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## No. S 136

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

#### EMPLOYMENT CLAIMS REGULATIONS 2017

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In exercise of the powers conferred by section 34(1) of the Employment Claims Act 2016, the Minister for Manpower makes the following Regulations:

**Citation and commencement**

1. These Regulations are the Employment Claims Regulations 2017 and come into operation on 1 April 2017.

**Definitions**

2. In these Regulations, unless the context otherwise requires —
- “claimant” means a person who lodges a claim with a tribunal, and includes a person who intends to lodge a claim with a tribunal;
- “domestic worker” has the same meaning as in section 2(1) of the Employment Act (Cap. 91);
- “electronic filing system” means the electronic filing system established for the transmission of any mediation request form or other document to the mediation service provider;
- “foreigner” means an individual who is not a citizen or permanent resident of Singapore;
- “mediation request form” means the form for a mediation request set out at the Internet website of the mediation service provider;
- “mediation service provider” means the department of Tripartite Alliance Limited known as Tripartite Alliance for Dispute Management;
- “recognised trade union” has the same meaning as in section 30(1) of the Industrial Relations Act (Cap. 136);

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“respondent” means a person against whom a claim is made, or who is joined in the capacity of a respondent, and includes a person against whom a claimant intends to make a claim;

“seafarer” has the same meaning as in section 2(1) of the Employment Act;

“trade union” has the same meaning as in section 2 of the Industrial Relations Act;

“tripartite mediation advisor” means any tripartite mediation advisor appointed under section 30K of the Industrial Relations Act;

“work pass” has the same meaning as in section 2 of the Employment of Foreign Manpower Act (Cap. 91A).

### **Employee of Government to whom Act applies**

3. For the purposes of paragraph (a) of the definition of “employee”, and paragraph (a) of the definition of “employer”, in section 2(1) of the Act, the category, class or description of employees of the Government prescribed to be employees for the purposes of the Act consists of every officer or employee of the Government who —

(a) has with the Government any specified employment dispute concerning any matter specified in items 1 to 12 and 43 of the Second Schedule to the Act and item 3 of the Third Schedule to the Act; and

*[S 244/2019 wef 01/04/2019]*

(b) submits or intends to submit to the Commissioner a mediation request, or lodges or intends to lodge with a tribunal a claim, relating only to that specified employment dispute.

*[S 244/2019 wef 01/04/2019]*

### **Submission of mediation request**

4.—(1) For the purposes of section 3(2) of the Act, a mediation request is submitted to the Commissioner —

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- (a) by transmitting to the mediation service provider through the electronic filing system an electronic record of each of the following:
- (i) the mediation request form;
  - (ii) each document submitted in support of the mediation request; or
- (b) by lodging at the office of the mediation service provider a hard copy of each of the following:
- (i) the mediation request form;
  - (ii) each document submitted in support of the mediation request.

(2) Where paragraph (1)(a) applies, the mediation request is submitted to the Commissioner on the date and at the time that the last part of the last electronic record is transmitted to the mediation service provider.

(3) Despite paragraphs (1) and (2), the Commissioner may accept a mediation request that is incomplete.

(4) The Commissioner must, as soon as reasonably practicable, send the claimant a written notice stating whether the Commissioner accepts the mediation request.

### **Person who may submit mediation request on behalf of claimant**

**5.—**(1) An officer of a trade union of employees may submit a mediation request on behalf of any claimant who —

- (a) is a member of the trade union; and
- (b) is an employee who belongs to any class of employees in respect of whom the trade union has been accorded or given recognition under section 17 of the Industrial Relations Act (Cap. 136) by the employer of those employees.

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(2) An officer of a trade union of employees that is a recognised trade union may submit a mediation request on behalf of any claimant who —

- (a) is a member of the trade union; and
- (b) is an executive employee who may be represented individually by the trade union under Part IV of the Industrial Relations Act.

(3) Where a claimant is below 18 years of age, a parent or guardian of the claimant may submit a mediation request on behalf of the claimant.

(4) Where a claimant is (in the opinion of the Commissioner) unable to present his or her own case by reason of illiteracy or infirmity of mind or body (not amounting to a lack of capacity within the meaning of section 4 of the Mental Capacity Act (Cap. 177A)), a person who is authorised in writing by the claimant, or is approved by the Commissioner, may submit a mediation request on behalf of the claimant.

