

 **香港外傭代理同業公會有限公司**
Association of Hong Kong Agencies for Migrant Workers Limited

(Incorporated as Non Profit Organization under the Laws of Hong Kong)

Shop 9A, La Fontaine 6 Chui Lok Street, Tai Po, N.T. Hong Kong

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11 February, 2014

Dear Sir

We are delighted to hear that Panel on Manpower, Legislative Council plans for a special conference to collect suggestions pertaining to the policy for Foreign Domestic Helper and regulations of employment agency.

As seasoned operators in the employment agency for foreign domestic helper, we have the following suggestions and to urge for a comprehensive review of the policy for foreign domestic helper such that the objective of any relevant legislation should be to protect the employer and the foreign domestic helpers.

(A) Regulating Employment Agency for Foreign Domestic Helpers

We believed that an amendment to the Hong Kong Laws, Cap 57A, Employment Ordinance, is in order, and that such amendment should reflect the need for the additional conditions to be satisfied for a subtype of an employment agency license specifically for the recruitment of foreign domestic helpers. As for the additional conditions, suggestions are as follows:

- a) The licensed employment agency for foreign domestic helpers must have the necessary knowledge in labour laws, immigration regulations and general legal knowledge.

(B) Protecting the employers

- a) Employer acts as a sponsor in the employment of the foreign domestic helpers. With mutual consent, the employer should be allowed to keep the helper's work visa. (It was reported that there was a domestic helper ran away which was found when employer after work.)
- b) For the foreign domestic helpers whose contracts have been terminated prematurely, the period of which they are allowed to stay should be dependant on the employer's arrangement of the return flights and should not exceed 14 days.

(C) Protecting the foreign domestic helpers

- a) A provision of accommodation for the foreign domestic helpers as temporary housing if necessary.
- b) The employment of counselors from relevant nationality and culture, understanding and communicating in their language to provide counseling, advisory and translation services for the foreign domestic helpers. Visit the helper while in hospital or in prison. Offering help to labour case or court case.
- c) Regular contact with the foreign domestic helpers and the provision of assistance when needed. Such correspondence and meetings should be documented. Under the present legal responsibility, Employment Agency does not have the rights to contact
- d) the Helper after report to employer. Domestic helpers usually are not allowed to contact employment agency by the bad employer.
- e) Communications should be freely for external contact in reasonable time and reasonable situation.

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- f) Foreign domestic helper entered to Hong Kong with condition of stay. They should change their status of stay if they wish to give birth. Due to most of household chores might caused danger to pregnant mother, such as, climb up to clean windows, change bed sheet, move furniture, squat down to mop the floor, take care of active child, take care of disabled or elderly and so on.
- g) It is suggested that gratuity will be paid for finish contract instead of long service and severance payments as they are not applicable to foreign domestic helpers. Mandatory Provident Fund and long service payment offset one another. It is unclear why foreign domestic helpers are excluded from MPF and yet long service payment is required. Moreover, domestic helpers are not entitled to the long severance payment; as some of the employers unwilling to renew second contract to avoid the long severance payment. Gratuity will encourage the domestic helpers to complete their contract which can be alleviated the increasing seriously domestic helpers quit case.
- h) As all knew that the scarcity problem of land in Hong Kong, people are living in overcrowded high density environment. "It is hard to live together even good friend" and the culture difference cause conflict. It is suggested to delete the living with employer restriction policy that conflict can be reduced. (related measure will be taken to prevent the living place will be become another household)
- i) In the event of employment termination, a witness from the employment agency should accompany the helper to ensure that the employer has paid all salary, holidays, return flight and etc.
- j) Employer should notify the flight details to the agency prior the departure of foreign domestic helpers including short trips within a reasonable time.

We hereby enclose the followings from Singapore for your reference.

- a) Employment Act –Cap 91
- b) Employment of Foreign Manpower Act –Cap 91A
- c) Work Permit (Foreign Domestic Worker)-Employer Guidelines
- d) Standard Employment Contract between Foreign Domestic Worker and Employer

Yours sincerely

For and on behalf of
THE ASSOCIATION OF HONG KONG AGENCIES FOR MIGRANT WORKERS LIMITED
香港外傭代理同業公會有限公司

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Authorized Signature(s)

Subsidiary:



Madagascar Agences de L'emploi Association Limited
<http://madagascar-hk.com>



Association of Myanmar Employment Agencies Limited
<http://myanmar-hk.org>

EMPLOYMENT ACT (CHAPTER 91)

(Original Enactment: Act 17 of 1968)

REVISED EDITION 2009

(31st July 2009)

An Act relating to employment.

[15th August 1968]

PART I PRELIMINARY

Short title

1. This Act may be cited as the Employment Act.

Interpretation

2. —

(1) In this Act, unless the context otherwise requires —

“approved medical institution” means a hospital, clinic, healthcare establishment or other medical institution which the Minister, by notification in the *Gazette*, declares as an approved medical institution*;

* See section 48(1) of the Employment (Amendment) Act 2008 (Act 32 of 2008).

“basic rate of pay” means the total amount of money (including wage adjustments and increments) to which an employee is entitled under his contract of service either for working for a period of time, that is, for one hour, one day, one week, one month or for such other period as may be stated or implied in his contract of service, or for each completed piece or task of work but does not include —

(a) additional payments by way of overtime payments;

(b) additional payments by way of bonus payments or annual wage supplements;

(c) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;

(d) productivity incentive payments; and

(e) any allowance however described;

“collective agreement” means an agreement as defined under the [Industrial Relations Act \(Cap. 136\)](#);

“confinement” means the delivery of a child;

“constructional contractor” means any person, firm, corporation or company who or which is established for the purpose of undertaking, either exclusively or in addition to or in conjunction with any other business, any type of constructional work, and who or which is carrying out the constructional work for or on behalf of some other person under a contract entered into by him or them with such other person, and includes his or their heirs, executors, administrators, assigns and successors;

“constructional work” means any building and civil engineering work and includes repair, maintenance, alteration and demolition work;

“contract of service” means any agreement, whether in writing or oral, express or implied, whereby one person agrees to employ another as an employee and that other agrees to serve his employer as an employee and includes an apprenticeship contract or agreement;

“contractor” means any person who contracts with a principal to supply labour or to carry out the whole or any part of any work undertaken by the principal in the course of or for the purposes of the principal’s trade or business;

“day” means a period of 24 hours beginning at midnight;

“dependant” means any of the following members of an employee’s family, namely, wife, husband, father, mother, child and any adopted or illegitimate child living with or dependent on him;

“dismiss” means the termination of the contract of service of an employee by his employer, with or without notice and whether on the grounds of misconduct or otherwise;

“domestic worker” means any house, stable or garden servant or motor car driver, employed in or in connection with the domestic services of any private premises;

“employee” means a person who has entered into or works under a contract of service with an employer and includes a workman, and any officer or employee of the Government included in a

category, class or description of such officers or employees declared by the President to be employees for the purposes of this Act or any provision thereof, but does not include —

(a) any seaman;

(b) any domestic worker;

(c) subject to [subsection \(2\)](#), any person employed in a managerial or an executive position; and

(d) any person belonging to any other class of persons whom the Minister may, from time to time by notification in the *Gazette*, declare not to be employees for the purposes of this Act;

“employer” means any person who employs another person under a contract of service and includes —

(a) the Government in respect of such categories, classes or descriptions of officers or employees of the Government as from time to time are declared by the President to be employees for the purposes of this Act;

(b) any statutory authority;

(c) the duly authorised agent or manager of the employer; and

(d) the person who owns or is carrying on or for the time being responsible for the management of the profession, business, trade or work in which the employee is engaged;

“gross rate of pay” means the total amount of money including allowances to which an employee is entitled under his contract of service either for working for a period of time, that is, for one hour, one day, one week, one month or for such other period as may be stated or implied in his contract of service, or for each completed piece or task of work but does not include —

(a) additional payments by way of overtime payments;

(b) additional payments by way of bonus payments or annual wage supplements;

(c) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;

(d) productivity incentive payments; and

(e) travelling, food or housing allowances;

“hours of work” means the time during which an employee is at the disposal of the employer and is not free to dispose of his own time and movements exclusive of any intervals allowed for rest and meals;

“industrial undertaking” means public and private undertakings and any branch thereof and includes particularly —

(a) mines, quarries and other works for the extraction of minerals from the earth;

(b) undertakings in which articles are manufactured, assembled, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, or in the generation, transformation or transmission of electricity or motive power of any kind;

(c) undertakings engaged in constructional work; and

(d) undertakings engaged in the transport of passengers or goods by road, rail, sea, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports;

“inspecting officer” means any person appointed as an inspecting officer under [section 3\(2\)](#);

“machinery” includes all oil engines, gas engines, steam engines and any other machines in which mechanical movement, either linear or rotated or both, takes place, steam boilers, gas cylinders, air receivers, steam receivers, steam containers, cast iron underfired vulcanizers, refrigerating plants, pressure receivers, all appliances for the transmission of power by ropes, belts, chains, driving straps or bands or gearing, electrical generators and electrical motors;

“medical officer” means —

(a) a dentist registered under the [Dental Registration Act \(Cap. 76\)](#), or a medical practitioner, employed by the Government or by an approved medical institution; or

(b) any other medical practitioner whom the Minister, by notification in the *Gazette*, declares as a medical officer;

“medical practitioner” means a medical practitioner registered under the [Medical Registration Act \(Cap. 174\)](#);

“overtime” means the number of hours worked in any one day or in any one week in excess of the limits specified in [Part IV](#);

“place of employment” means any place provided by the employer where work is carried on, for or on behalf of an employer, by an employee;

“principal” means any person who, in the course of or for the purposes of his trade or business, contracts with a contractor for the supply of labour or for the execution by the contractor of the whole or any part of any work undertaken by the principal;

“productivity incentive payment” means a variable payment, whether made annually or otherwise, to an employee as a reward for —

(a) an improvement to the employee’s performance; or

(b) an increase in the employee’s productivity or contribution to the employer’s business, trade or undertaking,

but does not include any payment which forms part of the employee’s regular remuneration;

“quarters” means any building provided or intended to be provided for a workman to live in either temporarily or permanently and includes any room or building used or intended to be used whether communally or privately for the purposes of cooking, eating, washing or bathing and any latrines and urinals;

“salary” means all remuneration including allowances payable to an employee in respect of work done under his contract of service, but does not include —

(a) the value of any house accommodation, supply of electricity, water, medical attendance, or other amenity, or of any service excluded by general or special order of the Minister published in the *Gazette*;

(b) any contribution paid by the employer on his own account to any pension fund or provident fund;

(c) any travelling allowance or the value of any travelling concession;

(d) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;

(e) any gratuity payable on discharge or retirement; and

(f) any retrenchment benefit payable on retrenchment;

“subcontractor” means any person who contracts with a contractor for the supply of labour or for the execution by the subcontractor of the whole or any part of any work undertaken by the contractor for his principal, and includes any person who contracts with a subcontractor to supply labour or to carry out the whole or any part of any work undertaken by the subcontractor for a contractor;

“subcontractor for labour” means any person who contracts with a contractor or subcontractor to supply the labour required for the execution of the whole or any part of any work a contractor or subcontractor has contracted to carry out for a principal or contractor, as the case may be;

“wages” means salary;

“week” means a continuous period of 7 days;

“workman” means —

(a) any person, skilled or unskilled, who has entered into a contract of service with an employer in pursuance of which he is engaged in manual labour, including any artisan or apprentice, but excluding any seaman or domestic worker;

(b) any person, other than clerical staff, employed in the operation or maintenance of mechanically propelled vehicles used for the transport of passengers for hire or for commercial purposes;

(c) any person employed partly for manual labour and partly for the purpose of supervising in person any workman in and throughout the performance of his work:

Provided that when any person is employed by any one employer partly as a workman and partly in some other capacity or capacities, that person shall be deemed to be a workman unless it can be established that the time during which that workman has been required to work as a workman in any one salary period as defined in [Part III](#) has on no occasion amounted to or exceeded one-half of the total time during which that person has been required to work in such salary period;

(d) any person specified in [the First Schedule](#);

(e) any person whom the Minister may, by notification in the *Gazette*, declare to be a workman for the purposes of this Act.

[21/84; 36/95; 41/2004; 32/2008]

(2) Any person employed in a managerial or an executive position who is in receipt of a salary not exceeding \$4,500 a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described), or such other amount as may be prescribed by the Minister, shall be regarded as an employee for the purposes of —

(a) [sections 20, 20A, 21, 22, 23](#) (read with [section 10](#) or [11](#), as the case may be), 24, 25 and 34 and [Parts XII to XVI](#) (read with the Second and Third Schedules); and

(b) such other provisions of this Act as the Minister may, by regulations, specify, and those provisions shall apply in relation to that person subject to such modification as may be prescribed.

[32/2008]

[36/2010 wef 01/02/2011]

Appointment of officers

3.—

(1) The Minister may appoint an officer to be styled the Commissioner for Labour (referred to in this Act as the Commissioner) and also one or more officers to be styled Deputy Commissioner for Labour, Principal Assistant Commissioner for Labour or Assistant Commissioner for Labour, who, subject to such limitations as may be prescribed, may perform all duties imposed and exercise all powers conferred on the Commissioner by this Act, and every duty so performed and power so exercised shall be deemed to have been duly performed and exercised for the purposes of this Act.

(2) The Minister may appoint such number of inspecting officers and other officers as he may consider necessary or expedient for the purposes of this Act.

[21/84]

Rules and orders

4. The Minister may from time to time make rules and orders for the conduct of the duties of officers under this Act.

Minister may restrict application

5. The Minister may, by notification in the *Gazette*, declare that this Act or any Part or provisions thereof shall not apply to any premises or class of premises specified in the notification.

Existing law not affected

6. Nothing in this Act shall operate to relieve any employer of any duty or liability imposed upon him by the provisions of any other written law for the time being in force or to limit any powers given to any public officer by any other written law.

Invalidity of contract of service

7. [Repealed by Act 32 of 2008]

PART II CONTRACTS OF SERVICE

Illegal terms of contract of service

8. Every term of a contract of service which provides a condition of service which is less favourable to an employee than any of the conditions of service prescribed by this Act shall be illegal, null and void to the extent that it is so less favourable.

[32/2008]

Termination of contract

9.—

(1) A contract of service for a specified piece of work or for a specified period of time shall, unless otherwise terminated in accordance with the provisions of this Part, terminate when the work specified in the contract is completed or the period of time for which the contract was made has expired.

