
First published in the Government *Gazette*, Electronic Edition, on 31 August 2020 at 5 pm.

No. S 729

WORK INJURY COMPENSATION ACT 2019 (ACT 27 OF 2019)

WORK INJURY COMPENSATION REGULATIONS 2020

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In exercise of the powers conferred by section 82 of the Work Injury Compensation Act 2019, the Minister for Manpower makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Work Injury Compensation Regulations 2020 and come into operation on 1 September 2020.

Approved medical institution

2. For the purposes of the Act, “approved medical institution” is any hospital, clinic, healthcare establishment or other medical institution prescribed in the First Schedule.

PART 2

GIVING OF NOTICES FOR CLAIMS PROCESSING

Giving of notice of accident by employer

3.—(1) The prescribed time for an employer to give notice of an accident to the Commissioner and the employer’s insurer under section 35(3) of the Act is 10 days after the date the employer first has notice of the accident in accordance with section 35(2) of the Act.

(2) For the purposes of paragraph (1), where the employer’s employee contracts an occupational disease mentioned in section 10(1)(a) or (b) of the Act, the employer first has notice of the accident when the employer has knowledge that a health professional has certified that, in the health professional’s opinion, the employee is suffering from such a disease.

(3) Notice of an accident —

(a) to the Commissioner under section 35(3)(a) of the Act must be given in the form and manner specified by the Commissioner at the website <http://www.mom.gov.sg/iReport>; and

(b) to the employer’s insurer under section 35(3)(b) of the Act must be given in writing.

(4) The notice of an accident under paragraph (3)(a) is deemed to be given when the employer makes a report in respect of the same accident in accordance with regulation 4, 6 or 7 of the Workplace Safety and Health (Incident Reporting) Regulations (Rg 3).

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Notice under section 44(2) of Act

4. Within 7 days after the receipt of a notice or direction under section 44(1)(a), (b) or (c) of the Act (as the case may be), the

employer's insurer (if of the view that the employer's insurance policy does not insure the employer's liability) must notify the Commissioner and the employer in accordance with section 44(2) of the Act.

Circumstances where notice of computation need not be served

5.—(1) A notice of computation in respect of a claim need not be served by an employer's insurer under section 44(3) of the Act in any of the following circumstances:

- (a) the Commissioner does anything under section 45(a) or (b) or 50(2)(a), (b) or (c) of the Act in respect of the claim;
- (b) while the claim is suspended under section 37(4)(a) or (b) of the Act;
- (c) the claim is disallowed under section 37(7) of the Act;
- (d) the claim is withdrawn under section 41(1) of the Act.

(2) Subject to paragraph (3), a notice of computation in respect of the claim need not be served under section 44(3) of the Act if, before any notice of computation in respect of a claim is issued, the employee notifies the employer's insurer (in the form and manner required by the Commissioner) that the employee has commenced or intends to commence proceedings to recover damages from a third party in respect of the injury to which the claim relates.

(3) Paragraph (2) ceases to apply to the claim if, within the period of one year after the date of accident relating to the claim, the employee then applies to the insurer (in the form and manner required by the Commissioner) to resume the claim proceedings under section 41(2)(a) of the Act.

(4) A notice of computation in respect of compensation for an employee's permanent incapacity or current incapacity need not be served under section 44(3) of the Act if the employee —

- (a) has not been notified under section 39(2) of the Act that the employee is being assessed for permanent incapacity or current incapacity because neither the employer nor the employer's insurer knows that there is permanent

incapacity or current incapacity arising from the work injury; and

- (b) has not made the claim for such compensation as required by section 39(1) of the Act.

Circumstances where notice of assessment need not be served

6.—(1) A notice of assessment in respect of a claim need not be served under section 48(1) of the Act in any of the following circumstances:

- (a) the Commissioner does anything under section 45(a) or (c) or 50(2)(a) of the Act in respect of the claim;
- (b) while the claim is suspended under section 37(4)(a) or (b) of the Act;
- (c) the claim is disallowed under section 37(7) of the Act;
- (d) the claim is withdrawn under section 41(1) of the Act.