### **Requirements prescribed for section 3(3)(b)(ii) of Act**

6. The requirements prescribed for section 3(3)(b)(ii) of the Act for a specified employment dispute to be listed in a mediation request (called in this regulation the present mediation request) are as follows:

- (a) the claimant is out of time to apply under regulation 10(2) to amend the list of specified employment disputes in the earlier mediation request mentioned in section 3(3)(b)(i) of the Act (called in this regulation the earlier mediation request) to include the specified employment dispute mentioned in section 3(3)(b) of the Act (called in this regulation the relevant dispute);
- (b) the amount alleged to be payable under the relevant dispute does not exceed the difference between —
  - (i) the prescribed claim limit in section 12(7) of the Act that is applicable to the claimant; and

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- (ii) the total of such of the following amounts as may be applicable to the claimant:
    - (A) the total amount alleged to be payable under the unresolved specified employment disputes listed in the earlier mediation request, as specified in a claim referral certificate issued under section 6(2) of the Act;
    - (B) the total amount payable under any settlement agreement entered into under section 7(1)(a) of the Act at a mediation under Part 2 of the Act conducted pursuant to the earlier mediation request;
  - (c) the relevant dispute satisfies the requirements in section 3(3)(a)(i), (ii) and (iii) of the Act to be listed in the present mediation request.

### **Prescribed fee for mediation under Part 2 of Act**

7. For the purposes of section 3(3)(d) of the Act, the prescribed fee payable by a claimant for a mediation request is the total of the following sums, where applicable:

- (a) where the total amount alleged to be payable in respect of all of the specified contractual disputes and specified statutory disputes listed in the mediation request does not exceed \$10,000 — \$10;
- (b) where the total amount alleged to be payable in respect of all of the specified contractual disputes and specified statutory disputes listed in the mediation request exceeds \$10,000 — \$20;
- (c) where the total amount alleged to be payable in respect of any wrongful dismissal dispute listed in the mediation request does not exceed \$10,000 — \$10;
- (d) where the total amount alleged to be payable in respect of any wrongful dismissal dispute listed in the mediation request exceeds \$10,000 — \$20.

*[S 244/2019 wef 01/04/2019]*

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**Person entitled to prescribed fee for mediation under Part 2 of Act**

**8.** For the purposes of section 3(4)(c) of the Act, the Commissioner may pay the whole or a part of the prescribed fee mentioned in section 3(3)(d) of the Act to Tripartite Alliance Limited.

**Review by Commissioner of decision under section 3(4)(a) or (b) of Act**

**9.—(1)** A claimant who is dissatisfied with a decision made by the Commissioner under section 3(4)(a) or (b) of the Act may apply to the Commissioner to review the decision.

(2) The claimant's application under paragraph (1) must be made in writing within 14 days after the date of the Commissioner's decision under section 3(4)(a) or (b) of the Act.

(3) The decision of the Commissioner on the review is final.

**Amendment of mediation request**

**10.—(1)** This regulation applies where the Commissioner has referred, under section 3(5) of the Act, every specified employment dispute listed in a claimant's mediation request for mediation by an approved mediator.

(2) Subject to paragraphs (3) and (4), the claimant may apply to the approved mediator to amend the list of specified employment disputes in the mediation request at any time before —

- (a) the issue of a claim referral certificate under section 6(2) of the Act in respect of any specified employment dispute listed in the mediation request; or
- (b) the claimant enters into a settlement agreement under section 7(1) of the Act in respect of any specified employment dispute listed in the mediation request.

(3) The claimant cannot apply to amend the list of specified employment disputes in the mediation request to include a dispute mentioned in paragraph (a), (b), (c), (ca), (cb), (d) or (e) of section 3(2) of the Act, if the mediation request was submitted to

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the Commissioner after the expiry of the period mentioned in the applicable paragraph.

*[S 244/2019 wef 01/04/2019]*

(4) The claimant cannot apply to amend the list of specified employment disputes in the mediation request in a manner that is inconsistent with section 3(3) of the Act.

### **Conduct of mediation session**

**11.—**(1) Unless an approved mediator decides that section 4(2) of the Act applies, upon receiving a mediation request, the approved mediator must, as soon as reasonably practicable —

- (a) give the respondent a written notice —
  - (i) inviting the respondent to attend a mediation under Part 2 of the Act; and
  - (ii) stating the date, time and place of the mediation; and
- (b) give the claimant a written notice stating the date, time and place of the mediation.

