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RETIREMENT AND RE-EMPLOYMENT ACT (CHAPTER 274A)

RETIREMENT AND RE-EMPLOYMENT (RE-EMPLOYMENT OBLIGATIONS) REGULATIONS 2017

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. [Deleted]
 4. Consent form
 5. Sequential application of section 7C of Act and regulation 4 to subsequent transfer employers
The Schedules
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In exercise of the powers conferred by section 12 of the Retirement and Re-employment Act, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Retirement and Re-employment (Re-employment Obligations) Regulations 2017 and come into operation on 1 July 2017.

Definitions

2. In these Regulations —

“consent form” means a consent form mentioned in section 7C(6) of the Act;

“E1” and “E2” have the same meanings, respectively, as in section 7C of the Act;

[Deleted by S 544/2022 wef 01/07/2022]

“transfer employer” means any subsequent employer that enters into a contract of service with an eligible employee in lieu of E2 or another transfer employer of the eligible employee.

3. [Deleted by S 544/2022 wef 01/07/2022]

Consent form

4.—(1) A consent form must contain the particulars specified in the First Schedule.

(2) A consent form must also contain the additional particulars specified in the Second Schedule, if the eligible employee’s salary under the contract of service entered into in relation to section 7C(1)(b) of the Act between the eligible employee and E2 in lieu of E1 is less than the last drawn salary that the eligible employee received under the contract of service with E1.

(3) The consent form must be signified by all the following persons before the agreed date:

- (a) E1 or its authorised representative;
- (b) E2 or its authorised representative;
- (c) the eligible employee.

Sequential application of section 7C of Act and regulation 4 to subsequent transfer employers

5.—(1) Where —

- (a) E2 or a transfer employer (called in this regulation the firstmentioned employer) is unable to continue to employ an eligible employee because the firstmentioned employer is unable to find a position in its establishment that is suitable for the eligible employee, despite making reasonable attempts to do so in accordance with the tripartite guidelines; and
- (b) during the eligible employee’s employment with the firstmentioned employer, another employer (called in this regulation the subsequent transfer employer) offers

to employ the eligible employee in lieu of the firstmentioned employer, and the eligible employee accepts the offer,

section 7C of the Act applies in relation to the eligible employee's employment with the subsequent transfer employer as if —

- (i) the references to E1 in section 7C(1A)(a) and (c) and (6) of the Act are references to the firstmentioned employer;
- (ii) the references to E2 in section 7C(1A)(b), (6) and (7) of the Act are references to the subsequent transfer employer;
- (iii) the references to the agreed date in section 7C(1A) of the Act are references to the agreed date between the subsequent transfer employer and the firstmentioned employer; and
- (iv) the period to be reckoned for the purposes of section 7C(5)(a) and (b) of the Act in relation to the eligible employee's entitlement in respect of the subsequent transfer employer is the period for which the eligible employee served under E1 before commencing service with E2.

(2) Regulation 4 and the Schedules apply in relation to the eligible employee's employment with the subsequent transfer employer as if —

- (a) the references to E1 are references to the firstmentioned employer;
- (b) the references to E2 are references to the subsequent transfer employer; and
- (c) the references to the agreed date are references to the agreed date between the subsequent transfer employer and the firstmentioned employer.

FIRST SCHEDULE

Regulation 4(1)

PARTICULARS OF CONSENT FORM

1. E1's particulars comprising —
 - (a) E1's name —
 - (i) where E1 is an individual, as specified on E1's identity card or passport; or
 - (ii) where E1 is not an individual —
 - (A) as specified on any register or official record kept under any written law; or
 - (B) where sub-paragraph (A) is not applicable, the name in which E1 employed the eligible employee;
 - (b) E1's trade name if different from that in paragraph 1(a); and
 - (c) the eligible employee's job title with E1.
2. E2's particulars comprising —
 - (a) E2's name —
 - (i) where E2 is an individual, as specified on E2's identity card or passport; or
 - (ii) where E2 is not an individual —
 - (A) as specified on any register or official record kept under any written law; or
 - (B) where sub-paragraph (A) is not applicable, the name in which E2 will employ the eligible employee;
 - (b) E2's trade name if different from that in paragraph 2(a); and
 - (c) the eligible employee's job title with E2.
3. Eligible employee's particulars comprising —
 - (a) name as specified on the eligible employee's identity card;
 - (b) date of birth; and
 - (c) identity card number.
4. Agreed date (specified for the purposes of section 7C(1A)(a) of the Act).

SECOND SCHEDULE

Regulation 4(2)

ADDITIONAL PARTICULARS OF CONSENT FORM

1. Eligible employee's last drawn salary received from E1.
2. Eligible employee's salary under the contract of service entered into in relation to section 7C(1)(b) of the Act between the eligible employee and E2.
3. E2's written commitment to abide by the tripartite guidelines to peg the amount of the eligible employee's employment assistance payment for the first 3 months of re-employment with E2 to the eligible employee's last drawn salary received from E1.
4. The amount of the eligible employee's employment assistance payment payable by E2 mentioned in paragraph 3.

Made on 30 June 2017.

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