(2) A contract of service for an unspecified period of time shall be deemed to run until terminated by either party in accordance with the provisions of this Part.

Notice of termination of contract

10.—

(1) Either party to a contract of service may at any time give to the other party notice of his intention to terminate the contract of service.

(2) The length of such notice shall be the same for both employer and employee and shall be determined by any provision made for the notice in the terms of the contract of service, or, in the absence of such provision, shall be in accordance with [subsection \(3\)](#).

(3) The notice to terminate the service of a person who is employed under a contract of service shall be not less than —

(a) one day's notice if he has been so employed for less than 26 weeks;

(b) one week's notice if he has been so employed for 26 weeks or more but less than 2 years;

(c) 2 weeks' notice if he has been so employed for 2 years or more but less than 5 years; and

(d) 4 weeks' notice if he has been so employed for 5 years or more.

(4) This section shall not be taken to prevent either party from waiving his right to notice on any occasion.

(5) Such notice shall be written and may be given at any time, and the day on which the notice is given shall be included in the period of the notice.

Termination of contract without notice

11.—

(1) Either party to a contract of service may terminate the contract of service without notice or, if notice has already been given in accordance with [section 10](#), without waiting for the expiry of that notice, by paying to the other party a sum equal to the amount of salary at the gross rate of pay which would have accrued to the employee during the period of the notice and in the case of a monthly-rated employee where the period of the notice is less than a month, the amount payable for any one day shall be the gross rate of pay for one day's work.

[21/84; 36/95]

(2) Either party to a contract of service may terminate the contract of service without notice in the event of any wilful breach by the other party of a condition of the contract of service.

[21/84; 36/95]

Contractual age

12.—

(1) Notwithstanding anything in any other written law, a person below the age of 18 years shall, subject to the provisions of this Act, be competent to enter into a contract of service.

(2) No contract of service as an employee shall be enforceable against a person below the age of 18 years and no damages or indemnity shall be recoverable from that person in respect of the contract of service unless it is for his benefit.

When contract deemed to be broken by employer and employee

13.—

(1) An employer shall be deemed to have broken his contract of service with the employee if he fails to pay salary in accordance with [Part III](#).

(2) An employee shall be deemed to have broken his contract of service with the employer if he has been continuously absent from work for more than 2 days —

(a) without prior leave from his employer or without reasonable excuse; or

(b) without informing or attempting to inform his employer of the excuse for such absence.

Misconduct of employee

14.—

(1) An employer may after due inquiry dismiss without notice an employee employed by him on the grounds of misconduct inconsistent with the fulfilment of the express or implied conditions of his service except that instead of dismissing an employee an employer may —

(a) instantly down-grade the employee; or

(b) instantly suspend him from work without payment of salary for a period not exceeding one week.

(2) Notwithstanding [subsection \(1\)](#), where an employee considers that he has been dismissed without just cause or excuse by his employer, he may, within one month of the dismissal, make representations in writing to the Minister to be reinstated in his former employment.

(3) The Minister may, before making a decision on any such representations, by writing under his hand request the Commissioner to inquire into the dismissal and report whether in his opinion the dismissal is without just cause or excuse.

(4) If, after considering the report made by the Commissioner under [subsection \(3\)](#), the Minister is satisfied that the employee has been dismissed without just cause or excuse, he may, notwithstanding any rule of law or agreement to the contrary —

(a) direct the employer to reinstate the employee in his former employment and to pay the employee an amount that is equivalent to the wages that the employee would have earned had he not been dismissed by the employer; or

(b) direct the employer to pay such amount of wages as compensation as may be determined by the Minister,

and the employer shall comply with the direction of the Minister.

(5) The decision of the Minister on any representation made under this section shall be final and conclusive and shall not be challenged in any court.

(6) Any direction of the Minister under [subsection \(4\)](#) shall operate as a bar to any action for damages by the employee in any court in respect of the wrongful dismissal.

(7) An employer who fails to comply with the direction of the Minister under [subsection \(4\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[32/2008]

(7A) Where any amount to be paid by an employer under [subsection \(4\)](#) is not paid in accordance with the direction of the Minister and the employer has been convicted of an offence under [subsection \(7\)](#), the amount or so much thereof as remains unpaid shall be recoverable by the court as if it were a fine and the amount so recoverable shall be paid to the employee entitled to payment under the direction of the Minister.

[36/95]

(8) For the purpose of an inquiry under [subsection \(1\)](#), the employer may suspend the employee from work for a period not exceeding one week but shall pay him not less than half his salary for such period.

(9) If the inquiry does not disclose any misconduct on the part of the employee, the employer shall immediately restore to the employee the full amount of the salary so withheld.

Termination by employee threatened by danger

15. An employee may terminate his contract of service with his employer without notice where he or his dependant is immediately threatened by danger to the person by violence or disease such as the employee did not by his contract of service undertake to run.

Liability on breach of contract

16. Subject to anything in the contract of service to the contrary, the party who breaks the contract of service shall be liable to pay to the other party a sum equal to the amount he would have been liable to pay under [section 11](#) had he terminated the contract of service without notice or with insufficient notice.

Contract of service not to restrict rights of employees to join, participate in or organise trade unions

17. Subject to any other written law for the time being in force, nothing in any contract of service shall in any way restrict the right of any employee who is a party to such contract —

(a) to join a registered trade union;

(b) to participate in the activities of a registered trade union, whether as an officer of the trade union or otherwise; or

(c) to associate with any other persons for the purpose of organising a trade union in accordance with the provisions of the [Trade Unions Act \(Cap. 333\)](#).

Change of employer

18. —

(1) If by or under any written law a contract of employment between any body corporate and an employee is modified and some other body corporate is substituted as the employer, the employee's period of employment at the time when the modification takes effect shall count as a period of employment with such other body corporate, and the change of employer shall not break the continuity of the period of employment.

[36/95; 32/2008]

(2) If on the death of an employer the employee is taken into the employment of the personal representatives or trustees of the deceased, the employee's period of employment at the time of the death shall count as a period of employment with the employer's personal representatives or trustees, and the death of the employer shall not break the continuity of the period of employment.

[36/95]

(3) If there is a change in the partners, personal representatives or trustees who employ any person, the employee's period of employment at the time of the change shall count as a period of employment with the partners, personal representatives or trustees after the change, and the change shall not break the continuity of the period of employment.

[36/95]

Transfer of employment

18A.—

(1) If an undertaking (whether or not it is an undertaking established by or under any written law) or part thereof is transferred from one person to another —

(a) such transfer shall not operate to terminate the contract of service of any person employed by the transferor in the undertaking or part transferred but such contract of service shall have effect after the transfer as if originally made between the person so employed and the transferee; and

(b) the period of employment of an employee in the undertaking or part transferred at the time of transfer shall count as a period of employment with the transferee, and the transfer shall not break the continuity of the period of employment.

[36/95]

(2) Without prejudice to [subsection \(1\)](#), on completion of a transfer referred to in that subsection —

(a) all the transferor's rights, powers, duties and liabilities under or in connection with any such contract of service shall be transferred by virtue of this section to the transferee;

(b) any act or omission done before the transfer by the transferor in respect of that contract of service shall be deemed to have been done by the transferee; and

(c) any act or omission done before the transfer by an employee employed in the undertaking or part transferred in relation to the transferor shall be deemed to have been done in relation to the transferee.

[36/95]

(3) On the completion of a transfer referred to in [subsection \(1\)](#), it is hereby declared for the avoidance of doubt that the terms and conditions of service of an employee whose contract of service is preserved under that subsection shall be the same as those enjoyed by him immediately prior to the transfer.

[36/95]

(4) [Subsections \(1\)](#) and [\(2\)](#) shall not transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence.

[36/95]

(5) As soon as it is reasonable and before a transfer under [subsection \(1\)](#) takes place, to enable consultations to take place between the transferor and the affected employees and between the transferor and a trade union of affected employees (if any), the transferor shall notify the affected employees and the trade union of affected employees (if any) of —

(a) the fact that the transfer is to take place, the approximate date on which it is to take place and the reasons for it;

(b) the implications of the transfer and the measures that the transferor envisages he will, in connection with the transfer, take in relation to the affected employees or, if he envisages that no measures will be so taken, that fact; and

(c) the measures that the transferee envisages he will, in connection with the transfer, take in relation to such of those employees as, by virtue of [subsection \(1\)](#), become employees of the transferee after the transfer or, if he envisages that no measures will be so taken, that fact.

[36/95]

(6) As soon as it is reasonable, the transferee shall give the transferor such information so as to enable the transferor to perform the duty imposed on him by virtue of [subsection \(5\)\(c\)](#).

[36/95]

(7) Where the Commissioner considers that there has been an inordinate delay —

(a) by the transferor in notifying the affected employees or a trade union of affected employees of the matters set out in [subsection \(5\)](#); or

(b) by the transferee in notifying the transferor of the information set out in [subsection \(6\)](#), the Commissioner may, by notice in writing, direct the transferor to comply with [subsection \(5\)](#) or the transferee to comply with [subsection \(6\)](#), as the case may be, within such time as may be specified in the notice.

[36/95]

(8) Where, immediately before a transfer referred to in [subsection \(1\)](#), a trade union is recognised by the transferor for the purposes of the [Industrial Relations Act \(Cap. 136\)](#) in respect of any employee who in consequence of the transfer becomes the employee of the transferee, the trade union shall, after the transfer —

(a) be deemed to be recognised by the transferee for the purposes of the [Industrial Relations Act](#) if, after the transfer, the majority of employees employed by the transferee are members of the trade union; or

(b) in any other case, be deemed to be recognised by the transferee only for the purpose of representing the employee on any dispute arising —

(i) from any collective agreement that was entered into between the transferor and the trade union while the collective agreement remains in force; or

(ii) from the transfer of the employee's employment from the transferor to the transferee under this section.

[36/95]

(9) A dispute or disagreement between the transferor and an employee or the transferee and an employee arising from a transfer under [subsection \(1\)](#), whether before or after the transfer, may be referred by a party to the dispute or disagreement to the Commissioner under [section 115](#) and shall be deemed to be a dispute to which that section applies.

[36/95]

(10) Where a dispute or disagreement has been referred to the Commissioner pursuant to [subsection \(9\)](#), the Commissioner shall, in addition to the powers conferred under [section 115](#), have the powers —

(a) to delay or prohibit the transfer of employment of the employee to the dispute from the transferor to the transferee under [subsection \(1\)](#); and

(b) to order that the transfer of employment of the employee to the dispute from the transferor to the transferee under [subsection \(1\)](#) be subject to such terms as the Commissioner considers just.

[36/95]

(11) The Minister may make such regulations as he considers necessary or expedient to give effect to the provisions of this section and, in particular, may make regulations —

(a) to provide for the form and manner of consultations between the transferor and the affected employees and between the transferor and a trade union of affected employees under [subsection \(5\)](#);

(b) for the type of information that must be communicated by the transferor to the affected employees and to a trade union of affected employees under [subsection \(5\)](#), or by the transferee to the transferor under [subsection \(6\)](#); and

(c) to provide for a mechanism for conciliation of disputes arising out of or relating to a transfer referred to in [subsection \(1\)](#) between any employer and employee.

[36/95]

(12) Nothing in this section shall prevent a transferee of an undertaking referred to in [subsection \(1\)](#) and an employee whose contract of service is preserved under that subsection or a trade union representing such an employee from negotiating for and agreeing to terms of service different from those contained in the contract of service that is preserved under that subsection.

[36/95]

(13) In this section —

“affected employee” means any employee of the transferor who may be affected by a transfer under [subsection \(1\)](#) or may be affected by the measures taken in connection with such a transfer;

“trade union” means a trade union which has been —

(a) registered under any written law for the time being in force relating to the registration of trade unions; and

(b) accorded recognition by the employer pursuant to section 17(1) of the [Industrial Relations Act \(Cap. 136\)](#);

“transfer” includes the disposition of a business as a going concern and a transfer effected by sale, amalgamation, merger, reconstruction or operation of law;

“undertaking” includes any trade or business.

[36/95]

Offence

19. Any employer who enters into a contract of service or collective agreement contrary to the provisions of this Part shall be guilty of an offence.

PART III PAYMENT OF SALARY

Fixation of salary period

20.—

(1) An employer may fix periods, which for the purpose of this Act shall be called salary periods, in respect of which salary earned shall be payable.

(2) No salary period shall exceed one month.

(3) In the absence of a salary period so fixed, the salary period shall be deemed to be one month.

Computation of salary for incomplete month's work

20A.—

(1) If a monthly-rated employee has not completed a whole month of service because —

(a) he commenced employment after the first day of the month;

(b) his employment was terminated before the end of the month;

(c) he took leave of absence without pay for one or more days of the month; or

(d) he took leave of absence to perform his national service under the [Enlistment Act \(Cap. 93\)](#),

the salary due to him for that month shall be calculated in accordance with the following formula:

$$\frac{\text{Monthly gross rate of pay}}{\text{Number of days on which the employee is required to work in that month}} \times \text{Number of days the employee actually worked in that month.}$$

[36/95]

(2) In calculating the number of days actually worked by an employee in a month under [subsection \(1\)](#), any day on which an employee is required to work for 5 hours or less under his contract of service shall be regarded as half a day.

Time of payment

21.—

(1) Salary earned by an employee under a contract of service, other than additional payments for overtime work, shall be paid before the expiry of the 7th day after the last day of the salary period in respect of which the salary is payable.

[21/84]

(2) Additional payments for overtime work shall be paid not later than 14 days after the last day of the salary period during which the overtime work was performed.

[21/84]

(3) The total salary due to an employee on completion of his contract of service shall be paid to him on completion of the contract.

Payment on dismissal

22. Subject to the provisions of this Act, the total salary and any sum due to an employee who has been dismissed shall be paid on the day of dismissal or, if this is not possible, within 3 days thereafter, not being a rest day or public holiday or other holiday.

[32/2008]

Payment on termination by employee

23.—

(1) Subject to the provisions of this Act, the total salary due to an employee who terminates his contract of service with his employer under section 11 or after giving due notice to the employer as required under section 10 shall be paid to him on the day on which the contract of service is terminated.