*[S 244/2019 wef 01/04/2019]*

(1A) If the approved mediator decides that section 4(2) of the Act applies, the approved mediator must notify the respondent that —

- (a) a claim relating to a specified employment dispute has been made by a claimant against the respondent; and
- (b) the approved mediator has issued a claim referral certificate to the claimant under section 6(2)(c) of the Act.

*[S 244/2019 wef 01/04/2019]*

(2) The written notice under paragraph (1)(a) must be accompanied by the list of specified employment disputes in the mediation request.

(3) The approved mediator may, on his or her own initiative, or at the request of the claimant or the respondent or both of them, adjourn the mediation session to another date and time.

(4) The approved mediator may require the claimant or the respondent to submit, within the time required by the approved mediator, any document or information that the approved mediator considers necessary to —



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- (a) make a decision whether paragraph (1) or section 4(2) of the Act applies; or
  - (b) decide on any other matter in relation to any specified employment dispute listed in the mediation request.

*[S 244/2019 wef 01/04/2019]*

### **Continuation of mediation by another approved mediator**

**11A.** Where an approved mediator is unable to continue mediation under the Act because of death, illness or any other cause, another approved mediator may continue the mediation.

*[S 244/2019 wef 01/04/2019]*

### **Representation of party at mediation under Part 2 of Act**

**12.** For the purposes of section 5(3) of the Act, a party to a mediation under Part 2 of the Act who is specified in the first column of the First Schedule may be represented at the mediation by an individual specified opposite in the second column, in the circumstances specified opposite in the third column.

### **Claim referral certificate**

**13.** A claim referral certificate issued under section 6(2) or 7(7)(a) of the Act must be in the applicable form provided at the website of the Ministry of Manpower at <http://www.mom.gov.sg> for the specified employment dispute concerned.

*[S 244/2019 wef 01/04/2019]*

### **Correction of error, etc.**

**13A.—**(1) This regulation applies in relation to —

- (a) a claim referral certificate in respect of one or more claims that have not been determined by a tribunal; or
- (b) a settlement agreement entered into under section 7(1) of the Act that has not been registered in a District Court.

(2) An approved mediator may correct any error in, or any defect in the form of, a claim referral certificate or settlement agreement —

- (a) on the approved mediator's own initiative; or

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- (b) on the application of one of the following persons:
- (i) in a case of a claim referral certificate — by the claimant concerned;
  - (ii) in a case of a settlement agreement — by any party to the settlement agreement.
- (3) An approved mediator who corrects an error or defect in form under this regulation must —
- (a) issue an amended claim referral certificate to the claimant concerned; or
  - (b) provide a new settlement agreement to be entered into in accordance with section 7(1) of the Act.
- (4) In this regulation, “error” means any misnomer, misspelling, misprint, mistake, inaccuracy, omission or any error of any other description that is accidental or inadvertent.

*[S 244/2019 wef 01/04/2019]*

### **Employees who may make claims**

**14.**—(1) For the purposes of section 12(2)(a) of the Act, a claim relating to a specified contractual dispute may be made by an employee in relation to whom all of the following requirements are satisfied:

- (a) the employee works or worked under a contract of service with an employer who —
  - (i) being an individual — resides, or carries on a business, in Singapore; or
  - (ii) not being an individual — is incorporated or formed under any written law, or carries on a business in Singapore;
- (b) the employee is any of the following:
  - (i) a citizen of Singapore;
  - (ii) a permanent resident of Singapore;

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(iii) a foreigner —

- (A) who has or had a valid work pass entitling the foreigner to work for the employer during the period when the dispute giving rise to the claim arose;
- (B) who had a valid work pass entitling the foreigner to work for the employer, whose work pass was cancelled or revoked through no fault of the foreigner, and who continued to work for the employer, during the period when the dispute giving rise to the claim arose, without knowing of the cancellation or revocation of the work pass; or
- (C) who, under any notification under section 4 of the Employment of Foreign Manpower Act (Cap. 91A), is or was entitled to work for the employer during the period when the dispute giving rise to the claim arose, without holding a valid work pass;

(c) the employee is not any of the following:

- (i) a seafarer;
- (ii) a domestic worker;
- (iii) a public officer;
- (iv) an employee of a statutory body.

(2) For the purposes of section 12(2)(a) of the Act, a claim relating to a specified statutory dispute concerning any matter specified in items 1 to 12 of the Second Schedule to the Act, or a claim relating to a wrongful dismissal dispute concerning any matter specified in item 3 of the Third Schedule to the Act, may be made by an employee who does not belong to any class of employees mentioned in section 13(a) of the Child Development Co-Savings Act (Cap. 38A).