(2) Subject to paragraph (3), a notice of assessment in respect of the claim need not be served under section 48(1) of the Act if, before any notice of assessment in respect of a claim is issued, the employee notifies the Commissioner (in the form and manner required by the Commissioner) that the employee has commenced or intends to commence proceedings to recover damages from a third party in respect of the injury to which the claim relates.

(3) Paragraph (2) ceases to apply to the claim if, within one year after the date of accident relating to the claim, the employee then applies to the Commissioner (in the form and manner required by the Commissioner) to resume the claim proceedings.

(4) A notice of assessment in respect of compensation for an employee's permanent incapacity or current incapacity need not be served under section 48(1) of the Act if the employee —

- (a) has not been notified under section 39(2) of the Act that the employee is being assessed for permanent incapacity or current incapacity because neither the employer nor the employer's insurer knows that there is permanent

incapacity or current incapacity arising from the work injury; and

- (b) has not made the claim for such compensation as required by section 39(1) of the Act.

PART 3

MEDICAL EXAMINATION

Examination after suspension of right to compensation

7.—(1) If an employee whose right to compensation has been suspended under section 37(4)(a) or (b) of the Act subsequently offers himself or herself for a medical examination, the employer must offer the employee a medical examination which is fixed to take place —

- (a) within 72 hours after the employee's offer for a medical examination; or

- (b) later, with the employee's consent.

(2) Paragraph (1) does not apply if, for the purposes of section 37(6)(a) of the Act, the Commissioner has approved any other medical examination for the employee.

PART 4

PROCEEDINGS BEFORE COMMISSIONER

Notice of pre-hearing conference or hearing

8. The Commissioner may give notice of a pre-hearing conference or hearing under the Act in the form and manner determined by the Commissioner.

Procedure in connected cases

9. Where 2 or more cases pending before the Commissioner arise out of the same accident and any issue involved is common to such cases, the cases may, if the parties agree, so far as the evidence bearing on the issue is concerned, be heard together.

Order of compensation

10.—(1) The Commissioner, in making any order of compensation under the Act, must record concisely his or her finding and his or her reasons for such finding.

(2) The Commissioner may correct any of the following mistakes or errors in an order of compensation:

- (a) any clerical or arithmetical mistake;
- (b) any error arising from any accidental slip or omission;
- (c) any error or omission arising from the malfunction of any electronic system for the purposes of the Act.

Record

11. The Commissioner must record —

- (a) all decisions or orders made, and all directions given, by the Commissioner under the Act;
- (b) his or her consent to any agreement under section 17(4)(b) of the Act and the particulars of the agreement; and
- (c) a concise account of any proceedings (including any pre-hearing conference) conducted by him or her under the Act.

Form of summons

12. A summons issued by the Commissioner under section 55(1) of the Act may be made in the form and manner determined by the Commissioner.

Procedure during proceedings

13. The Evidence Act 1893 and any other law relating to evidence need not be followed strictly in all proceedings before the Commissioner.

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PART 5

COMPENSATION, COSTS AND FEES

Reimbursement or refund of compensation or payment under section 16(5)(a) or 17(5)(a) of Act

14. An application mentioned in section 16(6)(a) or 17(6)(a) of the Act for the reimbursement or refund of any compensation or payment must be made within 28 days after the date of whichever of the following events has given rise to the application:

- (a) the withdrawal of the claim for the compensation;
- (b) an order of refusal of the compensation has been made or taken effect;
- (c) the payment is made on the basis of an error or false or misleading information.

Order for withholding of periodical payments pending decision

15. Where —

- (a) an employer or employer's insurer applies for a review under section 17(2) of the Act seeking the reduction or discontinuance of periodical payments for temporary incapacity; and
- (b) it appears to the Commissioner that there is reasonable ground for believing that the employer or employer's insurer has a right to the reduction or discontinuance,

the Commissioner may issue an order withholding the periodical payments for temporary incapacity in whole or in part pending his or her decision on the application for review.

