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No. S 992

WORKPLACE SAFETY AND HEALTH ACT
(CHAPTER 354A)

WORKPLACE SAFETY AND HEALTH
(COVID-19 SAFE WORKPLACE)
REGULATIONS 2021

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In exercise of the powers conferred by section 65(1) of the Workplace Safety and Health Act, the Minister for Manpower makes the following Regulations:

PART 1**PRELIMINARY****Citation and commencement**

1. These Regulations are the Workplace Safety and Health (COVID-19 Safe Workplace) Regulations 2021 and come into operation on 1 January 2022.

Scope of Regulations

2.—(1) These Regulations do not apply to or in relation to any place of residence of any of the following:

- (a) a self-employed person, an employer or a principal when and at which he or she is carrying on his or her trade, business, profession or undertaking;

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- (b) an employee of an employer when and at which the employee performs work in connection with his or her employer's trade, business, profession or undertaking;
 - (c) a worker of a principal when and at which the worker performs work in connection with his or her principal's trade, business, profession or undertaking.

(2) These Regulations do not apply to or in relation to any of the following whose work premises are defined premises:

- (a) any employer, and any employee of an employer;
- (b) any principal, and any worker of a principal;
- (c) any self-employed person.

[S 328/2022 wef 26/04/2022]

(3) For the purposes of paragraph (2), defined premises are any of the following:

- (a) a hospital or clinic, or other healthcare institution or facility for the reception, lodging, treatment or care of individuals requiring medical treatment;
- (b) an early childhood development centre specified in a licence granted under the Early Childhood Development Centres Act 2017 to operate the early childhood development centre;
- (c) a school in receipt of grant-in-aid under the Education (Grant-in-Aid) Regulations (Rg 3);
- (d) a school specified in paragraph 2 of the Schedule to the Compulsory Education (Exemption) Order (O 1);
- (e) a school specified in Part II of the Schedule to the Education Endowment and Savings Schemes (Edusave Pupils Fund) Regulations (Rg 1);
- (f) any of the following universities:
 - (i) National University of Singapore;
 - (ii) Nanyang Technological University;
 - (iii) Singapore Institute of Technology;

- (iv) Singapore Management University;
- (v) Singapore University of Social Sciences;
- (vi) Singapore University of Technology and Design.

(4) To avoid doubt, these Regulations do not apply to prevent or restrict —

- (a) the Government or any public body doing or omitting to do anything in the performance of any function, the exercise of any power or the discharge of any duty of the Government or public body (as the case may be) under law; or
- (b) any individual acting under the authority or direction of the Government or any public body in the performance of any function, the exercise of any power or the discharge of any duty of the Government or public body (as the case may be) under law.

Definitions

3.—(1) In these Regulations, unless the context otherwise requires —

“approved test” means any of the following tests carried out in Singapore in relation to an individual, the purpose of which is to test for the presence of SARS-CoV-2 in that individual:

- (a) a PCR test;
- (b) an antigen rapid test;

[Deleted by S 328/2022 wef 26/04/2022]

[Deleted by S 182/2022 wef 15/03/2022]

[Deleted by S 328/2022 wef 26/04/2022]

“Control Order” means any of the following subsidiary legislation:

- (a) the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020);

(b) the COVID-19 (Temporary Measures) (Foreign Employee Dormitories — Control Order) Regulations 2020 (G.N. No. S 781/2020);

(c) the COVID-19 (Temporary Measures) (Reopening — Control Order) Regulations 2022 (G.N. No. S 179/2022);

[S 182/2022 wef 15/03/2022]

(d) *[Deleted by S 182/2022 wef 15/03/2022]*

(e) *[Deleted by S 182/2022 wef 15/03/2022]*

(f) *[Deleted by S 182/2022 wef 15/03/2022]*

“COVID-19” means the infectious disease known as Coronavirus Disease 2019;

“movement control measure” has the meaning given by paragraph (2);

“occupy”, in relation to any premises or part of any premises, includes the use, temporarily or otherwise, of the premises or part thereof for the purpose of any trade, business, profession or undertaking of the occupier;

“open-air area” has the meaning given by regulation 2(1) of the COVID-19 (Temporary Measures) (Reopening — Control Order) Regulations 2022;

[S 227/2022 wef 29/03/2022]

“PCR test” means a polymerase chain reaction test carried out in Singapore in relation to an individual, the purpose of which is to test for the presence of SARS-CoV-2 in that individual;

