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RETIREMENT AND RE-EMPLOYMENT ACT (CHAPTER 274A)

RETIREMENT AND RE-EMPLOYMENT (EXEMPTION) NOTIFICATION 2011

ARRANGEMENT OF PARAGRAPHS

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In exercise of the powers conferred by section 11 of the Retirement and Re-employment Act, the Minister for Manpower hereby makes the following Notification:

Citation and commencement

1. This Notification may be cited as the Retirement and Re-employment (Exemption) Notification 2011 and shall come into operation on 1st January 2012.

Definitions

2.—(1) In this Notification, unless the context otherwise requires —

“contract of service” means a contract of service made before, on or after 1st January 2012;

“initial contract date”, in relation to an employee or eligible employee in the employment of an employer under a contract of service, means —

- (a) the date the employee entered into the contract of service with the employer; or

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- (b) if the contract of service is a replacement or renewal of an initial contract of service of the employee with the same employer, the date the employee entered into the initial contract of service that has been continuously replaced or renewed;

“initial contract of service” means the contract of service an employee first enters into with his employer, and includes —

- (a) where an employee is, after the end of a contract of service with an employer because of his retirement, subsequently employed (after an interval of any period or no interval) by the same employer under another contract of service (whether or not for a different job or post), such other contract of service; and
- (b) where an employee is, after the end of a contract of service with an employer because of the expiration of the term thereof, subsequently employed by the same employer under another contract of service made after an interval of 6 or more months after the end of the expired contract of service (whether or not for the same job or post in the expired contract of service), such other contract of service;

“minimum retirement age” means 62 years of age or, if another minimum retirement age is prescribed by the Minister under section 4(1) of the Act, that prescribed minimum retirement age.

(2) In this Notification, where an employee is, after the end (for any reason) of a contract of service with an employer (referred to as contract A), subsequently employed by the same employer under another contract of service made after an interval of less than 6 months after the end of contract A, whether or not for the same job or post in contract A —

- (a) that other contract of service shall be regarded as a continuous replacement or renewal of contract A; and

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- (b) the length of service with that employer shall be the total of the periods of paid service under contract A and that other contract and so on.

Exemption from minimum retirement age and wage reductions

3.—(1) Section 4 of the Act shall not apply to and in respect of any of the exempt employees referred to in sub-paragraph (2), and section 6 of the Act shall not apply to the contract of service of such an exempt employee.

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- (2) In this paragraph, an exempt employee is —
- (a) a person who is required under a contract of service made before the person attains his minimum retirement age to work for a fixed term on a specific project;
 - (b) a person in any job approved by the Minister where, having regard to the nature of the employment or the context in which it is carried out, being of a particular age or age group is a genuine occupational requirement for that job;
 - (c) a person, other than a permanent resident of Singapore, working in Singapore by virtue of a work pass issued (whether before, on or after 1st January 2012) by the Controller of Work Passes under the Employment of Foreign Manpower Act (Cap. 91A);
 - (d) a person who is required under his contract of service made before the person attains his minimum retirement age to work for not more than 20 hours per week;
 - (e) a public officer who is eligible to retirement benefits under the Pensions Act (Cap. 225);
 - (f) a person who is in the service of a statutory body and who is eligible to a pension under the Pensions Act;
 - (g) an employee not in sub-paragraph (e) or (f) who was, before 1st July 1993, and is still covered by a retirement benefit scheme approved by the Minister, being a scheme that provides for the employee's retirement on or before the employee attains 60 years of age;

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- (h) a person who is employed as cabin crew to provide in-flight passenger services on board commercial aircraft;
 - (i) a person enlisted for regular service in the Singapore Armed Forces under the Enlistment Act (Cap. 93);
 - (j) a public officer in —
 - (i) the Police (Senior) Service or Police (Junior) Service;
 - (ii) the Prisons Service;
 - (iii) the Narcotics Service;
 - (iv) the Civil Defence Service; or
 - (v) the Corrupt Practices Investigation (Junior) Service or the Corrupt Practices Investigation (Senior) Service;
 - (k) a person who is appointed as an auxiliary police officer under Part IX of the Police Force Act (Cap. 235) and who is not a public officer referred to in sub-paragraph (e) or person in the service of a statutory body referred to in sub-paragraph (f);
 - (l) a person below 55 years of age who has less than 2 years of service with his employer reckoned from the initial contract date for his employment with that employer; or
 - (m) a person who is recruited by an employer upon his attaining 55 years of age or older under a contract of service not referred to in sub-paragraphs (a) to (l).

Exemption from re-employment requirements

4.—(1) Sections 7 to 8 of the Act shall not apply to and in respect of any of the exempt eligible employees referred to in sub-paragraph (2), and sections 7A and 7C of the Act shall not apply to the employer of any of those exempt eligible employees.

(2) In this paragraph, an exempt eligible employee is an eligible employee who —

- (a) is required under a contract of service made with an employer before the eligible employee attains his specified

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- age to work for a fixed term on a specific project, even though the eligible employee has 3 or more years of service in that project with his employer reckoned from the initial contract date for his employment with that employer;
- (b) is in any job approved by the Minister where, having regard to the nature of the employment or the context in which it is carried out, being of a particular age or age group is a genuine occupational requirement for that job;
 - (c) is working in Singapore by virtue of a work pass issued (whether before, on or after 1st January 2012) by the Controller of Work Passes under the Employment of Foreign Manpower Act (Cap. 91A) and not a permanent resident of Singapore;
 - (d) is required under his contract of service made before the eligible employee attains his specified age, to work in a job or post for not more than 20 hours per week, even though the eligible employee has 3 or more years of service in that same job or post with his employer reckoned from the initial contract date for his employment with that employer;
 - (e) is a public officer who is eligible to retirement benefits under the Pensions Act (Cap. 225);
 - (f) is in the service of a statutory body and who is eligible to a pension under the Pensions Act;
 - (g) is employed as cabin crew to provide in-flight passenger services on board commercial aircraft;
 - (h) is a person enlisted for regular service in the Singapore Armed Forces under the Enlistment Act (Cap. 93);
 - (i) is a public officer in —
 - (i) the Police (Senior) Service or the Police (Junior) Service;
 - (ii) the Prisons Service;
 - (iii) the Narcotics Service;
 - (iv) the Civil Defence Service; or

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- (v) the Corrupt Practices Investigation (Junior) Service or the Corrupt Practices Investigation (Senior) Service;
- (j) is appointed as an auxiliary police officer under Part IX of the Police Force Act (Cap. 235) and who is not a public officer referred to in sub-paragraph (e) or person in the service of a statutory body referred to in sub-paragraph (f);
- (k) is required under an initial contract of service to work in a job or post not referred to in sub-paragraphs (a) to (j), being an initial contract of service which is made before he attains 55 years of age, and the eligible employee has less than 2 years of service with his employer reckoned from the initial contract date for his employment with that employer; or
- (l) is required under an initial contract of service to work in a job or post not referred to in sub-paragraphs (a) to (j), being an initial contract of service which is made when he is 55 years of age or older but not after his retirement under or pursuant to a retirement benefit scheme referred to in paragraph 3(2)(g), and the eligible employee has less than 3 years of service with his employer reckoned from the initial contract date for his employment with that employer.

Cancellation

5. The Retirement Age (Exemption) Notification (N 1) is cancelled.

Made this 29th day of September 2011.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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