Commissioner's consent to commutation

16. The Commissioner may consent to a lump sum agreed under section 17(4)(a) of the Act only if the Commissioner considers the amount to be a reasonable estimate of the periodical payments for temporary incapacity which would otherwise have been payable to the employee during the probable duration of the employee's incapacity.

Time for payment by employer under section 19(1) of Act

17.—(1) Subject to paragraphs (2) and (3), the employer must pay the compensation payable under section 19(1)(a) of the Act within 21 days after the following dates, as the case may be:

- (a) where a notice of computation in respect of the compensation is issued and has the effect of an order of compensation under section 44(5)(a) of the Act — the date of service of the notice of computation;
- (b) where a notice of assessment in respect of the compensation is issued and has the effect of an order of compensation under section 48(3)(a) of the Act — the date of service of the notice of assessment;
- (c) where an order in respect of the compensation is made under section 51(2)(a) of the Act before any notice of computation or notice of assessment mentioned in sub-paragraph (a) or (b) is issued and no application to set aside the order is made within 21 days after the date on which that order is made — the date on which that order is made;
- (d) where all notices of objection to a notice of computation or a notice of assessment in respect of the compensation are withdrawn within 28 days after the service of that notice of computation or notice of assessment (as the case may be) — the earlier of the following dates:
 - (i) the date on which the notice of computation or notice of assessment has the effect of an order of compensation under section 44(5)(b) or 48(3)(b) of the Act, as the case may be;
 - (ii) if, upon the withdrawal of all those notices of objection, the Commissioner makes an order under section 54(1)(c) of the Act in respect of that compensation — the date on which that order is made;
- (e) where sub-paragraph (d) does not apply and the Commissioner makes an order under section 54(1)(c) of

the Act in respect of the compensation — the date on which that order is made.

(2) An employer must pay the amount of compensation payable by the employer under section 16 of the Act, in respect of any medical treatment received by the employer's employee for a work injury, within 14 days after the employer receives the following documents issued by the health professional or approved medical institution that provided the medical treatment:

- (a) an invoice for that medical treatment;
- (b) where necessary, certification that the medical treatment was provided in relation to the work injury.

(3) Compensation payable by an employer to the employee in respect of the employer's liability under section 17 of the Act must be paid within the time required under section 17(1)(b) of the Act, whether or not the claim for the compensation has been processed by the Commissioner or the employer's insurer under the Act.

(4) Where the Commissioner directs an employer to pay any compensation to a relative of an employee under section 20 of the Act, the amount payable by the employer under section 19(1)(b) of the Act in respect of that direction must be paid within 21 days after that direction is made.

Time for payment by employer's insurer under section 18(2) of Act

18.—(1) Subject to paragraphs (2) and (3), where the Commissioner directs an employer's insurer under section 18(1) of the Act to pay an amount in respect of compensation, that amount must be paid under section 18(2) of the Act within whichever of the following times ends later:

- (a) 7 days after the date on which that direction is made;
- (b) the time for payment of that compensation under regulation 17(1).

(2) Where the Commissioner directs an employer's insurer under section 18(1) of the Act to pay any amount in respect of an employer's liability for compensation under section 16 of the Act, the

amount must be paid within whichever of the following times ends later:

- (a) 14 days after the direction is made;
- (b) the time for payment of that compensation under regulation 17(2).

(3) Where the Commissioner directs an employer's insurer under section 18(1) of the Act to pay any amount in respect of an employer's liability for compensation under section 17 of the Act, the amount must be paid within whichever of the following times ends later:

- (a) 14 days after the direction is made;
- (b) the time for payment of that compensation under regulation 17(3).

(4) Where an employer's insurer is required under section 47 of the Act to pay an amount stated in a notice of computation that, under section 44(5) of the Act, has the effect of an order of compensation, that amount must be paid under section 18(2) of the Act within the time for payment of that compensation under regulation 17(1)(a) or (d)(ii).