*[S 244/2019 wef 01/04/2019]*

(3) For the purposes of section 12(2)(a) of the Act, a claim relating to a specified statutory dispute concerning any matter specified in

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items 13 to 42 of the Second Schedule to the Act, or a claim relating to a wrongful dismissal dispute concerning any matter specified in item 2 of the Third Schedule to the Act, may be made by an employee in relation to whom all of the following requirements are satisfied:

- (a) the employee works or worked under a contract of service with an employer who —
  - (i) being an individual — resides, or carries on a business, in Singapore; or
  - (ii) not being an individual — is incorporated or formed under any written law, or carries on a business in Singapore;
- (b) the employee is any of the following:
  - (i) a citizen of Singapore;
  - (ii) a permanent resident of Singapore;
  - (iii) a foreigner —
    - (A) who has or had a valid work pass entitling the foreigner to work for the employer during the period when the dispute giving rise to the claim arose;
    - (B) who had a valid work pass entitling the foreigner to work for the employer, whose work pass was cancelled or revoked through no fault of the foreigner, and who continued to work for the employer, during the period when the dispute giving rise to the claim arose, without knowing of the cancellation or revocation of the work pass; or
    - (C) who, under any notification under section 4 of the Employment of Foreign Manpower Act, is or was entitled to work for the employer during the period when the dispute giving rise to the claim arose, without holding a valid work pass;

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- (c) the employee is not any of the following:
- (i) a seafarer;
  - (ii) a domestic worker;
  - (iii) [*Deleted by S 244/2019 wef 01/04/2019*]
  - (iv) a person mentioned in paragraph (d) of the definition of “employee” in section 2(1) of the Employment Act;
  - (v) a public officer.

*[S 244/2019 wef 01/04/2019]*

(4) For the purposes of section 12(2)(a) of the Act, a claim relating to a specified statutory dispute concerning any matter specified in item 43 of the Second Schedule to the Act may be made by an employee who is not exempted under section 11 of the Retirement and Re-employment Act (Cap. 274A) from sections 7 and 8 of that Act.

(4A) For the purposes of section 12(2)(a) of the Act, a claim relating to a wrongful dismissal dispute concerning any matter specified in item 1 of the Third Schedule to the Act may be made by an employee in relation to whom all of the following requirements are satisfied:

- (a) the employee works or worked under a contract of service with an employer who —
  - (i) being an individual — resides, or carries on a business, in Singapore; or
  - (ii) not being an individual — is incorporated or formed under any written law, or carries on a business in Singapore;
- (b) the employee is any of the following:
  - (i) a citizen of Singapore;
  - (ii) a permanent resident of Singapore;

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- (iii) a foreigner —
    - (A) who has or had a valid work pass entitling the foreigner to work for the employer during the period when the dispute giving rise to the claim arose;
    - (B) who had a valid work pass entitling the foreigner to work for the employer, whose work pass was cancelled through no fault of the foreigner, and who continued to work for the employer, during the period when the dispute giving rise to the claim arose, without knowing of the cancellation of the work pass; or
    - (C) who, under any notification under section 4 of the Employment of Foreign Manpower Act, is or was entitled to work for the employer during the period when the dispute giving rise to the claim arose, without holding a valid work pass;
  - (c) the employee is a relevant employee within the meaning of section 14(2A) of the Employment Act;
  - (d) the employee is not any of the following:
    - (i) a seafarer;
    - (ii) a domestic worker;
    - (iii) a person mentioned in paragraph (d) of the definition of “employee” in section 2(1) of the Employment Act;
    - (iv) a public officer.

*[S 244/2019 wef 01/04/2019]*

(5) For the purposes of section 12(2)(b) of the Act, a claim may be made by an employee in relation to whom all of the following requirements are satisfied:

- (a) the employee is or was a workman;
- (b) the employee works or worked under a contract of service with an employer who —

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- (i) being an individual — resides, or carries on a business, in Singapore; or
  - (ii) not being an individual — is incorporated or formed under any written law, or carries on a business in Singapore;
- (c) the employee is any of the following:
- (i) a citizen of Singapore;
  - (ii) a permanent resident of Singapore;
  - (iii) a foreigner —
    - (A) who has or had a valid work pass entitling the foreigner to work for the employer during the period when the dispute giving rise to the claim arose;
    - (B) who had a valid work pass entitling the foreigner to work for the employer, whose work pass was cancelled or revoked through no fault of the foreigner, and who continued to work for the employer, during the period when the dispute giving rise to the claim arose, without knowing of the cancellation or revocation of the work pass; or
    - (C) who, under any notification under section 4 of the Employment of Foreign Manpower Act, is or was entitled to work for the employer during the period when the dispute giving rise to the claim arose, without holding a valid work pass;
- (d) the employee is neither a public officer nor an employee of a statutory board.

