a mobile device to another mobile device; or

(b) from an email address to a mobile device, and the other way around;

“relevant Form”, in relation to any purpose for which a specific form is required to be used, means the current version of the relevant form for that purpose, as set out on the website of the electronic system or in the practice directions;

“SingPass” means the identity authentication service, known as Singapore Personal Access, by which an individual authenticates the individual’s identity in order to carry out an online transaction with the Government or a statutory board;

“SingPass credential” means any username, password or 2-factor authentication detail required to authenticate, using SingPass, the identity of an individual.”.

### **Deletion and substitution of rule 3**

3. Rule 3 of the principal Rules is deleted and the following rule substituted therefor:

#### **“Forms and documents**

3.—(1) Unless a tribunal or the Registrar directs otherwise, every relevant Form or document relating to proceedings before a tribunal or the Registrar must be submitted through the electronic system.

(2) Every relevant Form must contain such particulars, and be accompanied by such documents, as may be specified by the tribunal, by the Registrar or in the relevant Form.

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(3) Any relevant Form may be used in any particular case with such variations as the circumstances of that case require.”.

### **New Part 1A**

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

#### **“PART 1A**

#### **ELECTRONIC SYSTEM**

##### **Electronic system**

**3A.**—(1) An electronic filing and case management system is established for the tribunals.

(2) The purposes of the electronic system are as follows:

- (a) to facilitate the submission of relevant Forms and documents;
- (b) to facilitate the service of relevant Forms and documents;
- (c) to facilitate, by electronic means, the settlement of disputes and the conduct of proceedings before a tribunal or the Registrar.

##### **Authentication**

**3B.**—(1) Subject to paragraph (3), an individual must authenticate the individual’s identity using SingPass in order to access the electronic system to carry out an online transaction involving the individual.

(2) Subject to paragraph (3), a person, who is authorised by an entity to carry out through the electronic system an online transaction involving the entity, must authenticate the identity of the entity using CorpPass in order to access the electronic system to carry out that transaction for the entity.

(3) The Registrar may, on application by a party that is unable to authenticate the party’s identity using SingPass or CorpPass, issue the party with a username and password to enable the party

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to access the electronic system to carry out an online transaction involving the party.

(4) A party that is issued a username and a password under paragraph (3) —

- (a) must ensure the confidentiality and security of the username and password; and
- (b) must not —
  - (i) divulge the username and password to any other person; or
  - (ii) permit any other person to use the username and password.

(5) An individual must not facilitate the use, by any other person, of the individual's SingPass credentials to access the electronic system.

(6) An entity must not facilitate the use, by any unauthorised person, of the CorpPass credentials of the entity to access the electronic system.

### **Information on party**

**3C.** Every party to proceedings before a tribunal or the Registrar must —

- (a) enter, through such means as may be provided by the electronic system for the recording of information on the party's profile, such information on the party as the electronic system may require; and
- (b) if there is any change to that information, update that information by entering, through such means as may be provided by the electronic system, the details of the change.

### **Time of filing of relevant Form or document submitted through electronic system**

**3D.—**(1) If a relevant Form or document is submitted through the electronic system, the relevant Form or document is treated

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as filed on the date and at the time the first part of the transmission of the relevant Form or document is received in the electronic system.

(2) Despite paragraph (1), where the submission of a relevant Form or document through the electronic system is unsuccessful or delayed because of a failure or inability of the electronic system to transmit or process the relevant Form or document, the Registrar may —

- (a) on the Registrar’s own motion or on the application of the party who submitted the relevant Form or document, make an order for the relevant Form or document to be treated as filed on an earlier date than that on which the first part of the transmission of the relevant Form or document is actually received in the electronic system; and
- (b) in the case of an unsuccessful submission, require the relevant Form or document to be resubmitted through the electronic system.

(3) Every application under paragraph (2)(a) must be accompanied by proof, to the satisfaction of the Registrar, of the matters relied on to support the application.

### **Time of service of document through electronic system**

**3E.**—(1) Where the Registrar gives, through the electronic system, a notice under these Rules to —

- (a) a party to proceedings before a tribunal or the Registrar; or
- (b) any other person who carries out an online transaction through the electronic system,

the notice is treated as served on the party or person (as the case may be) 24 hours after the time the Registrar sends the notice to the party or person (as the case may be) through the electronic system.

(2) Except as provided in paragraph (1), after the Registrar has notified a party to any proceedings before a tribunal or the

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Registrar that the party has been given the right to access the electronic system to view any document served on the party in relation to those proceedings —

- (a) any document required to be served on the party in relation to those proceedings may be served on the party by submitting that document through the electronic system; and
- (b) that document is treated as served on the party 24 hours after the time that document is treated under rule 3D as filed.

### **Negotiation through electronic system**

3F. The parties to any proceedings before a tribunal or the Registrar may use the negotiation module in the electronic system to facilitate a settlement acceptable to all of those parties.”.

### **Amendment of rule 17**

5. Rule 17 of the principal Rules is amended by inserting, immediately after paragraph (5), the following paragraph:

“(6) To avoid doubt, where a tribunal or the Registrar has made an order under paragraph (2)(a) that the claimant and the respondent attend mediation, conciliation or counselling, the tribunal or the Registrar may direct that the mediation, conciliation or counselling be conducted —

- (a) through the electronic system; or
- (b) by any other electronic means.”.

### **Amendment of rule 47**

6. Rule 47 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Any claim, summons or document that is to be served on any person in any proceedings before a tribunal or the Registrar may be served —

- (a) by delivering that document personally to that person;

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- (b) by sending that document by registered post addressed to that person at —
- (i) that person’s last known residential address;
  - (ii) that person’s registered address; or
  - (iii) the address of that person’s principal place of business, as notified to ACRA; or
- (c) if that person is a party to those proceedings, and has been notified by the Registrar of that person’s right to access the electronic system to view any document served on that person in relation to those proceedings — as an alternative to serving that document in accordance with sub-paragraph (a) or (b) — by submitting that document through the electronic system.”.

#### **New rule 47A**

7. The principal Rules are amended by inserting, immediately after rule 47, the following rule:

#### **“Communication between Registrar and party**

**47A.**—(1) The Registrar may communicate with any party —

- (a) through the electronic system;
- (b) by sending an email to an email address designated by that party;
- (c) through any messaging system that is agreed between the Registrar and that party; or
- (d) by any other means that is agreed between the Registrar and that party.

(2) Where any party agrees to communicate with the Registrar by a means of communication mentioned in paragraph (1), that party must monitor that means of communication for any communication from the Registrar to that party, until the conclusion of the proceedings involving that party.”.

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**Saving and transitional provisions**

**8.**—(1) These Rules do not apply to or in relation to any proceedings under the Act that are commenced before 1 January 2019.

(2) Despite these Rules, the principal Rules as in force immediately before 1 January 2019 continue to apply to or in relation to any proceedings under the Act that are commenced before that date.

*[G.N. No. S 546/2017]*

Made on 13 December 2018.

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.*

JAMES LEONG  
*District Judge.*

FRANCIS XAVIER, SC  
*Advocate and Solicitor.*

KUAH BOON THENG, SC  
*Advocate and Solicitor.*

[SUPCT.RJW.013.0401; AG/LEGIS/SL/91C/2015/2 Vol. 3]

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