“place of residence”, for an individual, means —

(a) a house or flat in Singapore that is the individual’s home in Singapore; or

(b) any other premises in Singapore that the individual is ordinarily resident at when in Singapore, such as a room, or a partitioned-off space for sleeping, that is —

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- (i) in a hotel, hostel, guesthouse, serviced apartment or student dormitory in Singapore; or
 - (ii) in any other premises in Singapore that provides sleeping facilities and residential accommodation (whether or not other accommodation is also provided),

but not any of the following premises:

- (c) any hospital or nursing home;
- (d) any boarding premises that is the subject of a licence under the Foreign Employee Dormitories Act 2015 or is providing accommodation to 7 or more foreign employees, including any place converted (temporarily or otherwise) for use as accommodation for 7 or more foreign employees;
- (e) any prison where an individual is incarcerated to serve a sentence of imprisonment, any other place where a prisoner may serve his or her sentence of imprisonment outside of a prison;
- (f) any premises for the purposes of detaining individuals serving orders of detention under any written law, whether or not for their rehabilitation or safety;

[Deleted by S 328/2022 wef 26/04/2022]

“work premises”, in relation to an employer, a principal or a self-employed person, means any premises —

- (a) that the employer, principal or self-employed person (as the case may be) occupies for the purpose of any trade, business, profession or undertaking of the

employer, principal or self-employed person, as the case may be; or

- (b) in which an employee of the employer or a worker of the principal, or the self-employed person (as the case may be) ordinarily performs or carries out work for the purpose of any trade, business, profession or undertaking of the employer, principal or self-employed person,

and includes any canteen or recreational facility which is comprised in or adjacent to the work premises and is provided for use solely by employees or workers or both, and no others;

“worker”, in relation to a principal, means an individual who is —

- (a) a contractor engaged by the principal otherwise than under a contract of service;
- (b) a direct or an indirect subcontractor engaged by a contractor mentioned in paragraph (a); or
- (c) an employee employed by such a contractor or subcontractor in paragraph (a) or (b),

when working under the direction of the principal as to the manner in which the work is carried out.

(2) In these Regulations, an individual is regarded as subject to a movement control measure if the individual is subject to a requirement that the individual must not leave any place because of —

- (a) an order made under regulation 3(1) of the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020 (G.N. No. S 182/2020); or

[S 79/2022 wef 07/02/2022]

- (b) *[Deleted by S 79/2022 wef 07/02/2022]*

- (c) an order under section 15 or 17 of the Infectious Diseases Act 1976 relating to COVID-19.

- (3) *[Deleted by S 328/2022 wef 26/04/2022]*

(4) [Deleted by S 328/2022 wef 26/04/2022]

(5) In reckoning a period for the purposes of these Regulations, days must be counted consecutively, whether or not a public holiday.

(6) [Deleted by S 328/2022 wef 26/04/2022]

4. [Deleted by S 328/2022 wef 26/04/2022]

5. [Deleted by S 328/2022 wef 26/04/2022]

PART 2

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PART 3

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PART 4

WORKPLACE SAFE MANAGEMENT MEASURES

Division 1 — Employees' and workers' duties

Notice to employer or principal of becoming diagnosed person

16.—(1) An employee, or a worker of a principal, who becomes a diagnosed person must take all reasonably practical steps to notify, without delay after becoming aware that he or she is a diagnosed person, his or her employer or the principal (as the case may be) of any work premises which the employee or worker has attended in the relevant period about all notifiable matters relating to the employee or worker.

(2) For the purposes of this regulation and regulation 24, an individual is or becomes a diagnosed person if the individual is informed, at any time on or after 1 January 2022, that he or she —

(a) is or becomes subject to a movement control measure;

(b) tests positive for SARS-CoV-2 upon undergoing an approved test in Singapore, whether or not the individual

is or has been given an order under section 15(1) or (2) of the Infectious Diseases Act 1976 relating to COVID-19; or

- (c) is diagnosed as having a COVID-19 infection, whether or not the individual is or has been given an order under section 15(1) or (2) of the Infectious Diseases Act 1976 relating to COVID-19.