**Employers who may make claims, and employees against whom claims may be made**

**15.—(1)** For the purposes of section 12(2)(c) of the Act, a claim relating to a specified employment dispute concerning any matter specified in item 17 of the First Schedule to the Act, item 14 or 16 of

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the Second Schedule to the Act, or any other matter mentioned in section 12(2)(c)(ii) of the Act, may be made by an employer who —

- (a) being an individual — resides, or carries on a business, in Singapore; or
- (b) not being an individual — is incorporated or formed under any written law, or carries on a business in Singapore.

(2) For the purposes of section 12(2)(c) of the Act, a claim relating to a specified employment dispute concerning any matter specified in item 17 of the First Schedule to the Act may be made by an employer mentioned in paragraph (1) only against an employee in relation to whom all of the following requirements are satisfied:

- (a) the employee works or worked under a contract of service with the employer;
- (b) the employee is any of the following:
  - (i) a citizen of Singapore;
  - (ii) a permanent resident of Singapore;
  - (iii) a foreigner —
    - (A) who has or had a valid work pass entitling the foreigner to work for the employer during the period when the dispute giving rise to the claim arose;
    - (B) who had a valid work pass entitling the foreigner to work for the employer, whose work pass was cancelled or revoked through no fault of the foreigner, and who continued to work for the employer, during the period when the dispute giving rise to the claim arose, without knowing of the cancellation or revocation of the work pass; or
    - (C) who, under any notification under section 4 of the Employment of Foreign Manpower Act (Cap. 91A), is or was entitled to work for the employer during the period when the dispute



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giving rise to the claim arose, without holding a valid work pass;

(c) the employee is not any of the following:

- (i) a seafarer;
- (ii) a domestic worker;
- (iii) a public officer;
- (iv) an employee of a statutory body.

### **Period within which claim must be lodged**

**16.** For the purposes of section 12(6) of the Act, a claim must be lodged with a tribunal within 4 weeks after the date of issue of the claim referral certificate supporting the claim.

### **Prescribed claim limit**

**17.—(1)** Except as provided in paragraphs (2) and (3), the prescribed claim limits are as follows:

- (a) for the purposes of section 12(7)(a) of the Act — the total amount alleged to be payable under the claim must not exceed \$20,000;
- (b) for the purpose of section 12(7)(b) of the Act — the total amount alleged to be payable under the claim must not exceed \$20,000.

*[S 244/2019 wef 01/04/2019]*

(2) For the purposes of section 12(7) of the Act, where a claim is made by an employee mentioned in section 12(2)(a) of the Act against the employer of the employee, the prescribed claim limit for section 12(7)(a) or (b) of the Act is \$30,000 if —

- (a) the employee has participated in a tripartite mediation of every specified employment dispute listed in the claim, whether or not the employer participated in that tripartite mediation; or

(b) both of the following apply:

- (i) the claim referral certificate supporting the claim was issued in respect of one or more unresolved specified employment disputes listed in a mediation request submitted on behalf of the employee by an officer of a trade union of employees;
- (ii) the employee was represented, in a mediation under Part 2 of the Act of every specified employment dispute listed in the claim, by an officer of a trade union of employees.

*[S 244/2019 wef 01/04/2019]*

(3) For the purposes of section 12(7) of the Act, where a claim is made by an employee mentioned in section 12(2)(b) of the Act against a person liable under section 65 of the Employment Act (Cap. 91) for the employee's salary (called in this paragraph the liable person), the prescribed claim limit is \$30,000 if —

- (a) the employee has participated in a tripartite mediation of every specified employment dispute listed in the claim, and the Commissioner has requested, under section 30H(3)(d) of the Industrial Relations Act (Cap. 136), the liable person to participate in that tripartite mediation, whether or not the liable person participated in that tripartite mediation; or
- (b) both of the following apply:

- (i) the claim referral certificate supporting the claim was issued in respect of one or more unresolved specified employment disputes listed in a mediation request submitted on behalf of the employee by an officer of a trade union of employees;
- (ii) the employee was represented, in a mediation under Part 2 of the Act of every specified employment dispute listed in the claim, by an officer of a trade union of employees.