(2) Subject to the provisions of this Act, the total salary due to an employee who terminates his contract of service without giving prior notice to his employer as required under section 10, or, if notice has already been given under that section, but the employee terminates his contract of service without waiting for the expiry of the notice, shall be paid to him before the expiry of the 7th day after the day on which he terminates his contract of service.

(3) The employer may, subject to any order made by a court or the Commissioner to the contrary, deduct from the salary due to the employee such sum as the employee is liable to pay in lieu of prior notice under section 11(1).

Income tax clearance

24.—

(1) Notwithstanding sections 22 and 23, no payment of salary or any other sum due to an employee on termination of service shall be made to the employee by the employer without the permission of the Comptroller of Income Tax under section 68(7) of the Income Tax Act (Cap. 134).

[32/2008]

(2) The employer shall immediately give notice of the termination of service to the Comptroller of Income Tax and the payment of the salary or other sum due to the employee shall not be delayed more than 30 days after such notice has been given to and received by the Comptroller of Income Tax.

[32/2008]

Payment to be made during working hours

25.—

(1) Payment of salary shall be made on a working day and during working hours at the place of work or at any other place agreed to between the employer and the employee.

[21/84]

(2) Subsection (1) shall not apply where the salary is paid into an account with a bank in Singapore, being an account in the name of the employee or an account in the name of the employee jointly with one or more other persons.

[21/84]

No unauthorised deductions to be made

26. No deductions other than deductions authorised under the provisions of this Act shall be made by an employer from the salary of an employee unless they are required to be made by order of a court or other authority competent to make such order.

Authorised deductions

27.—

(1) The following deductions may be made from the salary of an employee:

- (a) deductions for absence from work;
- (b) deductions for damage to or loss of goods expressly entrusted to an employee for custody or for loss of money for which an employee is required to account, where the damage or loss is directly attributable to his neglect or default;
- (c) deductions for the actual cost of meals supplied by the employer at the request of the employee;
- (d) deductions for house accommodation supplied by the employer;
- (e) deductions for such amenities and services supplied by the employer as the Commissioner may authorise;
- (f) deductions for recovery of advances or loans or for adjustment of over-payments of salary;
- (g) deductions for income tax payable by the employee;
- (h) deductions of contributions payable by an employer on behalf of an employee under and in accordance with the provisions of the [Central Provident Fund Act \(Cap. 36\)](#);
- (i) deductions made at the request of the employee for the purpose of a superannuation scheme or provident fund or any other scheme which is lawfully established for the benefit of the employee and is approved by the Commissioner;
- (j) deductions made with the written consent of the employee and paid by the employer to any cooperative society registered under any written law for the time being in force in respect of subscriptions, entrance fees, instalments of loans, interest and other dues payable by the employee to such society; and
- (k) any other deductions which may be approved from time to time by the Minister.

(2) For the purposes of [subsection \(1\)\(e\)](#), “services” does not include the supply of tools and raw materials required for the purposes of employment.

Deductions for absence

28.—

(1) Deductions may be made under [section 27\(1\)\(a\)](#) only on account of the absence of an employee from the place where, by the terms of his employment, he is required to work, the absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of any deduction referred to in [subsection \(1\)](#) shall in no case bear to the salary payable at the gross rate of pay to the employee in respect of the salary period for which the deduction is made a larger proportion than the period for which he was absent bears to the total period, within such salary period, during which he was required to work by the terms of his employment, and in the case of a monthly-rated employee the amount of deduction in respect of any one day shall be the gross rate of pay for one day’s work.

[36/95]

(3) If any employee absents himself from work otherwise than as provided by this Act or by his contract of service, the employer may, subject to any order which may be made by a court or by the Commissioner on complaint of either party, deduct from any salary due to the employee the cost of food supplied to him during his absence.

Deductions for damages or loss

29.—

(1) A deduction under [section 27\(1\)\(b\)](#) shall not exceed the amount of the damages or loss caused to the employer by the neglect or default of the employee and except with the permission of the Commissioner shall in no case exceed one-quarter of one month’s wages and shall not be made until the employee has been given an opportunity of showing cause against the deduction.

[21/84]

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

Deductions for accommodation, amenity and service

30. A deduction under [section 27\(1\)\(d\)](#) or [\(e\)](#) shall not be made from the salary of an employee unless the house accommodation, amenity or service has been accepted by him, as a term of

employment or otherwise, and the deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and, in the case of a deduction under [section 27\(1\)\(e\)](#), shall be subject to such conditions as the Commissioner may impose.

Recovery of advances and loans

31.—

(1) The recovery of an advance of money made to an employee before the commencement of a contract of service shall begin from the first payment of salary in respect of a completed salary period, but no recovery shall be made of any such advance made for travelling expenses.

(2) Advances may be recovered in instalments by deductions from salary spread over not more than 12 months.

(3) No instalment under [subsection \(2\)](#) shall exceed one-quarter of the salary due for the salary period in respect of which the deduction is made.

(4) Loans may be recovered in instalments by deductions from salary.

(5) No instalment under [subsection \(4\)](#) shall exceed one-quarter of the salary due for the salary period in respect of which the deduction is made.

Deductions not to exceed 50% of salary

32.—

(1) The total amount of all deductions made from the salary of an employee by an employer in any one salary period, other than deductions under [section 27\(1\)\(a\)](#), [\(f\)](#), [\(g\)](#) or [\(j\)](#), shall not exceed 50% of the salary payable to the employee in respect of that period.

[21/84]

(2) [Subsection \(1\)](#) shall not apply to deductions made from the last salary due to an employee on termination of his contract of service or on completion of his contract of service.

[21/84]

Priority of salary to other debts

33.—

(1) This section shall apply —

(a) to workmen who are in receipt of a salary not exceeding \$4,500 a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described) or such other amount as may be prescribed by the Minister; and

(b) to employees (other than workmen) who are in receipt of a salary not exceeding \$2,000 a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described) or such other amount as may be prescribed by the Minister.

[32/2008]

(2) When, on the application of a person holding a mortgage, charge or lien or of a person who has obtained a judgment or decree, the property of an employer is sold, or any money due to the employer is garnished, the court ordering the sale or garnishment shall not distribute the proceeds of the sale or the money to the person entitled thereto unless the court has ascertained and paid the salary due to all the employees employed by that employer and to all employees engaged by a contractor or subcontractor and working for that employer.

(3) This section shall only apply —

(a) to property on which those employees were or are working;

(b) where the property sold was or is the produce of the work of those employees;

(c) where the property sold is movable property used or being used by those employees in the course of their work; or

(d) to money due to the employer in respect of work done by those employees.

(4) The amount payable to each such employee under [subsection \(2\)](#) shall not exceed 5 months' salary.

(5) For the purpose of ascertaining the amount due to any employee under [subsection \(2\)](#), the court may refer the matter to the Commissioner with a request that he holds an inquiry into the matter and forward his findings in respect thereof to the court, and the Commissioner shall comply with any such request.

(6) For the purposes of any inquiry under [subsection \(5\)](#), the Commissioner shall have all the powers conferred upon him by [section 115](#).

(7) For the purposes of this section, “employees” shall be deemed to include subcontractors for labour and “salary” shall be deemed to include money due to a subcontractor for labour.

Offence

34. Any employer failing to pay salary in accordance with the provisions of this Part shall be guilty of an offence.

PART IV REST DAYS, HOURS OF WORK AND OTHER CONDITIONS OF SERVICE

Application of this Part to certain workmen and other employees

35. The provisions of this Part shall apply —

(a) to workmen who are in receipt of a salary not exceeding \$4,500 a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described) or such other amount as may be prescribed by the Minister; and

(b) to employees (other than workmen) who are in receipt of a salary not exceeding \$2,000 a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described) or such other amount as may be prescribed by the Minister.

[32/2008]

Rest day

36.—

(1) Every employee shall be allowed in each week a rest day without pay of one whole day which shall be Sunday or such other day as may be determined from time to time by the employer.

[36/95]

(2) The employer may substitute any continuous period of 30 hours as a rest day for an employee engaged in shift work.

(3) Where in any week a continuous period of 30 hours commencing at any time before 6 p.m. on a Sunday is substituted as a rest day for an employee engaged in shift work, such rest day shall be deemed to have been granted within the week notwithstanding that the period of 30 hours ends after the week.

[21/84]

(4) Where the rest day of an employee is determined by his employer, the employer shall prepare or cause to be prepared a roster before the commencement of the month in which the rest days fall informing the employee of the days appointed to be his rest days therein.

Work on rest day

37.—

(1) Subject to [section 38\(2\)](#) or [40\(2A\)](#), no employee shall be compelled to work on a rest day unless he is engaged in work which by reason of its nature requires to be carried on continuously by a succession of shifts.

[32/2008]

(1A) In the event of any dispute, the Commissioner shall have power to decide whether or not an employee is engaged in work which by reason of its nature requires to be carried on continuously by a succession of shifts.

(2) An employee who at his own request works for an employer on a rest day shall be paid for that day —

(a) if the period of work does not exceed half his normal hours of work, a sum at the basic rate of pay for half a day’s work;

(b) if the period of work is more than half but does not exceed his normal hours of work, a sum at the basic rate of pay for one day’s work; or

(c) if the period of work exceeds his normal hours of work for one day —

(i) a sum at the basic rate of pay for one day’s work; and

(ii) a sum at the rate of not less than one and a half times his hourly basic rate of pay for each hour or part thereof that the period of work exceeds his normal hours of work for one day.

[36/95]

(3) An employee who at the request of his employer works on a rest day shall be paid for that day —

(a) if the period of work does not exceed half his normal hours of work, a sum at the basic rate of pay for one day's work;

(b) if the period of work is more than half but does not exceed his normal hours of work, a sum at the basic rate of pay for 2 days' work; or

(c) if the period of work exceeds his normal hours of work for one day —

(i) a sum at the basic rate of pay for 2 days' work; and

(ii) a sum at the rate of not less than one and a half times his hourly basic rate of pay for each hour or part thereof that the period of work exceeds his normal hours of work for one day.

[36/95]

(3A) In this section —

(a) “normal hours of work” means the number of hours of work (not exceeding the limits applicable to an employee under [section 38](#) or [40](#), as the case may be) that is agreed between an employer and an employee to be the usual hours of work per day; or in the absence of any such agreement, shall be deemed to be 8 hours a day; and

(b) an employee's “hourly basic rate of pay” is to be calculated in the same manner as for the purpose of calculating payment due to an employee under [section 38](#) for working overtime.

[36/95]

(4) [Subsection \(3\)](#) shall not apply to any employee who is employed by the Government or a statutory body in any of the essential services as defined under Part III of the [Criminal Law \(Temporary Provisions\) Act \(Cap. 67\)](#), but any such employee who at the request of his employer works on a rest day or part thereof shall be given a day or part of a day off, as the case may be, in substitution for such a rest day or part thereof.

Hours of work

38. —

(1) Except as hereinafter provided, an employee shall not be required under his contract of service to work —

(a) more than 6 consecutive hours without a period of leisure;

(b) more than 8 hours in one day or more than 44 hours in one week:

Provided that —

(i) an employee who is engaged in work which must be carried on continuously may be required to work for 8 consecutive hours inclusive of a period or periods of not less than 45 minutes in the aggregate during which he shall have the opportunity to have a meal;

(ii) where, by agreement under the contract of service between the employee and the employer, the number of hours of work on one or more days of the week is less than 8, the limit of 8 hours in one day may be exceeded on the remaining days of the week, but so that no employee shall be required to work for more than 9 hours in one day or 44 hours in one week;

(iii) where, by agreement under the contract of service between the employee and the employer, the number of days on which the employee is required to work in a week is not more than 5 days, the limit of 8 hours in one day may be exceeded but so that no employee shall be required to work more than 9 hours in one day or 44 hours in one week; and

(iv) where, by agreement under the contract of service between the employee and the employer, the number of hours of work in every alternate week is less than 44, the limit of 44 hours in one week may be exceeded in the other week, but so that no employee shall be required to work for more than 48 hours in one week or for more than 88 hours in any continuous period of 2 weeks.

[21/84]

(2) An employee may be required by his employer to exceed the limit of hours prescribed in [subsection \(1\)](#) and to work on a rest day, in the case of —

- (a) accident, actual or threatened;
- (b) work, the performance of which is essential to the life of the community;
- (c) work essential for defence or security;
- (d) urgent work to be done to machinery or plant;
- (e) an interruption of work which it was impossible to foresee; or
- (f) work to be performed by employees in any industrial undertaking essential to the economy of Singapore or any of the essential services as defined under Part III of the [Criminal Law \(Temporary Provisions\) Act \(Cap. 67\)](#).

(3) In the event of any dispute, the Commissioner shall have power to decide whether or not the employer is justified in calling upon the employee to work in the circumstances specified in [subsection \(2\)\(f\)](#).

(4) If an employee at the request of the employer works —

- (a) more than 8 hours in one day except as provided in [paragraphs \(ii\) and \(iii\)](#) of the proviso to [subsection \(1\)](#), or more than 9 hours in one day in any case specified in those paragraphs; or
 - (b) more than 44 hours in one week except as provided in [paragraph \(iv\)](#) of the proviso to [subsection \(1\)](#), or more than 48 hours in any one week or more than 88 hours in any continuous period of 2 weeks in any case specified in that paragraph,
- he shall be paid for such extra work at the rate of not less than one and a half times his hourly basic rate of pay irrespective of the basis on which his rate of pay is fixed.

[21/84; 36/95]

(5) An employee shall not be permitted to work overtime for more than 72 hours a month.

(6) For the purpose of calculating the payment due for overtime to an employee, the employee's hourly basic rate of pay shall be taken to be —

- (a) in the case of a person employed on a monthly rate of pay, 12 times his monthly basic rate of pay divided by 52 times 44 hours; and
- (b) in the case of a person employed on piece rates, the total weekly pay at the basic rate of pay received divided by the total number of hours worked in the week.

[36/95]

(7) The Minister may make regulations for the purpose of calculating the payment due for overtime to an employee employed on piece rates.

(8) Except in the circumstances described in [subsection \(2\)\(a\), \(b\), \(c\), \(d\) and \(e\)](#), no employee shall under any circumstances work for more than 12 hours in any one day.

(9) This section shall not apply to employees engaged in the fire services or in work which by its nature involves long hours of inactive or stand-by employment.

Task work

39. Nothing in this Part shall prevent any employer from agreeing with any employee that the salary of the employee shall be paid at an agreed rate in accordance with the task, that is, the specific amount of work required to be performed, and not by the day or by the piece.