(3) The notifiable matters relating to an employee or a worker for the purposes of paragraph (1) are as follows:

- (a) the full name and identification number of the employee or worker who is or has become a diagnosed person;
- (b) the date that the employee or worker —
- (i) became subject to a movement control measure;
 - (ii) tested positive for SARS-CoV-2 upon undergoing a PCR test or an antigen rapid test in Singapore; or
 - (iii) was diagnosed as having a COVID-19 infection,
- whichever is applicable;
- (c) the work premises which the employee or worker had attended in the relevant period where the individual —
- (i) tested positive for SARS-CoV-2 upon undergoing a PCR test in Singapore; or
 - (ii) was diagnosed as having a COVID-19 infection.

(4) For the purposes of this regulation and regulation 24, the relevant period applicable to an employee or a worker who becomes a diagnosed person means —

- (a) in the case where he or she is a diagnosed person because of having been tested positive for SARS-CoV-2 upon undergoing a PCR test in Singapore — a period of 7 days before the date on which he or she so tested positive for SARS-CoV-2 and ending on the day that he or she so tested positive for SARS-CoV-2; or
- (b) in the case where he or she is a diagnosed person because of having been diagnosed as having a COVID-19

infection — a period of 7 days before the date on which he or she was so diagnosed and ending on the day he or she was so diagnosed.

(5) To avoid doubt —

- (a) paragraph (1) applies even if a PCR test result or an antigen rapid test result is or may be subsequently determined to be an atypical finding for SARS-CoV-2; and
- (b) a relevant period can consist of any time falling before 1 January 2022.

Extended meaning of “employee”, etc., for regulation 16 notice

17. Where an employer or a principal is a partnership or an unincorporated association (other than a partnership), any reference in regulation 16 —

- (a) to an employee or a worker includes a reference (as the case may be) to —
 - (i) a partner of the partnership; or
 - (ii) the president, secretary or any member of the committee of the unincorporated association; and
- (b) to the employer or principal includes a reference (as the case may be) to —
 - (i) any other partner of the partnership; or
 - (ii) any other member of the committee of the unincorporated association.

Mask wearing by individuals

17A.—(1) An individual (whether or not he or she is an employer or employee, a worker, principal or self-employed) must wear a mask when performing work or carrying out any undertaking at a workplace that is neither —

- (a) the individual’s place of residence; nor
- (b) an open-air area.

(2) However, paragraph (1) does not apply in any of the following circumstances:

- (a) where the nature of the individual's work is such that wearing a mask creates a risk to his or her health and safety;
- (b) when the individual —
 - (i) is in an area of the workplace which is not used and not likely to be used by any customer or prospective customer of the employer or principal, or any other individual who is not an employee or worker at work (or any of them in combination), or by any of those individuals to move through the workplace; and
 - (ii) is not interacting in person with another individual present in that area;
- (c) where the individual is authorised under any Control Order to not wear a mask.

[S 328/2022 wef 26/04/2022]

Division 2 — Employers' and principals' duties

Mask wearing

18.—(1) An employer and a principal must each take, so far as is reasonably practicable, such measures as are necessary to ensure that every employee of the employer, and every worker of the principal, respectively, wears a mask when at work in any of the employer's or principal's work premises that is not an open-air area unless —

- (a) the nature of the employee's work or worker's work (as the case may be) is such that wearing a mask creates a risk to his or her health and safety;
- (b) the employee or worker (as the case may be) is authorised under any Control Order to not wear a mask; or

[S 328/2022 wef 26/04/2022]

[S 328/2022 wef 26/04/2022]

- (c) the employee or worker (as the case may be) is —
- (i) in an area of the work premises which is not used and not likely to be used by any customer or prospective customer of the employer or principal, or any other individual who is not an employee or worker at work (or any of them in combination), or by any of those individuals to move through the work premises; and
 - (ii) not interacting in person with another individual present in that area.

[S 328/2022 wef 26/04/2022]

[S 227/2022 wef 29/03/2022]

(2) An occupier of any work premises must take, so far as is reasonably practicable, such measures as are necessary to ensure that every individual who —

- (a) enters or remains in the work premises in connection with any trade, business, profession or undertaking the occupier is carrying on at those work premises; but
- (b) is not a customer or prospective customer of the occupier of the work premises,

wears a mask when at work in any of the principal's work premises that is not an open-air area unless the individual is authorised under any Control Order to not wear a mask.