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**Compensation for wrongful dismissal dispute**

**17A.** For the purposes of section 20(6A)(b) of the Act, the amount of compensation in a claim relating to a wrongful dismissal dispute is to be calculated in accordance with the Second Schedule.

*[S 244/2019 wef 01/04/2019]*

**Individuals whom tribunal may permit to observe hearing of claim**

**18.** For the purposes of section 18(3)(a) of the Act, a tribunal may permit a tripartite mediation advisor, who was assigned to assist a claimant or respondent in a tripartite mediation, to observe the hearing of a claim supported by a claim referral certificate issued in respect of every unresolved specified employment dispute that was a subject of the tripartite mediation.

**Representation of party before tribunal**

**19.** For the purposes of section 19(3) of the Act, a party to proceedings before a tribunal who is specified in the first column of the Third Schedule may be represented before the tribunal by an individual specified opposite in the second column, in the circumstances specified opposite in the third column.

**Service of documents, etc.**

**20.—(1)** This regulation does not apply to any document or notice for any proceedings in a tribunal or court.

(2) Subject to paragraph (1), a document or notice required or allowed under the Act or these Regulations to be served on or given to any person may be served or given in the manner described in paragraphs (3) to (6).

(3) A document or notice required or allowed under the Act or these Regulations to be served on or given to an individual may be served or given —

- (a) by delivering it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or,

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if no address is so specified, to the individual's residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of it in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person serving or giving it as the fax number for the service of documents on, or giving of notices to, the individual; or
- (f) by sending it by email to the individual's last email address.

(4) A document or notice required or allowed under the Act or these Regulations to be served on or given to a partnership (other than a limited liability partnership) may be served or given —

- (a) by delivering it to any partner, secretary or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the business address of the partnership;
- (c) by sending it by fax to the fax number used at the business address of the partnership; or
- (d) by sending it by email to the last email address of the partnership.

(5) A document or notice required or allowed under the Act or these Regulations to be served on or given to a body corporate (including a limited liability partnership) or an unincorporated association may be served or given —

- (a) by delivering it to the secretary or other like officer of the body corporate or the unincorporated association, or the manager of the limited liability partnership, as the case may be;

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- (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office of the body corporate or unincorporated association;
  - (c) by sending it by fax to the fax number used at the registered office or principal office of the body corporate or unincorporated association; or
  - (d) by sending it by email to the last email address of the body corporate or unincorporated association.
- (6) The service of a document, or giving of a notice, under paragraph (3), (4) or (5) takes effect —
- (a) if the document or notice is sent or given by fax and a notification of successful transmission is received, on the day of transmission;
  - (b) if the document or notice is sent or given by email, at the time that the email becomes capable of being retrieved by the person to whom it is addressed; and
  - (c) if the document or notice is sent or given by prepaid registered post, 2 days after the day the document was posted (even if the document is returned undelivered).
- (7) In this regulation —
- “business address” means —
- (a) in the case of an individual, the individual’s usual or last known place of business; or
  - (b) in the case of a partnership (other than a limited liability partnership), the principal or last known place of business of the partnership;
- “last email address” means —
- (a) the last email address given by the addressee concerned, to the person serving the document or giving the notice, as the email address for the service of documents or the giving of notices; or

- (b) the last email address of the addressee concerned known to the person serving the document or giving the notice;

“residential address” means an individual’s usual or last known place of residence.

### **Reckoning periods of time**

**21.**—(1) A period of time fixed by these Regulations for doing an act is to be reckoned in accordance with this regulation.

(2) Where an act is required to be done within a specified period after a specified date, the period begins immediately after that date.

(3) Where an act is required to be done within a specified period before a specified date, the period ends immediately before that date.

(4) Where, apart from this paragraph, a period (being 7 days or less) would include a day other than a working day, that day is to be excluded.

(5) Where a period for doing an act expires on a day other than a working day, the act is in time if done on the next working day.

(6) In this regulation, “working day” means any day other than a Saturday, Sunday or public holiday.