Shift workers, etc.

40.—

(1) Notwithstanding [section 38\(1\)](#), an employee who is engaged under his contract of service in regular shift work or who has otherwise consented in writing to work in accordance with the hours of work specified in this section may be required to work more than 6 consecutive hours, more than 8 hours in any one day or more than 44 hours in any one week but the average number of hours worked over any continuous period of 3 weeks shall not exceed 44 hours per week.

[21/84]

(2) No consent given by an employee under this section shall be valid unless this section and [section 38](#) have been explained to the employee and the employee has been informed of the times at which the hours of work begin and end, the number of working days in each week and the weekly rest day.

[21/84]

(2A) An employee to whom this section applies may be required by his employer to exceed the limit of hours prescribed in [subsection \(1\)](#) and to work on a rest day, in the case of —

- (a) accident, actual or threatened;
- (b) work, the performance of which is essential to the life of the community;
- (c) work essential for defence or security;
- (d) urgent work to be done to machinery or plant; or
- (e) an interruption of work which it was impossible to foresee.

[32/2008]

(3) Except in the circumstances described in [subsection \(2A\)\(a\), \(b\), \(c\), \(d\) and \(e\)](#), no employee to whom this section applies shall under any circumstances work for more than 12 hours in any one day.

[21/84; 32/2008]

(4) [Section 38\(4\)](#) shall not apply to any employee to whom this section applies, but any such employee who at the request of his employer works more than an average of 44 hours per week over any continuous period of 3 weeks shall be paid for such extra work in accordance with [section 38\(4\)](#).

[21/84]

Interpretation of “week” for purposes of [sections 36, 38 and 40](#)

41. For the purposes of [sections 36, 38 and 40](#), “week” shall mean a continuous period of 7 days commencing at midnight on Sunday.

[21/84]

Power to exempt

41A.—

(1) The Commissioner may, after considering the operational needs of the employer and the health and safety of the employee or class of employees, by order in writing exempt an employee or any class of employees from [sections 38\(1\), \(5\) and \(8\) and 40\(3\)](#) subject to such conditions as the Commissioner thinks fit.

[36/95; 41/2004]

(2) The Commissioner may, after considering the operational needs of an employer and the interests of an employee or a class of employees, by order in writing, direct that the entitlement to be paid for extra work under [section 37\(2\) or \(3\), 38\(4\), 40\(4\) or 88\(4\)](#) shall not apply to that employee or class of employees, subject to such conditions as the Commissioner thinks fit.

[41/2004; 32/2008]

(3) Where the Commissioner —

- (a) exempts an employee or any class of employees from [section 38\(1\), \(5\) or \(8\) or 40\(3\)](#); or
- (b) directs that the entitlement to be paid for extra work under [section 37\(2\) or \(3\), 38\(4\), 40\(4\) or 88\(4\)](#) shall not apply to an employee or any class of employees,

the employer shall display the order or a copy thereof conspicuously in the place where the employee or class of employees are employed.

[41/2004; 32/2008]

Holidays

42. [Repealed by Act 32 of 2008]

Annual leave

43.—

(1) An employee who has served an employer for a period of not less than 3 months shall be entitled to paid annual leave of 7 days in respect of the first 12 months of continuous service with the same employer and an additional one day’s paid annual leave for every subsequent 12 months of continuous service with the same employer subject to a maximum of 14 days of such leave which shall be in addition to the rest days, holidays and sick leave to which the employee is entitled under [sections 36, 88 and 89](#), respectively.

[21/84; 36/95; 32/2008]

(2) An employee who has served an employer for a period of not less than 3 months but who has not completed 12 months of continuous service in any year shall be entitled to annual leave in proportion to the number of completed months of service in that year.

[21/84; 36/95]

(3) In calculating the proportionate annual leave under [subsection \(2\)](#), any fraction of a day which is less than one-half of a day shall be disregarded and where the fraction of the day is one-half or more it shall be regarded as one day.

[21/84]

(4) Where an employee is granted leave of absence without pay by the employer at the request of the employee, the period of the leave shall be disregarded for the purpose of computing continuous service under this section.

[21/84]

(5) An employee shall forfeit his entitlement to annual leave if he absents himself from work without the permission of the employer or without reasonable excuse for more than 20% of the working days in the months or year, as the case may be, in which his entitlement to such leave accrues.

[21/84]

(6) The employer shall grant and the employee shall take such leave not later than 12 months after the end of every 12 months of continuous service and any employee who fails to take that leave by the end of such period shall thereupon cease to be entitled thereto.

[21/84]

(7) The employer shall pay the employee his gross rate of pay for every day of such leave and if an employee has been dismissed otherwise than for misconduct before he has taken that leave, the employer shall pay the employee his gross rate of pay in respect of every day of that leave.

[21/84; 36/95]

(8) The Minister may, by notification in the *Gazette*, fix the periods when and prescribe the manner in which annual leave shall be granted to employees in different types of employment or in different classes of industries.

[21/84]

Sick Leave

44. [Repealed by Act 32 of 2008]

Payment of retrenchment benefit

45. No employee who has been in continuous service with an employer for less than 3 years shall be entitled to any retrenchment benefit on his dismissal on the ground of redundancy or by reason of any reorganisation of the employer's profession, business, trade or work.

[32/2008]

Retirement benefit

46. No employee who has been in continuous service with an employer for less than 5 years shall be entitled to any retirement benefit other than the sums payable under the Central Provident Fund Act (Cap. 36) on the cessation of his service with the employer.

Priority of retirement benefits, etc.

47.—

(1) Where a collective agreement or an award contains a provision for the payment of a gratuity or other sum of money to an employee on his retirement or on the termination of his services under such circumstances as may be provided for in the collective agreement or award, the gratuity or other sum of money which is due and owing to the employee shall be included among —

(a) the debts which, under section 328 of the Companies Act (Cap. 50), are to be paid in priority to all other unsecured debts in the winding up of a company and that gratuity or sum of money shall rank after the preferential debts referred to in that section;

(b) the debts which, under section 90 of the Bankruptcy Act (Cap. 20), are to be paid in priority to all other debts in the distribution of the property of a bankrupt or of a person dying insolvent.

[15/95]

(2) Where a collective agreement or an award contains a provision for the payment of a gratuity or other sum of money to an employee on his retirement and no provision is made for the payment of a gratuity or other sum of money on the termination of the employee's services by reason of his employer ceasing to carry on business for whatever reason, or by reason of the employer transferring the whole or part of his undertaking or property, as the case may be, every such collective agreement or award shall, notwithstanding anything contained in any written law or rule of law or collective agreement or award to the contrary, be deemed to contain a provision that in the event of the employer ceasing to carry on business for whatever reason or transferring the whole or part of his undertaking or property, as the case may be, an employee who ceases to be employed by the employer by reason of the happening of such a contingency shall be paid such sum of money as he would have been entitled to receive under the terms of the collective agreement or award if he had retired from the service of the employer on the day the employer ceases to carry on business or transfers the whole or part of his undertaking or property, as the case may be.

[32/2008]

(3) [Subsection \(2\)](#) shall not apply where an employer has set up a fund under a scheme for the payment of pensions, gratuities, provident fund or other superannuation benefits to his employees on their retirement from the service of the employer whereby under such scheme the benefits of the employees shall be safeguarded in the event of the bankruptcy of an employer or, if the employer is a company, on the winding up of the company or in the event of the employer ceasing to carry on business for any other reason or transferring the whole or part of his undertaking or property, as the case may be.

(4) Any sum of money payable under [subsection \(2\)](#) shall, for the purposes of [subsection \(1\)](#), be deemed to be a payment to an employee on his retirement and shall be included among the debts referred to in [subsection \(1\)\(a\)](#) or [\(b\)](#).

(5) For the purposes of this section —

“award” means an award made by the Industrial Arbitration Court under the provisions of the [Industrial Relations Act \(Cap. 136\)](#);

“collective agreement” means a collective agreement, a memorandum of which has been certified by the Industrial Arbitration Court in accordance with the provisions of the [Industrial Relations Act](#).

Payment of annual wage supplement or other variable payment

48.—

(1) Where a contract of service or collective agreement made before 26th August 1988 provides for the payment by the employer of any annual wage supplement, annual bonus or annual wage increase, such payments shall continue to be payable by the employer until the employer and his employees or a trade union representing his employees have negotiated and agreed to vary such payments.

[21/88]

(2) An employer and his employees or a trade union representing his employees may negotiate for and agree to a variable payment based on the trading results or productivity or on any other criteria agreed upon by the parties concerned.

[21/88]

(3) Where an employer has not paid any annual wage supplement prior to 26th August 1988, any contract of service or collective agreement made on or after that date between the employer and his employees or a trade union representing his employees shall not contain a provision for the payment of an annual wage supplement exceeding the equivalent of one month's wages of the employees.

[21/88]

(4) Any person who, or any trade union of employees which, requests (whether orally or in writing) or invites negotiations for the payment by an employer of an annual wage supplement which is in excess of the amount specified in [subsection \(3\)](#) and any employer who pays an annual wage supplement exceeding the amount specified in [subsection \(3\)](#) shall be guilty of an offence.

(5) Notwithstanding that an annual wage supplement may be payable under [subsection \(1\)](#) or [\(3\)](#), an employer may, in the event of exceptionally poor business results for any year, invite the employees or a trade union representing his employees to negotiate for a lower quantum of annual wage supplement or for no annual wage supplement to be paid for that year.

[21/88]

Power of Minister to make recommendations for wage adjustments

49. The Minister may, from time to time, make recommendations for wage adjustment and upon the publication of such recommendations in the *Gazette* the employer and his employees or a trade union representing his employees may negotiate based on such recommendations.

[21/88]

Interpretation for purposes of [sections 48](#) and [49](#)

50.—

(1) Where a notice is served under section 18 of the [Industrial Relations Act \(Cap. 136\)](#) by an employer or a trade union representing his employees in respect of any matter referred to in [sections 48](#) and [49](#) and no agreement is reached between the parties, either party may, notwithstanding the provisions of the [Industrial Relations Act](#), refer the matter to the Industrial Arbitration Court established under the [Industrial Relations Act](#) for arbitration.

[21/88]

(2) For the purposes of [sections 48](#) and [49](#) —

“annual wage supplement” means a single annual payment to employees that is supplemental to the total amount of annual wages earned by them, whether expressed as a percentage thereof or otherwise;

“variable payment” means such payment, however expressed and whether paid annually or otherwise, which serves as an incentive to all employees to increase their productivity or as a reward for their contribution;

“wages” means the basic wages payable to an employee in respect of work done under his contract of service but does not include any commission, overtime allowance or other allowances payable to an employee.

[21/88]

Interpretation of “ordinary rate of pay”

51. [Repealed by Act 36 of 1995]

Power to suspend application of [Part IV](#)

52. The Minister may, by notification in the *Gazette*, suspend the application of any of the provisions of this Part to any classes of employees when the public interest so requires it.

Offence

53.—

(1) Any employer who employs any person as an employee contrary to the provisions of this Part or fails to pay any salary in accordance with the provisions of this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and for a second or subsequent offence to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[21/84; 32/2008]

(2) [Deleted by Act 32 of 2008]

(3) Notwithstanding [subsection \(1\)](#) —

(a) an employer and his employees or a trade union representing his employees may negotiate for and agree to terms of service relating to leave more favourable than those contained in [section 43](#); and

(b) it shall not be an offence for an employer to grant to his employees terms of service relating to leave more favourable than those contained in [section 43](#).

[36/95; 32/2008]

[4/2010 wef 05/02/2010]

PART V
TRUCK SYSTEM

Agreements to pay salary otherwise than in legal tender illegal

54. The salary of a workman shall be payable in legal tender and not otherwise and if in any contract of service the whole or any part of the salary is made payable in any other manner the contract of service shall be illegal, null and void.

Agreements as to place and manner, etc., of spending salary illegal

55. No contract of service shall contain any terms as to the place at which, or the manner in which, or the person with whom, any salary paid to the workman is to be expended and every contract of service containing such terms shall be illegal, null and void.

Salary to be paid entirely in legal tender

56. Except where otherwise expressly permitted by the provisions of this Act, the entire amount of the salary earned by, or payable to, any workman in respect of any work done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such salary made in any other form shall be illegal, null and void.

Recovery of salary not paid in legal tender

57. Every workman shall be entitled to recover in any court or before the Commissioner, acting under [section 115](#), so much of his salary exclusive of sums lawfully deducted in accordance with the provisions of this Act as has not been actually paid to him in legal tender.

Interest on advances forbidden

58. No employer shall make any deduction by way of discount, interest or any similar charge on account of any advance of salary made to any workman.

Remuneration other than salary

59. Nothing in this Part shall render illegal a contract of service with a workman for giving to him food, quarters or other allowances or privileges in addition to money salary as a remuneration for his services, but no employer shall give to a workman any noxious drugs or intoxicating liquor by way of remuneration.

Shops and canteens

60.—

(1) Nothing in this Part shall prevent the employer from establishing or permitting to be established a shop or a canteen for the sale of foodstuffs, provisions, meals or refreshments; but no workman shall be compelled by any contract of service to purchase any goods at that shop or canteen, and no noxious drugs or intoxicating liquor shall be sold at any such shop or canteen.

[21/84]

(2) No employer shall establish or keep or permit to be established or kept, a shop or canteen on any place of employment for the sale of foodstuffs, provisions, meals or refreshments to his workmen otherwise than in accordance with [subsection \(1\)](#).

Offence

61. Any employer who enters into any contract of service or gives any remuneration for service contrary to the provisions of this Part or declared by this Part to be illegal or receives any payment from any workman contrary to the provisions of this Part or contravenes [section 60\(2\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and for a second or subsequent offence to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[32/2008]

Proceedings may be taken against actual offender

62. *[Repealed by Act 32 of 2008]*

Payment of salary through bank

63.—

(1) Nothing in [section 54](#) or [56](#) shall operate so as to render unlawful or invalid any payment of salary by the employer to the workman in any of the following ways:

(a) payment into an account at a bank in Singapore, being an account in the name of the workman or an account in the name of the workman jointly with one or more other persons;

(b) payment by cheque made payable to or to the order of the workman.

[21/84]

(2) Where the salary or part thereof has been paid in any of the ways set out in [subsection \(1\)](#), [section 57](#) shall not operate to give a right of recovery of so much of the salary as has been so paid.