[S 227/2022 wef 29/03/2022]

19. *[Deleted by S 328/2022 wef 26/04/2022]*

20. *[Deleted by S 227/2022 wef 29/03/2022]*

21. *[Deleted by S 182/2022 wef 15/03/2022]*

Contact tracing and entry controls

22.—(1) *[Deleted by S 328/2022 wef 26/04/2022]*

(2) *[Deleted by S 328/2022 wef 26/04/2022]*

(3) An employer or a principal must refuse entry to, and must not allow to remain in, any workplace that is in the work premises of the employer or principal (as the case may be) —

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- (a) any employee of the employer whom the employer reasonably believes to be subject to a movement control measure; or
 - (b) any worker of the principal whom the principal reasonably believes to be subject to a movement control measure.
- (4) *[Deleted by S 328/2022 wef 26/04/2022]*
23. *[Deleted by S 182/2022 wef 15/03/2022]*

Responding to case of infection in work premises

24. As soon as practicable after becoming aware that —

- (a) an employee or a worker is a diagnosed person; and
- (b) the employee or worker has attended any work premises of the employer or principal in the relevant period,

the employer of the employee or the principal of the worker (as the case may be) must take, so far as is reasonably practicable, such measures as are necessary to manage the risk posed by the diagnosed person with respect to individuals present in, and to reduce the risk of spreading SARS-CoV-2 at, those work premises.

Policies and procedures to ensure compliance at work premises

25. An employer and a principal must each take, so far as is reasonably practicable, such measures as are necessary —

- (a) to establish and apply appropriate internal policies and procedures and adequate controls —
 - (i) to monitor and ensure the compliance by the employer or principal and their respective employees and workers with the requirements in these Regulations and the Control Orders and to remedy without delay any instances of such non-compliance; and

[S 328/2022 wef 26/04/2022]

- (ii) to regularly assess and identify the risks of transmission of COVID-19 that may arise in relation to all activities engaged in by customers,

prospective customers, employees and workers at the work premises of the employer or principal, and to mitigate that risk from those activities identified as presenting a higher risk of the transmission of COVID-19; and

[S 328/2022 wef 26/04/2022]

- (b) to appoint at least one individual as a Safe Management Officer (with such assistants as may be needed) to effectively perform the duties mentioned in paragraph (a).

Communication to employees and workers

26. An employer and a principal must each take, so far as is reasonably practicable, such measures as are necessary, to ensure that all their employees and workers are aware of —

- (a) the arrangements, steps or other measures (which may include training) adopted and applied by the employer or principal —
- (i) to comply with these Regulations; and
 - (ii) to address the health and safety issues arising from COVID-19 at the work premises of the employer or principal; and

[S 328/2022 wef 26/04/2022]

- (b) the duties mentioned in regulations 16, 17 and 17A.

[S 328/2022 wef 26/04/2022]

- (c) *[Deleted by S 328/2022 wef 26/04/2022]*

[S 328/2022 wef 26/04/2022]

Application to sole proprietors, partners, etc.

27. Where an employer or a principal is a sole proprietor or a partnership, a corporation or an unincorporated association (other than a partnership), this Part applies, with the necessary modifications, to each of the following individuals when at work, whether or not in the work premises of the employer or principal, as if he or she were an employee of the employer or a worker of the principal:

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- (a) the sole proprietor and every partner of the partnership, whether or not he or she is also a visitor to the work premises;
 - (b) every director, partner, chief executive, manager, secretary or other similar officer of the corporation, whether or not he or she is also a visitor to the work premises;
 - (c) the president, the secretary, or any member of the committee of the unincorporated association, whether or not he or she is also a visitor to the work premises.

PART 5

OFFENCES

Offence concerning non-reporting by diagnosed person

28.—(1) Where any notice which is required by regulation 16 to be given by an employee or a worker to his or her employer or principal is not given within the time delimited under that regulation, the employee or worker in default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000.

(2) This regulation does not apply if the employee or worker concerned has a reasonable excuse.

29. [*Deleted by S 328/2022 wef 26/04/2022*]

Offence of non-compliance with safe management measures

30.—(1) An individual who, without reasonable excuse, contravenes regulation 17A(1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[*S 328/2022 wef 26/04/2022*]

(2) An employer or a principal who fails to comply with regulation 18(1), 24, 25 or 26 shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[S 182/2022 wef 15/03/2022]

[S 227/2022 wef 29/03/2022]

[S 328/2022 wef 26/04/2022]

(3) An occupier who fails to comply with regulation 18(2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

[S 182/2022 wef 15/03/2022]

[S 328/2022 wef 26/04/2022]

Made on 28 December 2021.

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

[AG/LEGIS/SL/354A/2020/4 Vol. 1]

(To be presented to Parliament under section 65(8) of the Workplace Safety and Health Act).