(5) Despite paragraphs (1), (2), (3) and (4), where the Commissioner directs an employer's insurer to pay any compensation to a relative of an employee under section 20 of the Act, the amount payable by the employer's insurer under section 18(2)(e) of the Act in respect of that direction must be paid within 21 days after that direction is made.

Funeral expenses

19. The maximum amount of funeral expenses of an employee that the Commissioner may pay under section 21(2)(b)(i) of the Act is \$400.

Time for application to set aside settlement order

20. An application to set aside a settlement order under section 51(3) of the Act must be made before the earlier of the following:

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- (a) the receipt of the whole or any part of the amount of compensation payable in accordance with the settlement order by the claimant;
 - (b) the 22nd day after the settlement order is made under section 51(2) of the Act.

Interest rate

21. The interest rate for the purposes of section 59(1) of the Act is —

- (a) 1% per month above the rate for a judgment debt — for the first 6 months; and
- (b) 2.6% per month above the rate for a judgment debt — after the first 6 months.

Lodgment with Public Trustee

22. Subject to section 58(4)(b) of the Act, money deposited with the Commissioner under the Act may be lodged with the Public Trustee to be held in trust for the person beneficially entitled to the money.

Fees

23.—(1) The fees payable to the Commissioner for the matters specified in the first column of the Second Schedule are as specified opposite in the second column.

(2) No fee is payable for any medical report that is attached to —

- (a) a notice of assessment issued by the Commissioner under section 48(1) of the Act;
- (b) a notice of assessment of additional compensation issued by the Commissioner under section 48(5) of the Act; or
- (c) a notice of computation issued by an employer's insurer under section 44(3) of the Act.

(3) Where a medical examination and medical report is required under section 57(2) of the Act in the determination of the amount of compensation payable under the Act in relation to one or more notices

of objection in a claim, the fee for that medical examination and medical report must be paid as follows:

- (a) by the person who submits the first such notice of objection;
- (b) within 7 days after being directed by the Commissioner to pay the fee.

Waiver of costs and fees

24. If the Commissioner is satisfied that any party to a pre-hearing conference or hearing is unable, by reason of poverty, to pay the costs or prescribed fees, the Commissioner may waive all or any of the costs or fees.

PART 6

MISCELLANEOUS

Application to principals

25. The Act and these Regulations apply to a principal given a direction under section 13(1) of the Act to fulfil the obligations of an employer in respect of an employee of a contractor, subject to the modifications in the Third Schedule.

Application to seafarers

26. The Act and these Regulations apply to a seafarer, subject to the modifications in the Fourth Schedule.

Service of notice or document

27.—(1) For the purposes of section 80(1) of the Act, a notice or document required or authorised to be served under the Act may be served —

- (a) in accordance with section 48A of the Interpretation Act 1965; or

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- (b) by transmitting it to an electronic mail address or electronic system, designated by the person to be served for service under the Act.
- (2) The following classes of persons are prescribed for the purposes of section 80(2) of the Act:
- (a) in relation to the service of a notice or document required to be served under the Act by the Commissioner:
- (i) a designated insurer or an employer's insurer;
 - (ii) an employer;
 - (iii) an employee of the employer;
 - (iv) a principal mentioned in section 13 of the Act;
 - (v) a representative of a person mentioned in sub-paragraph (i), (ii), (iii) or (iv) under section 43 of the Act;
- (b) in relation to the service of a notice or document required to be served under the Act by an employer's insurer:
- (i) an employer;
 - (ii) an employee of the employer;
 - (iii) a representative under section 43 of the Act of a person mentioned in sub-paragraph (i) or (ii).