[21/84]

Limitations on application of [Part V](#)

64. Nothing in this Part shall be held to apply to any body of persons working on an agreement of co-operation.

PART VI

CONTRACTORS AND CONTRACTING

Liability of principals, contractors and subcontractors for salary of workman

65. —

(1) Where a principal, in the course of or for the purposes of or in pursuance of or in furtherance of the interests of his trade or business, contracts with a contractor for the supply of labour or for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, and any salary is due to any workman by the contractor or any subcontractor under the contractor for labour supplied or for work done in the course of the execution of such work, the principal and the contractor and any such subcontractor (not being the employer) shall be jointly and severally liable with the employer to pay the workman as if the workman had been immediately employed by him, and where salary is claimed from the principal, this Act, with the exception of [section 33](#) relating to priority of salary, shall apply as if reference to the principal were substituted for reference to the employer, except that salary claimed shall be calculated with reference to the salary of the workman under the employer by whom he is immediately employed.

(1A) No principal, contractor or subcontractor, not being the employer, shall be jointly and severally liable to any workman under [subsection \(1\)](#) for more than the salary earned in one month for work done by the employer.

(1B) In the case of a contract for constructional work, the principal shall not be liable for the payment of salary under [subsection \(1\)](#) unless he is also a constructional contractor.

(1C) The workman shall institute proceedings for the recovery of his salary within 60 days or such longer period as the Commissioner may in his discretion allow from the date on which the salary became due for payment in accordance with the provisions for the payment of salary contained in [Part III](#).

(2) A claim for salary under this section shall be made in the manner prescribed by [Part XV](#).

[36/95]

(3) Nothing in this section shall prevent any principal or contractor or subcontractor, not being the employer, who as the result of a claim made under this section has paid any salary to a workman, from instituting civil proceedings for the recovery of the amount of salary so paid from the employer of that workman.

(4) Nothing in this section shall be construed to prevent a workman from recovering salary under this Act from his employer instead of the principal or contractor or subcontractor.

(5) The reference to principal in this section shall include a reference to the Government or a statutory body or authority acting in the course of or in the discharge of its functions.

[21/84]

Registration of contractors and subcontractors

66. —

(1) The Minister may, by notification in the *Gazette*, require all contractors and subcontractors to be registered with the Commissioner and thereafter no person shall act as a contractor or a subcontractor unless he is so registered.

(2) Every application for such registration shall be in the prescribed form.

(3) Every person so registered under this section as a contractor or subcontractor shall be deemed to be the employer of the workmen employed by him.

(4) Every contractor or subcontractor who has been so registered and who changes the name under which he carries on business shall within 7 days of the change of name apply in writing to the Commissioner for re-registration and cancellation of the previous registration.

(5) The Commissioner may in his discretion effect the registration of any person under this section and may in his discretion cancel any such registration.

(6) The Minister may make regulations to prescribe the requirements and conditions for registration of a contractor or subcontractor under this section.

(7) Any person who contravenes this section shall be guilty of an offence.

PART VIA PART-TIME EMPLOYEES

Part-time employees

66A.—

(1) In this Part, “part-time employee” means an employee who is required under his contract of service with an employer to work for less than 35 hours a week.

[36/95; 32/2008]

(2) Notwithstanding [subsection \(1\)](#), the Minister may, by notification in the *Gazette*, declare that any employee or class of employees are not to be regarded as part-time employees for the purposes of this Part.

[36/95]

Minister may exclude or modify Act in relation to part-time employees

66B. The Minister may by regulations exclude or modify any or all of the provisions of this Act in their application to any part-time employee or class of part-time employees.

[36/95]

PART VII DOMESTIC WORKERS

Minister may apply Act to domestic workers

67. The Minister may, from time to time by notification in the *Gazette*, apply all or any of the provisions of this Act with such modification as may be set out in the notification to all domestic workers or to any group, class or number of domestic workers and may make regulations to provide generally for the engagement and working conditions of domestic workers.

[36/95]

PART VIII EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

Interpretation of this Part

67A. In this Part —

“child” means a person who has not completed his 15th year of age;

“young person” means a person who has completed his 15th year of age but who has not completed his 16th year of age.

[41/2004]

Restriction on employment of children

68.—

(1) No person shall employ a child in an industrial or a non-industrial undertaking except as provided for in [subsections \(2\)](#) and [\(3\)](#).

[36/95]

(2) A child may be employed in an industrial undertaking in which only members of the same family are employed.

[36/95]

(3) A child who is 13 years of age or above may be employed in light work suited to his capacity in a non-industrial undertaking.

[36/95; 41/2004]

(4) For the purposes of [subsection \(3\)](#), the certificate of a medical officer shall be conclusive upon the question of whether any work is suited to the capacity of any particular child.

[36/95]

Restriction on employment of young persons

69. No young person shall be employed in any industrial undertaking which the Minister by notification in the *Gazette* declares to be an industrial undertaking in which no young person shall be employed.

[36/95]

Conditions of employment

70. The Minister may by regulations made under this Act prescribe the conditions upon which a child or young person may be employed in any industrial or non-industrial undertaking.

Minimum rates of salary may be prescribed

71.—

(1) If it is shown to the satisfaction of the Minister, upon the application of the Commissioner and after such inquiry as the Minister may think fit to direct, that the salaries of children or young persons, or both, employed in any industry or for any particular work or in any area are insufficient, having regard to the nature of the work and the conditions of employment, it shall be lawful for the Minister to prescribe, by order to be published in the *Gazette*, minimum rates of salary to be paid to children or young persons or both in that industry, type of employment or area.

(2) Any person contravening any such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and for a second or subsequent offence to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

[32/2008]

Approved employment

72.—

(1) [Sections 68](#) and [69](#) shall not apply —

(a) to the employment of children and young persons —

(i) in work approved and supervised by the Ministry of Education or the Institute of Technical Education, Singapore; and

(ii) carried on in any technical, vocational or industrial training school or institute; and

(b) to the employment of young persons under any apprenticeship programme approved and supervised by the Institute of Technical Education, Singapore.

[36/95]

(2) For the purposes of this section, the Institute of Technical Education, Singapore means the Institute of Technical Education, Singapore established under the [Institute of Technical Education Act \(Cap. 141A\)](#).

[36/95]

Regulations regulating employment

73. The Minister may make regulations for regulating the employment of children in any occupation and no child or young person shall be employed as a workman under any circumstances or under any conditions which may be prohibited by the Minister from time to time by regulations made under this Act.

Offence

74. Any person who employs a child or young person in contravention of the provisions of this Part or any of the regulations made thereunder and any parent or guardian who knowingly or negligently suffers or permits such employment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both except in the case where a child or young person suffers serious injury or death resulting from any breach of the provisions of this Part or any regulations made thereunder the offender shall be punished with a fine of \$5,000 and shall also be liable to imprisonment for a term not exceeding 2 years.

[32/2008]

Power of Juvenile Court in respect of children or young persons requiring care or protection

75. A child or young person in respect of whom any of the offences mentioned in this Part has been committed may be brought before a Juvenile Court and the Court, if satisfied that the child or young person requires care or protection, may exercise with respect to that child or young person all or any of the powers conferred by section 49 of the Children and Young Persons Act (Cap. 38).

PART IX MATERNITY PROTECTION AND BENEFITS AND CHILDCARE LEAVE FOR PARENT

Length of benefit period

76.—

(1) Subject to this section, every female employee shall be entitled to absent herself from work —

(a) during —

(i) the period of 4 weeks immediately before her confinement; and

(ii) the period of 8 weeks immediately after her confinement;

(b) during a period of 12 weeks, as agreed to by her and her employer, commencing —

(i) not earlier than 28 days immediately preceding the day of her confinement; and

(ii) not later than the day of her confinement; or

(c) during —

(i) a period of 8 weeks, as agreed to by her and her employer, commencing —

(A) not earlier than 28 days immediately preceding the day of her confinement; and

(B) not later than the day of her confinement; and

(ii) one or more further periods, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 12 months commencing on the day of her confinement.

[41/2004; 28/2008]

(1A) Subject to this section, every female employee shall be entitled to receive payment from her employer at her gross rate of pay for any of the following periods (referred to in this Part as the benefit period):

(a) where [subsection \(1\)\(a\)](#) applies, the period of 4 weeks referred to in [subsection \(1\)\(a\)\(i\)](#) and the first 4 weeks of the period referred to in [subsection \(1\)\(a\)\(ii\)](#);

(b) where [subsection \(1\)\(b\)](#) applies, the first 8 weeks of the period referred to in [subsection \(1\)\(b\)](#);

or

(c) where [subsection \(1\)\(c\)](#) applies, the period of 8 weeks referred to in [subsection \(1\)\(c\)\(i\)](#).

[41/2004]

(2) A female employee who delivers a child before 1st May 2013, and whose estimated delivery date for her confinement in respect of that child (as certified by a medical practitioner) is before 1st May 2013, shall not be entitled to any pay during the benefit period if she has served her employer for less than 90 days immediately preceding the day of her confinement.

[Act 12 of 2013 wef 01/05/2013]

(2A) A female employee who delivers a child —

(a) on or after 1st May 2013; or

(b) before 1st May 2013 but whose estimated delivery date for her confinement in respect of that child (as certified by a medical practitioner) is on or after 1st May 2013,

shall not be entitled to any pay during the benefit period if she has served her employer for less than 3 months immediately preceding the day of her confinement.

[Act 12 of 2013 wef 01/05/2013]

(3) Where a female employee has worked in her employment for any day during the benefit period before her confinement, she shall be entitled to receive in addition to her gross rate of pay for that day an amount that is equivalent to a day's pay at the gross rate of pay or to absent herself from work on another day at the end of the benefit period.

[36/95]

(4) Subject to any collective agreement or award to the contrary, a female employee shall not be entitled to any payment under [subsection \(1A\)](#) for any confinement if, at the time of the confinement —

(a) she has 2 or more living children; and

(b) those children were born during more than one previous confinement.

[41/2004; 32/2008]

(5) [Subsection \(4\)](#) shall not apply to such class or classes of employees as the Minister may, from time to time by notification in the *Gazette*, specify.

(6) Where the employment of a female employee is terminated (whether by resignation or dismissal, upon the completion of her contract of service, or for any other reason) before she has exercised, wholly or partly, her entitlement to absent herself from work during a period referred to in [subsection \(1\)\(c\)\(ii\)](#), she shall forfeit that entitlement (or the balance thereof) upon the termination of her employment.

[41/2004]

Payments to include holidays

77.—

(1) The payment referred to in [section 76](#) shall be paid for every day of the benefit period, including holidays.

[21/84]

(2) Nothing in this section shall be construed to require an employer to pay to a female employee an extra day's salary for a holiday which falls within the benefit period.

[21/84]

When payment is to be made

78.—

(1) In the case of a female employee who is a daily-rated employee, the payment referred to in [section 76](#) shall be paid in 2 instalments, the first for the period up to and including the day of confinement, to be paid within 7 days from the date of confinement, and the second, for the period after confinement, to be paid within 7 days from the end of that period.

(2) In the case of any other female employee, the payment shall be paid at such time as the salary earned by the employee under her contract of service is due to be paid to her.

Payment of benefit on death of female employee before confinement

79.—

(1) If a female employee, after giving notice to her employer under [section 80\(1\)](#), abstains from work in expectation of her confinement and dies from any cause before her confinement, the employer shall pay to the person nominated by her under [section 80\(4\)](#) or, if there is no such person, to her personal representative a sum of money at the rate prescribed under [section 76](#) from the date immediately following the last day on which she worked to the day immediately preceding the day of her death and except in the circumstances mentioned in this subsection no employer shall be liable to pay any sum in respect of a period exceeding 30 days.

[21/84]

(2) If a female employee dies from any cause on or after the day of her confinement and before any payment to which she is entitled has been paid to her, the employer shall pay to the person nominated by her under [section 80\(4\)](#) or, if there is no such person, to her personal representative any sum of money to which she was on the date of her death entitled in respect of the period up to the day of confinement and in respect of the period after confinement up to the day immediately preceding the day of her death.

Notice of confinement

80.—

(1) A female employee shall at least one week before absenting herself from work in accordance with [section 76](#) give notice to her employer specifying the date on which she intends to commence absenting herself from work.

[21/84]

(2) A female employee who has been confined shall as soon as practicable inform her employer of the date on which she was confined.

(3) Any female employee who omits to give notice as required under [subsection \(1\)](#) or fails to inform her employer as required under [subsection \(2\)](#) shall be entitled to only half the amount of any payment to which she is entitled to under this Part unless she was prevented by any sufficient cause from giving such notice.

(4) A female employee may at any time in writing nominate some other person to whom any payment to which she is entitled under this Part may be paid on her behalf; and any such payment made to the person so nominated shall for the purpose of this Act be deemed to be payment to the female employee who nominated such person.

Dismissal during absence prohibited

81. Without prejudice to [sections 84](#) and [84A](#), when a female employee absents herself from work in accordance with the provisions of this Part it shall not be lawful for her employer to give her notice of dismissal during her absence or on such a day that the notice will expire during her absence.

[28/2008]

Employment after confinement

82. Any employer who knowingly employs a female employee at any time during the period of 4 weeks immediately following her confinement shall be guilty of an offence.

Forfeiture of payment

83. If a female employee works for any other employer after she has absented herself from work under the provisions of this Part, she shall forfeit her claim to any payment to which she is entitled under this Part and shall be liable to dismissal.

Right to benefit unaffected by notice of dismissal given without sufficient cause

84.—

(1) Without prejudice to sections 81 and 84A, no notice of dismissal given without sufficient cause by an employer to a female employee which —

(a) if given before 1st May 2013, is given —

(i) within a period of 6 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

(ii) within a period of 6 months preceding the date of her confinement;

(b) if given on or after 1st May 2013, is given at any time of her pregnancy (as certified by a medical practitioner before the notice of dismissal is given), where the female employee has served the employer for a period of 3 months or more immediately preceding the day the notice is given; or

(c) if given on or after 1st May 2013 but before 1st August 2013 and where the female employee has served the employer for a period of less than 3 months, is given —

(i) within a period of 6 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

(ii) within a period of 6 months preceding the date of her confinement,

shall have the effect of depriving her of any payment to which, but for that notice, she would have been entitled or would, on or before the date of her confinement, have become entitled to under this Part.