## FIRST SCHEDULE

Regulation 12

REPRESENTATION OF PARTY  
AT MEDIATION UNDER PART 2 OF ACT

| <i>First column</i><br><br><i>Party</i>   | <i>Second column</i><br><br><i>Individual</i> | <i>Third column</i><br><br><i>Circumstances of representation</i>  |
|---|---|--|
| <p>1. A claimant or respondent who —</p> <p>(a) is a member of a trade union of employees; and</p> <p>(b) is an employee who belongs to a class of employees in respect of whom the trade union has been accorded or given recognition under section 17 of the Industrial Relations Act (Cap. 136) by the employer of those employees</p> | <p>An officer of the trade union</p>          | <p>The party may be represented at the mediation by the individual in relation to any specified employment dispute, in all matters concerning the mediation, except the settlement of all or any of the specified employment disputes listed in the party's mediation request</p>  |
| <p>2. A claimant or respondent who —</p> <p>(a) is a member of a trade union of employees that is a recognised trade union; and</p> <p>(b) is an executive employee who may be represented individually by the trade union under Part IV of the</p>   | <p>An officer of the trade union</p>          | <p>The party may be represented at the mediation by the individual in relation only to any specified contractual dispute or any dispute over the party's entitlement to employment assistance payment under section 7C(1) of the Retirement and Re-employment Act (Cap. 274A), in all matters concerning the mediation, except the settlement of all</p> |

FIRST SCHEDULE — *continued*

| <i>First column</i><br><br><i>Party</i>   | <i>Second column</i><br><br><i>Individual</i>  | <i>Third column</i><br><br><i>Circumstances of representation</i>  |
|---|--|--|
| Industrial Relations Act  |  | or any of the specified employment disputes listed in the party's mediation request  |
| 3. A claimant or respondent who is below 18 years of age  | A parent or guardian of the party  | The party must be represented at the mediation by the individual in relation to any specified employment dispute, in all matters concerning the mediation  |
| 4. A claimant or respondent who is (in the opinion of the Commissioner) unable to present his or her own case by reason of illiteracy or infirmity of mind or body (not amounting to a lack of capacity within the meaning of section 4 of the Mental Capacity Act (Cap. 177A)) | A person who is authorised by the party in writing, or is approved by the Commissioner | The party may be represented at the mediation by the individual in relation to any specified employment dispute, in all matters concerning the mediation   |
| 5. A claimant in any case where —<br><br>(a) 2 or more claimants have submitted mediation requests for the mediation under Part 2 of the Act, with the same respondent, of specified employment   | Any other claimant in the case who is authorised by the party in writing               | The party may be represented at the mediation by the individual in relation to any specified employment dispute, but only in the following matters concerning the mediation:<br><br>(i) attendance at any mediation session arising from the |



| <i>First column</i><br><br><i>Party</i>   | <i>Second column</i><br><br><i>Individual</i> | <i>Third column</i><br><br><i>Circumstances of representation</i>   |
|---|---|---|
| <p>disputes that are similar in nature; and</p> <p>(b) the Commissioner has referred all of those specified employment disputes for mediation by the same approved mediator</p> |   | <p>party's mediation request;</p> <p>(ii) the amendment of the list of specified employment disputes in the party's mediation request;</p> <p>(iii) the abandonment of any amount relating to a specified employment dispute listed in the party's mediation request;</p> <p>(iv) the settlement of all or any of the specified employment disputes listed in the party's mediation request</p> |

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## SECOND SCHEDULE

Regulation 17A

### CALCULATION OF COMPENSATION RELATING TO WRONGFUL DISMISSAL DISPUTE

1. The amount of compensation to be awarded by a tribunal to a claimant in a wrongful dismissal dispute is to consist of compensation for —

- (a) the claimant's loss of income determined in accordance with paragraph 2; and
- (b) the harm caused to the claimant by the respondent from the wrongful dismissal determined in accordance with paragraphs 3 to 7.

2. The amount of compensation for loss of income is not to exceed 3 months of the claimant's gross rate of pay as defined by section 2(1) of the Employment Act (Cap. 91) (called in this Schedule the claimant's gross rate of pay) on the date of the wrongful dismissal by the respondent.

3. In determining the amount of compensation for harm caused to a claimant by a respondent, a tribunal may take into account any aggravating or mitigating factor that the tribunal considers relevant to the wrongful dismissal concerned.

4. Without affecting paragraph 3 —

(a) aggravating factors may include —

- (i) the conduct of the wrongful dismissal in a humiliating or degrading manner, or in a manner that caused physical harm to the claimant;
- (ii) any false accusation or allegation made by the respondent against the claimant that was used as a ground for the claimant's wrongful dismissal; or
- (iii) any deliberate act of the respondent to adversely affect the claimant's prospect of any subsequent employment; and

(b) mitigating factors may include —

- (i) any misconduct or poor performance of the claimant; or
- (ii) insubordination by the claimant,

which, whilst not providing just cause or excuse, or sufficient cause, for the dismissal, was taken into account by the respondent in dismissing the claimant.