Revocation and transitional provision

- 28.**—(1) The following Regulations are revoked:
- (a) the Work Injury Compensation Regulations (Cap. 354, Rg 1);
 - (b) the Work Injury Compensation (Fees) Regulations (Cap. 354, Rg 4);
 - (c) the Work Injury Compensation (Medical Board) Regulations (Cap. 354, Rg 6).
- (2) In relation to a claim against an employer insured under an existing policy mentioned in section 84(3) of the Act that (under section 84(3)(c)(i) of the Act) must be processed by the

Commissioner under section 36(2) of the Act, references in regulations 3, 6, 15, 18(1), (2), (3) and (5) and 27(2) and paragraph 1(b) of the Third Schedule to the employer's insurer apply as if they include references to the insurer who insures the employer under the existing policy.

FIRST SCHEDULE

Regulation 2

APPROVED MEDICAL INSTITUTIONS

1. Any private hospital or nursing home licensed under the Private Hospitals and Medical Clinics Act (Cap. 248)
2. Singapore National Eye Centre
3. National Skin Centre
4. National Cancer Centre
5. National Dental Centre
6. National Neuroscience Institute

SECOND SCHEDULE

Regulation 23(1)

FEES

<i>First column</i>	<i>Second column</i>
1. Supply of notes of evidence	
(a) for certified copy	\$3 per page
(b) for subsequent copy	40 cents per page
2. Supply of grounds of decision	
(a) for certified copy	\$10 per record
(b) for subsequent copy	\$5 per record
3. Copy of medical report	\$5 per copy
4. Copy of notice of accident	\$5 per copy
5. Medical examination and medical report from the Medical Board	The amount charged by the medical institution through which the medical

First column

Second column

examination and medical
report are provided.

THIRD SCHEDULE

Regulation 25

MODIFICATIONS APPLICABLE TO PRINCIPALS

1. The Commissioner may direct a principal under section 13(1) of the Act to fulfil the obligation of an employer under section 19(1) of the Act to make any payment for an employee in any of the following circumstances:

- (a) where a notice of computation or notice of assessment has the effect of an order of compensation against the employer — the claimant informs the Commissioner, within 35 days after the date of the notice of computation or notice of assessment (as the case may be), that the employer has not made payment in accordance with the order of compensation;
- (b) in any other case, the Commissioner is satisfied that the employer and the employer's insurer (if any) are unable to fulfil the employer's liability to pay any compensation under the Act.

2. Where the Commissioner makes a direction under section 13(1) of the Act against a principal, the Commissioner must —

- (a) hold a pre-hearing conference under section 52 of the Act for the claimant, employer, principal and any other person directed by the Commissioner to attend; and
- (b) issue a fresh notice of assessment to the principal and the claimant.

3. If the principal or the claimant wishes to object to the fresh notice of assessment, the principal or claimant (as the case may be) must give the Commissioner a notice of objection stating the grounds of the objection within 14 days after the date of the fresh notice of assessment.

FOURTH SCHEDULE

Regulation 26

MODIFICATIONS APPLICABLE TO SEAFARERS

1. Where an accident happens on board a ship and the incapacity of a seafarer injured in the accident (who is not the master of the ship) commences while the seafarer is on board the ship, the seafarer does not need to give any notice of the accident.

FOURTH SCHEDULE — *continued*

2. The seafarer's employer is deemed to have notice of an accident in respect of a seafarer (who is not the master of the ship) for the purposes of the Act when the master of the ship is informed of the accident or has knowledge of the accident by any other means.

3. Where the master of the ship or a seafarer injured in an accident has died, section 35(5) of the Act is modified by substituting the following provision:

“(5) Where the master of the ship or a seafarer injured in an accident has died, the claim under the Act in respect of the master or seafarer (as the case may be) is deemed to be withdrawn if the seafarer's employer does not have notice of the accident —

- (a) within 6 months after the news of the death is received by the person making the claim in respect of the master or seafarer;
or
- (b) where the ship has been or is deemed to have been lost with all hands, within 18 months after the date on which the ship was or is deemed to have been so lost.”.

Made on 28 August 2020.

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

[HQ/Legis/WICA/SL/Sep2020; AG/LEGIS/SL/354/2020/3 Vol. 1]