[Act 12 of 2013 wef 01/05/2013]

(1A) In any case where there are 2 or more estimated delivery dates (each certified by a medical practitioner) for the confinement of a female employee, the estimated delivery date that is relevant for the purposes of [subsection \(1\)](#) shall be the estimated delivery date —

(a) which is certified by a medical practitioner before the notice of dismissal is given by her employer; and

(b) the date of such certification of which is closest to the date the notice of dismissal is given.

[28/2008]

(2) If any question arises as to whether any notice of dismissal given under [subsection \(1\)](#) was or was not given for sufficient cause, it shall be referred to the Minister within 2 months from the date of the employee's confinement.

[36/95]

(3) Where the Minister is satisfied that the employee has been dismissed without sufficient cause, he may, notwithstanding any rule of law or agreement to the contrary —

(a) direct the employer to reinstate the employee in her former employment and pay the employee an amount equal to the wages that the employee would have earned had she not been dismissed by the employer; or

(b) direct the employer to pay such amount of wages as compensation as the Minister may consider just and equitable having regard to all the circumstances of the case,

and the employer shall comply with the direction of the Minister.

[36/95]

(4) The decision of the Minister under [subsection \(3\)](#) shall be final and conclusive and shall not be challenged in any court.

[36/95]

(5) Any direction of the Minister under [subsection \(3\)](#) shall operate as a bar to any action for damages by the employee in any court in respect of the dismissal without sufficient cause under [subsection \(1\)](#).

[36/95]

(6) An employer who fails to comply with the direction of the Minister under [subsection \(3\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[36/95; 28/2008]

(7) Where any amount to be paid by an employer under [subsection \(3\)](#) is not paid in accordance with the direction of the Minister and the employer has been convicted of an offence under [subsection \(6\)](#), the amount or so much thereof as remains unpaid shall be recoverable by the court as if it were a fine and the amount so recoverable shall be paid to the employee entitled to payment under the direction of the Minister.

[36/95]

Right to benefit unaffected by notice of dismissal given on ground of redundancy or by reason of reorganisation of employer's profession, business, trade or work

84A.— (1) Without prejudice to sections 81 and 84, no notice of dismissal given to a female employee by her employer on the ground of redundancy or by reason of any reorganisation of her employer's profession, business, trade or work —

(a) if given before 1st May 2013, is given —

(i) within a period of 3 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

(ii) within a period of 3 months preceding the date of her confinement;

(b) if given on or after 1st May 2013, is given at any time of her pregnancy (as certified by a medical practitioner before the notice of dismissal is given), where the female employee has served the employer for a period of 3 months or more immediately preceding the day the notice is given; or

(c) if given on or after 1st May 2013 but before 1st August 2013 and where the female employee has served the employer for a period of less than 3 months, is given —

(i) within a period of 3 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

(ii) within a period of 3 months preceding the date of her confinement,

shall have the effect of depriving her of any payment to which, but for that notice, she would have been entitled or would, on or before the date of her confinement, have become entitled to under this Part.

[Act 12 of 2013 wef 01/05/2013]

(2) In any case where there are 2 or more estimated delivery dates (each certified by a medical practitioner) for the confinement of a female employee, the estimated delivery date that is relevant for the purposes of [subsection \(1\)](#) shall be the estimated delivery date —

(a) which is certified by a medical practitioner before the notice of dismissal is given by her employer; and

(b) the date of such certification of which is closest to the date the notice of dismissal is given.

[28/2008]

(3) The payment referred to in [subsection \(1\)](#) shall be in addition to any retrenchment benefit or other payment to which the female employee is entitled under the terms of her contract of service or under any other written law.

[28/2008]

85. [\[Repealed by Act 12 of 2013 wef 01/05/2013\]](#)

Contracting out

86. Any contract of service whereby a female employee relinquishes any right to maternity benefit under this Part shall be null and void in so far as it purports to deprive her of that right or to remove or reduce the liability of any employer to make any payment under this Part.

Offences and penalties

87.—

(1) Any employer who —

(a) fails, without reasonable cause, to grant maternity leave under this Part to a female employee who is entitled to and requests for such leave;

(b) fails to pay his female employee in accordance with any of the provisions of this Part (other than section 87A); or

(c) acts in contravention of section 81,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any employer who is guilty of an offence under section 82 shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Where an employer who is convicted or found guilty of an offence under subsection (1)(a), (b) or (c) or section 82 is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) For the purposes of subsection (3), a person is a repeat offender in relation to an offence under subsection (1)(a), (b) or (c) or section 82 if the person who is convicted or found guilty of an offence under subsection (1)(a), (b) or (c) or section 82 (referred to as the current offence) has been convicted or found guilty of —

(a) an offence under subsection (1)(a), (b) or (c) or section 82; or

(b) an offence under section 17(1) of the Child Development Co-Savings Act (Cap. 38A) in force before, on or after 1st May 2013,

on at least one other occasion on or after 1st May 2013 and before the date on which he is convicted or found guilty of the current offence.

[Act 12 of 2013 wef 01/05/2013]

Childcare leave for parent

87A.—

(1) Subject to [subsection \(2\)](#), where any employee —

(a) has served an employer for a period of not less than 3 months; and

(b) has any child below the age of 7 years at any time during any relevant period,

he shall be entitled to childcare leave of 2 days for that relevant period.

[41/2004]

(2) An employee —

(a) shall not be entitled to more than 14 days of childcare leave in respect of any child; and

(b) shall —

(i) take his first entitlement of childcare leave of 2 days for a relevant period in that relevant period or the next succeeding relevant period; and

(ii) thereafter, take his next and each subsequent entitlement of childcare leave of 2 days for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively.

[41/2004; 28/2008]

(3) The childcare leave shall be in addition to the rest days, holidays, annual leave and sick leave to which an employee is entitled under [sections 36, 88, 43 and 89](#), respectively.

[41/2004; 32/2008]

(4) An employer shall grant, and an employee who is entitled to childcare leave shall take, the entitlement of childcare leave of 2 days for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —

(a) shall thereupon cease to be entitled to that leave; and

(b) shall not be entitled to any payment in lieu thereof.

[41/2004]

(5) An employer shall pay an employee who is entitled to childcare leave his gross rate of pay for every day of such leave that is taken by the employee.

[41/2004]

(6) If the employment of an employee who is entitled to childcare leave is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of childcare leave of 2 days for a relevant period, the employee —

(a) shall cease to be entitled to that leave upon the termination of his employment; and

(b) shall not be entitled to any payment in lieu thereof.

[41/2004]

(7) Any employer who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 12 of 2013 wef 01/05/2013]

(7A) Any employer who fails, without reasonable cause, to grant childcare leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[Act 12 of 2013 wef 01/05/2013]

(7B) Where an employer who is convicted or found guilty of an offence under subsection (7) or (7A) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 12 of 2013 wef 01/05/2013]

(7C) For the purposes of subsection (7B), a person is a repeat offender in relation to an offence under subsection (7) or (7A) if the person who is convicted or found guilty of an offence under subsection (7) or (7A) (referred to as the current offence) has been convicted or found guilty of —

(a) an offence under subsection (7) or (7A);

(b) an offence under section 12B(12) or (14) of the Child Development Co-Savings Act (Cap. 38A) in force before, on or after 1st May 2013; or

(c) an offence under section 12B(13) of the Child Development Co-Savings Act, on at least one other occasion on or after 1st May 2013 and before the date on which he is convicted or found guilty of the current offence.

[Act 12 of 2013 wef 01/05/2013]

(8) In this section —

“child”, in relation to an employee, includes any adopted child and step-child of the employee;

“relevant period”, in relation to an employee, means —

(a) any period of 12 months as is agreed to by the employee and his employer; or

where there is no such agreement, a calendar year.

[41/2004]

PART X
HOLIDAY AND SICK LEAVE ENTITLEMENTS

Holidays

88.—

(1) Every employee shall be entitled to a paid holiday at his gross rate of pay on such of the days specified in the Schedule to the [Holidays Act \(Cap. 126\)](#) as fall during the time that he is employed, subject to the following:

(a) by agreement between the employer and the employee any other day or days may be substituted for any one or more of the days specified in that Schedule;

(b) if any of the days specified in that Schedule falls on a rest day, the working day next following that rest day shall be a paid holiday; and

(c) if any of the days specified in that Schedule falls on a day when the employee is not required to work under his contract of service, the employer may either pay the employee for that holiday at his gross rate of pay or give the employee a day off in substitution for that holiday.

[32/2008]

(2) Notwithstanding [subsection \(1\)](#), no employee shall be entitled to holiday pay for any holiday which falls on a day when the employee is on leave of absence without pay granted by the employer at the request of the employee.

[32/2008]

(3) An employee who absents himself from work on the working day immediately preceding or immediately succeeding a holiday or any day substituted therefor under [subsection \(1\)](#) without the prior consent of his employer or without reasonable excuse shall not be entitled to any holiday pay for that holiday.

[32/2008]

(4) Notwithstanding [subsection \(1\)](#), any employee may be required by his employer to work on any holiday to which he would otherwise be entitled under that subsection and, in such event, he shall be paid an extra day's salary at the basic rate of pay for one day's work in addition to the gross rate of pay for that day and to a travelling allowance, if payable to him under the terms of his agreement with his employer, for one day.

[32/2008]

(5) No employee shall, by reason of [subsection \(4\)](#), receive double any housing allowance or food allowance.

[32/2008]

(6) [Subsection \(4\)](#) shall not apply to an employee who is employed by the Government or a statutory body in any of the essential services as defined under Part III of the [Criminal Law \(Temporary Provisions\) Act \(Cap. 67\)](#), but —

(a)

any such employee may, notwithstanding [subsection \(1\)](#), be required by his employer to work on a holiday or part thereof to which he would otherwise be entitled under that subsection; and

(b)

in any such case, he shall be given a day or part of a day off, as the case may be, in substitution for the holiday or part thereof.

[32/2008]

(7) For the purposes of this section if any such holiday falls on a half working day, the gross or basic rate of pay payable shall be that of a full working day.

[32/2008]

Sick leave

89.—

(1) Any employee who has served an employer for a period of not less than 6 months shall, after examination at the expense of the employer by a medical practitioner appointed by the employer or

a medical officer, be entitled to such paid sick leave, as may be certified by the medical practitioner or medical officer, not exceeding in the aggregate —

- (a) if no hospitalisation is necessary, 14 days in each year; or
- (b) if hospitalisation is necessary, the lesser of the following:
 - (i) 60 days in each year;
 - (ii) the aggregate of 14 days plus the number of days on which he is hospitalised.

[32/2008]

(2) Any employee who has served an employer for a period of at least 3 months but less than 6 months shall, after examination at the expense of the employer by a medical practitioner appointed by the employer or a medical officer, be entitled to such paid sick leave, as may be certified by the medical practitioner or medical officer, not exceeding in the aggregate —

(a) where the employee has served the employer for a period of at least 3 months but less than 4 months —

- (i) if no hospitalisation is necessary, 5 days in each year; or
- (ii) if hospitalisation is necessary, the lesser of the following:
 - (A) 15 days in each year;
 - (B) the aggregate of 5 days plus the number of days on which he is hospitalised;

(b) where the employee has served the employer for a period of at least 4 months but less than 5 months —

- (i) if no hospitalisation is necessary, 8 days in each year; or
- (ii) if hospitalisation is necessary, the lesser of the following:
 - (A) 30 days in each year;
 - (B) the aggregate of 8 days plus the number of days on which he is hospitalised; or

(c) where the employee has served the employer for a period of at least 5 months but less than 6 months —

- (i) if no hospitalisation is necessary, 11 days in each year; or
- (ii) if hospitalisation is necessary, the lesser of the following:
 - (A) 45 days in each year;
 - (B) the aggregate of 11 days plus the number of days on which he is hospitalised.

[32/2008]

(3) If an employee is certified by a medical practitioner appointed by the employer or a medical officer to be ill enough to need to be hospitalised but is not hospitalised for any reason whatsoever, the employee shall be deemed to be hospitalised for the purposes of this section.

[32/2008]

(4) An employee who absents himself on sick leave —

(a) which is not certified by a medical practitioner appointed by the employer or a medical officer; or

(b) which is certified by a medical officer, but without informing or attempting to inform his employer of such sick leave within 48 hours of the commencement thereof,

shall be deemed to have absented himself from work without the permission of his employer and without reasonable excuse for the days on which he is so absent from work.

[32/2008]

(5) The employer shall pay the employee for every day of such sick leave —

- (a) where no hospitalisation is necessary, at the gross rate of pay excluding any allowance payable in respect of shift work; and
- (b) where hospitalisation is necessary, at the gross rate of pay.

[32/2008]

(6) Notwithstanding [subsection \(5\)](#), no employee shall be entitled to paid sick leave on a rest day or on a holiday to which he is entitled under [section 36](#) or [88](#) respectively or on any day of paid annual leave or on a day when he is not required to work under his contract of service or on a day when he is on leave of absence without pay granted by the employer at his request.

[32/2008]

(7) No employee shall be entitled to paid sick leave for the period during which he is receiving or is entitled to receive compensation for temporary incapacity under paragraph 4 of the Third Schedule to the [Work Injury Compensation Act \(Cap. 354\)](#).

[32/2008]

(8) For the purposes of [subsections \(1\) and \(2\)](#), an employer shall be deemed to fulfil the obligation imposed by those subsections to bear the fees of any medical examination of his employees if —

(a) the Commissioner, after considering the merits of any healthcare scheme that the employer provides to his employees and such other matters as the Commissioner may consider relevant, by order in writing directs that the employer fulfils that obligation for so long as he provides such a healthcare scheme for his employees; or

(b) the employer complies with such other requirement as the Minister may, by regulations, prescribe.

[32/2008]

(9) An order made under [subsection \(8\)\(a\)](#) —

(a) may be subject to such terms or conditions as the Commissioner may determine, which the Commissioner may from time to time add to, vary or revoke;

(b) need not be published in the *Gazette*; and

(c) may be revoked by the Commissioner in writing at any time.

[32/2008]

Offence

90.—

(1) Any employer who employs any person as an employee contrary to the provisions of this Part or fails to pay any salary in accordance with the provisions of this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and for a second or subsequent offence to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[4/2010 wef 05/02/2010]

(2) Notwithstanding [subsection \(1\)](#) —

(a) an employer and his employees or a trade union representing his employees may negotiate for and agree to terms of service relating to leave more favourable than those contained in [section 89](#); and

(b) it shall not be an offence for an employer to grant to his employees terms of service relating to leave more favourable than those contained in [section 89](#).