5. The amount of compensation for harm caused to a claimant by the respondent is to consist of a base amount not exceeding 2 months of the claimant's gross rate of pay on the date of the wrongful dismissal by the respondent (called in this

SECOND SCHEDULE — *continued*

Schedule the base amount), which may be increased or decreased in accordance with paragraph 6 or 7, as the case may be.

6. If a tribunal considers that there is any aggravating factor, or there are more aggravating than mitigating factors, for the wrongful dismissal, the amount of compensation under paragraph 5 is to be increased by up to 50% of the base amount.

7. If a tribunal considers that there is any mitigating factor, or there are more mitigating than aggravating factors, for the wrongful dismissal, the amount of compensation under paragraph 5 is to be reduced by up to 50% of the base amount.

[S 244/2019 wef 01/04/2019]

## THIRD SCHEDULE

Regulation 19

## REPRESENTATION OF PARTY BEFORE TRIBUNAL

| <i>First column</i>   | <i>Second column</i>                 | <i>Third column</i>   |
|---|--------------------------------------|---|
| <i>Party</i>  | <i>Individual</i>                    | <i>Circumstances of representation</i>  |
| <p>1. A claimant or respondent who —</p> <p>(a) is a member of a trade union of employees; and</p> <p>(b) is an employee who belongs to a class of employees in respect of whom the trade union has been accorded or given recognition under section 17 of the Industrial Relations Act (Cap. 136) by the employer of those employees</p> | <p>An officer of the trade union</p> | <p>The party may be represented before the tribunal by the individual in all matters before the tribunal, in relation to any specified employment dispute for which the claim is lodged</p> |

THIRD SCHEDULE — *continued*

| <i>First column</i><br><br><i>Party</i>  | <i>Second column</i><br><br><i>Individual</i>   | <i>Third column</i><br><br><i>Circumstances of representation</i>  |
|--|---|--|
| <p>2. A claimant or respondent who —</p> <p>(a) is a member of a trade union of employees that is a recognised trade union; and</p> <p>(b) is an executive employee who may be represented individually by the trade union under Part IV of the Industrial Relations Act</p> | <p>An officer of the trade union</p>  | <p>The party may be represented before the tribunal by the individual in all matters before the tribunal, in relation only to any specified contractual dispute (for which the claim is lodged) or any dispute (for which the claim is lodged) over the party's entitlement to employment assistance payment under section 7C(1) of the Retirement and Re-employment Act (Cap. 274A)</p> |
| <p>3. A claimant or respondent who is below 18 years of age</p>  | <p>A parent or guardian of the party, being a parent or guardian who is approved by the tribunal or the Registrar</p> | <p>The party must be represented before the tribunal by the individual in all matters before the tribunal, in relation to any specified employment dispute for which the claim is lodged</p>   |
| <p>4. A claimant or respondent who is (in the opinion of the tribunal or the Registrar) unable to present his or her own case by reason of illiteracy or infirmity of mind or body (not amounting to a lack of capacity within the meaning of section 4 of</p>               | <p>A person who is authorised by the party in writing, or is approved by the tribunal or the Registrar</p>            | <p>The party may be represented before the tribunal by the individual in all matters before the tribunal, in relation to any specified employment dispute for which the claim is lodged</p>  |

THIRD SCHEDULE — *continued*

| <i>First column</i><br><br><i>Party</i>  | <i>Second column</i><br><br><i>Individual</i>                            | <i>Third column</i><br><br><i>Circumstances of representation</i>  |
|--|--|--|
| the Mental Capacity Act (Cap. 177A))   |  |  |
| 5. A claimant in any case where 2 or more claims by different claimants are heard together in accordance with section 18(5) of the Act | Any other claimant in the case who is authorised by the party in writing | The party may be represented before the tribunal by the individual in relation to any specified employment dispute for which the claim is lodged, but only in the following matters:<br><br>(i) attendance at any hearing of the claim;<br><br>(ii) the amendment of the claim;<br><br>(iii) the abandonment of any amount alleged to be payable under the claim;<br><br>(iv) the settlement of all or any of the specified employment disputes to which the claim relates |

Made on 30 March 2017.

AUBECK KAM  
*Permanent Secretary,  
Ministry of Manpower,  
Singapore.*

[HQ/PlnPol/Legis/ECA/2017/2; AG/LEGIS/SL/91C/2015/1 Vol. 1]