[4/2010 wef 05/02/2010]

PART XI

HEALTH, ACCOMMODATION AND MEDICAL CARE

[91. to 94. [Repealed by Act 32 of 2008]]

PART XII

REGISTERS, RETURNS AND OTHER DOCUMENTARY REQUIREMENTS

Register of employees

95.—

(1) Every employer shall prepare and keep a register showing the name, address, the basic rate of pay and allowances, the amount earned, and the amount of deductions made from the earnings of each employee employed by him and such other particulars as may be prescribed from time to time.

[21/84; 36/95]

(2) For the purposes of this Part —

“employee” includes any person who works in any capacity whatsoever, whether under a contract of service or otherwise, with or without salary and whether in or outside the premises where the profession, business, trade or work of the employer is carried on;

“employer” includes a sole-proprietorship or partnership or a corporation and any person who is defined to be an employer under any written law in force in Singapore.

Record of workmen

96. Every employer of workmen shall keep at the place of employment so that it shall be readily accessible to the workmen there employed, a check-roll pay slip, working board, or other form of record on which, in respect of each salary period, in a form intelligible to the workmen, shall be shown —

- (a) the basic rate of pay and allowances, whether by day, hour, piece task or otherwise of each workman;
- (b) the amount earned, including overtime earnings by each workman; and
- (c) the amount of any deductions made from the earnings of each workman.

[36/95]

Returns

97.—

(1) The Commissioner may, by notification in the *Gazette*, require any employer or class of employers to forward to the Commissioner at such time or times as may be specified in the notification a return in such form or forms as may be approved by the Commissioner giving the particulars and information prescribed therein, and any such employer shall furnish particulars and information so prescribed.

(2) No person shall be bound to furnish any particulars or information other than such as are accessible to him in the course of or derivable from any profession, business, trade or work in the conduct or supervision of which he is engaged.

Commissioner may call for further returns

98.—

(1) The Commissioner may give notice in writing to any employer when and as often as he thinks necessary requiring the employer to furnish within a reasonable time stated in the notice fuller or further returns respecting any matter as to which a return is required under this Act or the [Employment of Foreign Manpower Act \(Cap. 91A\)](#).

[30/2007]

(2) Such requisition may specify —

- (a) the form in which and the time within which the particulars and information are to be furnished;
- (b) the particulars and information to be furnished; and
- (c) the place or manner at or in which the particulars and information are to be delivered.

Power to call for returns, books, etc.

99. For the purpose of obtaining full information in respect of any employer's employees, the Commissioner may give notice in writing to such person requiring him, within the time stated in the notice, to complete and deliver to the Commissioner any return specified in the notice and in addition or alternatively requiring him to attend personally before the Commissioner or any inspecting officer specified in the notice and to produce for examination any books, documents, accounts and returns which the Commissioner may consider necessary.

[21/84]

Service of requisitions

100. [Repealed by Act 32 of 2008]

Offence

101.—

(1) Any employer who —

(a) wilfully refuses or without lawful excuse (the proof of which shall lie on him) neglects to furnish the particulars or information required within the time allowed for furnishing the particulars and information, or to furnish the particulars and information in the form specified or prescribed, or to authenticate the particulars and information at the place or in the manner specified or prescribed for the delivery thereof;

(b) wilfully furnishes or causes to be furnished any false particulars or information in respect of any matter specified in the notice requiring particulars or information to be furnished; or

(c) refuses to answer, or wilfully gives a false answer to, any question necessary for obtaining any information or particulars required to be furnished under this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and in the case of a continuing offence to a further fine not exceeding \$500 for every day during which the offence continues, and in respect of false particulars, information and answers, the offence shall be deemed to continue until true particulars, information or answers have been furnished or given.

[21/84; 32/2008]

(2) A certificate under the hand of the Commissioner stating that such returns have not been furnished or are incorrect shall be sufficient prima facie evidence of the truth of the facts stated in the certificate.

Returns not to be published or disclosed

102. —

(1) No return of particulars or information and no part of a return furnished, and no answer to any question put, for the purposes of this Act shall, without the previous consent in writing of the person having the control, management or superintendence of the profession, business, trade or work in relation to which the return or answer was furnished or given, be published nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connection with the collection or preparation of statistics under this Act be permitted to see any such individual return or any such part of an individual return.

(2) Every person engaged in connection with the collection, preparation or publication of statistics under this Act shall be required to make a declaration in the prescribed form that he will not disclose or, except for the purposes of this Act, make use of the contents of any such part of an individual return, or any such answer; and any person who knowingly acts in contravention of any declaration which he has so made shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[32/2008]

(3) In any report, summary of statistics, or other publication prepared under this Act with reference to any trade or industry, the particulars comprised in any return shall not be disclosed in any manner whatever, or arranged in any way which would enable any person to identify any particulars so published as being particulars relating to any individual person or business.

(4) If any person, having possession of any information which to his knowledge has been disclosed in contravention of this section, publishes or communicates to any other person any such information, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[32/2008]

PART XIII

INSPECTION AND ENQUIRY

Powers of Commissioner and inspecting officers

103.—

(1) The Commissioner or any inspecting officer shall, for the purposes of this Act, have power to do all or any of the following:

(a) to enter and search, by day or by night, any premises or part thereof when he has reasonable cause to believe that evidence of the commission of an offence under this Act can be found therein;

(b) to examine orally any person reasonably believed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act, and to reduce into writing the answer given or statement made by that person;

(c) to require any person whom the Commissioner or inspecting officer has reason to believe has any document, including documents of identity or documents containing information relevant to the carrying out of the provisions of this Act, to produce any such document and to answer such questions relating thereto as he may think proper to ask;

(d) to examine notices and all documents which are required to be kept under the provisions of this Act or any regulations made thereunder and any document required to be produced under [paragraph \(c\)](#);

(e) to make copies of or retain any notice or document referred to in [paragraph \(d\)](#);

(f) to retain for purposes of analysis samples of materials and substances used or handled by employees, except that the employer or his representative shall be notified of any such samples of materials or substances taken or removed for this purpose;

(g) to take such photographs or video recording, as the Commissioner or inspecting officer thinks necessary, of the premises and persons reasonably believed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act;

(h) to require any person to produce any article which is relevant to any investigation under this Act and, if necessary, to take into custody any such article.

[32/2008]

(2) The person referred to in [subsection \(1\)\(b\)](#) shall be bound to state truly the facts and circumstances with which he is acquainted.

[32/2008]

(3) A statement made by the person referred to in [subsection \(1\)\(b\)](#) shall be read over to him and shall, after correction, if necessary, be signed by him.

[32/2008]

(4) The Commissioner or the inspecting officer shall, if required to do so, show his credentials.

[32/2008]

Notice to employer by Commissioner or inspecting officer of inspection or visit

104. On entering any place of employment under [section 103](#), the Commissioner or the inspecting officer shall notify the employer or his representative of his presence unless he considers that such a notification may be prejudicial to the efficient performance of his duties.

[21/84; 36/95; 32/2008]

Powers of Commissioner and inspecting officer

105. [Repealed by Act 32 of 2008]

Inspecting officer not to reveal secrets

106. No person shall otherwise than in the performance of his duties reveal any manufacturing or commercial secrets which may at any time come to his knowledge in the course of his duty as an inspecting officer.

Offence

107. Any person who —

(a) without reasonable excuse, neglects or refuses to produce any document or article as required under [section 103](#);

(b) makes to the Commissioner or an inspecting officer exercising the powers under [section 103](#) a statement either orally or in writing which is false in a material particular; or

(c) otherwise hinders or obstructs the Commissioner or an inspecting officer in the exercise of the powers under [section 103](#),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[32/2008]

PART XIV

GENERAL

Calculation of gross and basic rates of pay of employee employed on monthly rate or piece rates

107A.—

(1) The gross rate of pay per day of an employee employed on a monthly rate or on piece rates shall be calculated in accordance with the second column of [the Third Schedule](#).

[36/95]

(2) The basic rate of pay per day of an employee employed on a monthly rate or on piece rates shall be calculated in accordance with the third column of [the Third Schedule](#).

Wrongful detention of employee

108. Any employer who without reasonable excuse, the proof of which shall lie on him, refuses to allow an employee whose contract of service has been determined in any of the ways hereinbefore provided to leave his service shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and the whole or any portion of any fine recoverable under this section may be adjudged by the court to be paid to the employee.

[21/84; 32/2008]

Employee not answerable for debt, default or miscarriage of another

109. No employee shall be bound, by virtue of any contract of service under this Act, to answer for the debt, default or miscarriage of any other person.

Obstruction of employee by employer

110. Any employer or other person who in any way obstructs any employee in appearing before the Commissioner in pursuance of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[21/84; 32/2008]

Punishment for obstruction

111. Any person who wilfully obstructs or impedes any entry, inspection, inquiry or investigation made under this Act for which no penalty is expressly provided shall be guilty of an offence.

[32/2008]

Penalties

112. Any person who is guilty of any breach or any offence under this Act for which no penalty is otherwise provided shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and for a subsequent offence under the same section to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[21/84; 32/2008]

Penalty for fraudulently inducing employee to emigrate

113. Any person who by force, intoxication or ill-treatment, intimidation or fraud, or by means of false representations, induces or attempts to induce any person to enter into a contract of service to work beyond the limits of Singapore shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

[32/2008]

Offence by body corporate

113A. Where an offence under this Act is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

[36/95]

Power to compound offences

114. The Commissioner may in his discretion compound any such offence under this Act as may be prescribed as being an offence which may be compounded by accepting from the person reasonably suspected of committing that offence a sum not exceeding \$1,000.

[32/2008]

PART XV

CLAIMS, COMPLAINTS AND INVESTIGATIONS INTO OFFENCES

Commissioner's power to inquire into complaints

115.—

(1) Subject to this section, the Commissioner may inquire into and decide any dispute between an employee and his employer or any person liable under the provisions of this Act to pay any salary

due to the employee where the dispute arises out of any term in the contract of service between the employee and his employer or out of any of the provisions of this Act, and in pursuance of that decision may make an order in the prescribed form for the payment by either party of such sum of money as he considers just without limitation of the amount thereof.

(2) The Commissioner shall not inquire into any dispute in respect of matters arising earlier than one year from the date of lodging a claim under [section 119](#) or the termination of the contract of service of or by the person claiming under that section:

Provided that the person claiming in respect of matters arising out of or as the result of a termination of a contract of service has lodged a claim under [section 119](#) within 6 months of the termination of the contract of service.

(3) The powers of the Commissioner under [subsection \(1\)](#) shall include the power to hear and decide, in accordance with the procedure laid down in this Part, any claim by a subcontractor for labour against a contractor or subcontractor for any sum which the subcontractor for labour claims to be due to him in respect of any labour provided by him under his contract with the contractor or subcontractor and to make such consequential orders as may be necessary to give effect to his decision.

(3A) Where the employee is employed in a managerial or an executive position, an order for the payment of money under [subsection \(1\)](#) shall not exceed \$20,000.

[36/2010 wef 01/02/2011]

(4) In this section, “employer” includes the transferor and the transferee of an undertaking or part thereof referred to in [section 18A](#).

[36/95]

Prohibiting order by Commissioner to third party

116.—

(1) Whenever the Commissioner has made an order under [section 115](#) against any employer or any person liable for the payment of any sum of money to any workman or subcontractor for labour and after inquiry finds that there exists between that employer or person liable and some other person a contract in the course of the execution of which the workman or subcontractor for labour performed the work in respect of which the order has been made, the Commissioner may summon that other person and may make an order prohibiting him from paying to the employer or person liable and requiring him to pay to the Commissioner any money (not exceeding the amount found due to the workman or subcontractor for labour) admitted by him to be owing to the employer or person liable in respect of the contract.

(2) Where that other person admits to the Commissioner in writing that money is owing by him under the contract to the employer or person liable, he need not be summoned before the Commissioner and the Commissioner may make such order in his absence.

(3) Where that other person is liable as a principal under [section 65](#) to pay any salary due by the employer or person liable and where the money admitted by him to be owing to the employer or person liable is not sufficient to pay the whole of the salary, nothing in this subsection shall relieve him of his liability for the balance of the salary up to the amount for which he is liable under that section.

(4) Any person so summoned shall be legally bound to attend at the time and place mentioned in the summons and to answer truthfully all questions relating to the contract which the Commissioner may put to him.

(5) The payment of any money in pursuance of an order under [subsection \(1\)](#) shall be a discharge and payment up to the amount so paid of money due to the employer or person liable under the contract.

Right of appeal

117.—

(1) Where any person interested is dissatisfied with the decision or order of the Commissioner, he may, within 14 days after the decision or order, appeal to the High Court from the decision or order.

(2) The procedure governing any such appeal to the High Court shall be as provided for in the Rules of Court.

Fees and enforcement of orders

118.—

(1) No fees other than a registration fee in accordance with the rates specified in [the Second Schedule](#) shall be charged by the Commissioner in respect of processes issued by him under this Part and all orders made by the Commissioner shall, notwithstanding that they may in respect of the amount or value be in excess of the ordinary jurisdiction of the court, be enforced by a District Court in the same manner as a judgment of that Court and all necessary processes may be served by the Court on behalf of the Commissioner.

(2) No sale of immovable property shall for the purposes of the enforcement be ordered except by the High Court.

Procedure for making and hearing claims

119.—

(1) The mode of procedure for the making and hearing of claims shall be as follows:

(a) the person claiming shall lodge a memorandum at the office of the Commissioner, specifying shortly the subject-matter of the claim and the remedy sought to be obtained, or he may make his claim in person to the Commissioner who shall immediately reduce it or cause it to be reduced in writing;

(b) upon receipt of the memorandum or verbal claim and of the registration fee payable by the person in accordance with the rates specified in [the Second Schedule](#), the Commissioner shall summon in writing the party against whom the claim is made, giving reasonable notice to him of the nature of the claim and the time and place at which the claim will be inquired into, and he shall also notify or summon all persons whose interests may appear to him likely to be affected by the proceedings;

(c) the Commissioner may also summon such witnesses as either party may wish to call;

(d) if the party against whom a claim is made wishes to make a counterclaim against the party claiming, he shall notify the Commissioner and the other party in writing of the nature and amount of the counterclaim not less than 3 days before the date of the inquiry;

(e) at any time between the issuing of summons and the hearing of the claim, the Commissioner may hold or cause to be held a preliminary inquiry at which the party claiming and the party against whom the claim is made shall be present after having been notified in writing of the inquiry;

(f) at the preliminary inquiry the parties may amend or withdraw the whole claim or portion thereof, make a counterclaim or reach a settlement in respect of the claim;

(g) if a settlement is effected at a preliminary inquiry in respect of a claim or portion thereof, the Commissioner shall make an order recording the terms of the settlement and that order shall have effect as if it were an order made under [paragraph \(h\)](#);

(h) at the time and place appointed the parties shall attend and state their case before the Commissioner and may call evidence, and the Commissioner, having heard on oath or affirmation the statements and evidence and any other evidence which he may consider necessary, shall give his decision and make such order in the prescribed form as may be necessary for giving effect to the decision;

(i) if any person interested has been duly summoned by the Commissioner to attend at the inquiry and makes default in so doing, the Commissioner may hear the claim and make his decision in the absence of that person notwithstanding that the interest of that person may be prejudicially affected by his decision;

(j) the Commissioner shall keep a case book, in which he shall enter notes of the evidence taken and the decisions arrived at in each case heard before him and shall authenticate them by attaching his signature thereto, and the record in the case book shall be sufficient evidence of the giving of any decision, or of the making of any order, and of the terms thereof; and any person interested in a dispute, decision or order, shall be entitled to a copy of the record upon payment of the prescribed fee.

- (2) In hearing claims or conducting proceedings under this Part, the Commissioner —
- (a) shall not be bound to act in a formal manner or in accordance with the [Evidence Act \(Cap. 97\)](#) but may inform himself on any matters in such manner as he thinks just; and
 - (b) shall act according to equity, good conscience and the merits of the case without regard to technicalities.

Representation before Commissioner

120. In proceedings before the Commissioner, a party —

- (a) being an employee and a member of a trade union that has been given recognition under Part III of the [Industrial Relations Act \(Cap. 136\)](#) by the employer of the employee, may be represented by an officer of the trade union; and

[36/2010 wef 01/02/2011]

- (b) being an employer may be represented by one of his employees, but shall not be represented by an advocate or solicitor or a paid agent.

[36/2010 wef 01/02/2011]

Joining of claims

121.—

(1) In proceedings under this Part where it appears to the Commissioner that there are more employees or subcontractors for labour than one having a common claim or similar claims against the same employer or person liable, it shall not be necessary for each of them to make a separate claim under this Part, but the Commissioner may, if he thinks fit, permit one or more of them to lodge a memorandum or make a claim and to attend and act on behalf of and generally to represent the others, and the Commissioner may proceed to adjudicate on the several or joint claim of each and every such employee or subcontractor for labour.

(2) Where the Commissioner is of the opinion that the interest of the employer or person liable are or are likely to be prejudiced by the non-attendance of any employee or subcontractor for labour, the Commissioner shall require the personal attendance of the employee or subcontractor for labour.

Jurisdiction of courts not affected

122. Nothing in this Part shall limit or affect the jurisdiction of any court.

Employee's remedy when employer about to abscond

123. *[Repealed by Act 32 of 2008]*

Investigations of complaints and offences

124.—

(1) Whenever the Minister, the Parliamentary Secretary to the Minister, the Permanent Secretary to the Ministry of Manpower, the Commissioner or an inspecting officer has reasonable grounds for believing that an offence under this Act has been committed, or wishes to inquire into any matter for which provision is made by this Act or any dispute as to such matter or the death of an employee, or any matter connected with hospital and medical facilities, quarters, sanitation, inspections or the keeping of registers and other documents or whenever any person complains to the Minister, the Parliamentary Secretary to the Minister, the Permanent Secretary to the Ministry of Manpower, the Commissioner or an inspecting officer of any breach of any provision of this Act, the Minister, the Parliamentary Secretary to the Minister, the Permanent Secretary to the Ministry of Manpower, the Commissioner or an inspecting officer, as the case may be, may summon any other person who he has reason to believe can give information regarding the subject-matter of the inquiry or complaint, and the person so summoned shall be legally bound to attend at the time and place specified in the summons to furnish information or documents, produce any article or give statements, and to answer truthfully all questions which the Minister, the Parliamentary Secretary to the Minister, the Permanent Secretary to the Ministry of Manpower, the Commissioner or an inspecting officer, as the case may be, may put to him.

[36/95; 32/2008]

(2) Any person who in any way wilfully obstructs the service of or obedience to such summons, and any person summoned who neglects to attend as required in such summons shall be guilty of an offence.

[32/2008]

(3) The Commissioner or inspecting officer shall have the power to report any failure by such person to attend as required by a summons under [subsection \(2\)](#) to a Magistrate, who may thereupon issue a warrant to secure the attendance of that person as required by the summons.

[32/2008]

Procedure after inquiry

125.—

(1) If upon an inquiry under [section 124](#) it appears that an offence has been committed or that the complaint is well founded, the Commissioner may institute such proceedings, civil or criminal, as he may consider necessary under the circumstances and where the proceedings arise from a complaint made by an employee or a subcontractor for labour he shall institute the proceedings for and in the name of the employee or subcontractor for labour.

(2) In the event of there being more employees or subcontractors for labour than one making a similar complaint, the Commissioner may, if he institutes civil proceedings for and in the name of those employees or subcontractors for labour, consolidate the complaint of all those employees or subcontractors for labour into one cause of action and he shall only be required to sue out one summons for and in the name of all those employees or subcontractors for labour in respect of such causes of action.

(3) Any court which would have jurisdiction to hear and determine separate suits based on such causes of action shall be competent to hear and determine such consolidated suit, notwithstanding that the subject-matter of the consolidated subject-matter suit is in excess of the ordinary jurisdiction of that court.

(4) Judgment may be given without any amendment for such one or more of the plaintiffs as may be found to be entitled to relief for such relief as he or they may be entitled to.

Costs of proceedings

126. No court fees shall be chargeable in the first instance on any proceedings commenced by an employee or a subcontractor for labour or by the Commissioner on his behalf against his employer or person liable under this Act but, in case a conviction is had or judgment given against his employer or person liable, the court fees shall be paid by the employer or person liable together with the general costs of the proceedings.

PART XVI

PROCEDURE AND REGULATIONS

Officers to be public servants

127. For the purposes of this Act and of the Penal Code (Cap. 224), the Commissioner and all other officers appointed or acting under this Act shall be deemed to be public servants within the meaning of the Penal Code.

Place of employment deemed to be public place

128. For the purposes of [section 18](#) of the Miscellaneous Offences (Public Order and [Nuisance Act \(Cap. 184\)](#)), every place of employment shall be deemed to be a public place.

Jurisdiction of Magistrates' and District Courts

129.—

(1) Subject to any special provision to the contrary in this Act, all convictions and penalties for offences under this Act may be had and recovered before a Magistrate's Court or a District Court on complaint by any person aggrieved or by the Commissioner or any person authorised by him in that behalf.

(2) A Magistrate's Court or a District Court may, notwithstanding anything in the Criminal Procedure Code (Cap. 68), impose the full punishment prescribed by this Act, excepting that a Magistrate's Court shall not impose a sentence of imprisonment exceeding 12 months.

Right to hearing

130. The Commissioner and any officer authorised by him in writing shall have the right to appear and be heard before a Magistrate's Court or a District Court in any proceedings under this Act and

shall also have the right to be heard before those Courts in any prosecution under Chapter XVI of the Penal Code (Cap. 224) instituted by him in accordance with [section 125](#).

Onus of proof

131. In all proceedings under [Part XV](#), the onus of proving that he is not the employer or the person whose duty it is under this Act to do or abstain from doing anything shall be on the person who alleges that he is not the employer or other person, as the case may be.

Civil proceedings not barred

132. Nothing in this Act shall operate to prevent any employer or employee from enforcing his respective civil rights and remedies for any breach or non-performance of a contract of service by any suit in court in any case in which proceedings are not instituted, or, if instituted, are not proceeded with to judgment under this Act.

Power to deal with evidence taken down by another officer

133. Where the Commissioner or any officer performing the duties or exercising the powers conferred on the Commissioner has, for the purpose of inquiring into any matter under this Act, taken down any evidence or made any memorandum and is prevented by death, transfer or other cause from concluding the inquiry, any successor to the Commissioner or other officer may deal with the evidence or memorandum as if he had taken it down or made it and proceed with the inquiry from the stage at which his predecessor left it.

Application of fines

134. When under this Act any court imposes a fine or enforces the payment of any sum secured by a recognizance or bond, the court may, if it thinks fit, direct that the whole or any part of the fine or sum when recovered be paid to the party complaining, or where the offence was committed by an employer in respect of a liability to pay money to an employee, that employee.

[36/95]

Imprisonment to be in discharge of fine, compensation, etc.

135. Subject to any special provision to the contrary in this Act, from and after the determination of any imprisonment suffered under this Act for non-payment of the amount of any fine, compensation or damages, with the costs assessed and directed to be paid by any order of court, the amount so ordered shall be deemed to be liquidated and discharged, and the order shall be annulled.

Recovery of money as fines

136. In the event of any employer being subjected to any fine or penalty under the provisions of this Act, the fine or penalty may, in addition to any other means of recovery, be recovered by distress and sale of the place of employment, or of any property belonging to him and in such place of employment.

Service of requisitions and summons

137.—

(1) Any requisition issued under [section 98](#) or [99](#) or any summons issued under [section 116](#), [119](#) or [124](#) may be served on any person —

(a) by delivering it to the person or to some adult member of his family at his last known place of residence;

(b) by leaving it at or sending it by registered post to his usual or last known place of residence or business in an envelope addressed to the person; or

(c) where the person is a body of persons or a body corporate —

(i) by delivering it to the director, manager, secretary or other like officer of the body of persons or body corporate at its registered office or principal place of business; or

(ii) by sending it by registered post addressed to the body of persons or body corporate at its registered office or principal place of business.

[32/2008]

(2) Any requisition or summons sent by registered post to any person in accordance with [subsection \(1\)](#) shall be deemed to be duly served on the person at the time when the requisition or summons, as the case may be, would in the ordinary course of post be delivered and, in proving service of the requisition or summons, it shall be sufficient to prove that the envelope containing

the requisition or summons, as the case may be, was properly addressed, stamped and posted by registered post.

[32/2008]

Power to make reciprocal provisions with Malaysia for the service, execution and enforcement of summonses, warrants and orders

138. If the Minister is satisfied that arrangements have been or will be made under any legislation in force in Malaysia for the service, execution or enforcement in Malaysia of summonses, warrants or orders issued or made under this Act, he may, by regulations made under this Act —

- (a) prescribe the procedure for sending such summonses, warrants and orders to Malaysia for service, execution or enforcement and specify the conditions under which any such summons shall be deemed to have been served; and
- (b) make reciprocal provisions for the service, execution or enforcement in Singapore of summonses, warrants or orders issued or made in Malaysia under any corresponding or similar legislation in force there.

Power to make regulations

139.—

(1) The Minister may, in addition to the powers expressly conferred by any other provisions of this Act, make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of [subsection \(1\)](#), such regulations may —

- (a) prescribe the circumstances and conditions under which females may be employed as workmen;
- (b) require registers and records to be maintained and prescribe the form and contents thereof and the manner in which they shall be displayed;
- (c) regulate the method of collecting statistics either in connection with or independently of any other public department, the staff to be employed in connection therewith, the duties to be performed and the publications, if any, to be issued;
- (d) prescribe the forms and manner in which and the times and places at which particulars or information shall be furnished, and the manner in which the same shall be authenticated, and any other thing which under this Act is required to be prescribed;
- (e) exempt from the obligation to furnish particulars or information under this Act, either wholly or to the prescribed extent, and either unconditionally or subject to the prescribed conditions, any employer or class of employers;
- (f) prescribe the form of register to be kept under [section 29](#) and the forms of orders to be made under [sections 115](#) and [119](#);
- (g) prescribe the fees payable for copies of notes of evidence and decisions recorded under [section 119\(1\)\(j\)](#);
- (h) prescribe penalties for any contravention of the provisions of the regulations made under this section; except that no such penalty shall exceed \$5,000 in the case of a first offence or \$10,000 in the case of a second or subsequent offence under the same regulation within one year.

[21/84; 32/2008]

(3) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

Power to amend First and Second Schedules

140. The Minister may, from time to time by notification in the *Gazette*, add to or amend the First or Second Schedule.

FIRST SCHEDULE

Section 2

WORKMEN

- (1) Cleaners.
- (2) Construction workers.
- (3) Labourers.
- (4) Machine operators and assemblers.
- (5) Metal and machinery workers.
- (6) Train, bus, lorry and van drivers.
- (7) Train and bus inspectors.
- (8) All workmen employed on piece rates in the premises of the employer.

SECOND SCHEDULE

Sections 118 and 119

REGISTRATION FEE

The registration fee payable by any person making a claim with the Commissioner for Labour shall be as follows:

- | | |
|--|-------|
| (a) where the claim is made by an employee ... | \$3 |
| (b) where the claim is made by an employer ... | \$20. |

THIRD SCHEDULE

Section 107A

CALCULATION OF GROSS AND BASIC RATES OF PAY OF AN EMPLOYEE EMPLOYED ON A MONTHLY RATE OR ON PIECE RATES

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Item</i>	<i>Calculation of gross rate of pay</i>	<i>Calculation of basic rate of pay</i>
1. Where an employee is employed on piece rates.	<p>The gross rate of pay for one day is to be calculated by dividing the total salary including allowances but excluding—</p> <p>(a) additional payments by way of overtime payments;</p> <p>(b) additional payments by way of bonus payments or annual wage supplements;</p> <p>(c) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;</p> <p>(d) productivity incentive payments; and</p> <p>(e) travelling, food and housing allowances,</p> <p>earned by the employee during the period of 14 days immediately preceding the date of termination, day of absence or period of holiday, day of leave or period of</p>	<p>The basic rate of pay for one day is to be calculated by dividing the total salary including wage adjustments and increments but excluding—</p> <p>(a) additional payments by way of overtime payments;</p> <p>(b) additional payments by way of bonus payments or annual wage supplements;</p> <p>(c) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;</p> <p>(d) productivity incentive payments; and</p> <p>(e) any allowance however described,</p> <p>earned by the employee during the period of 14 days immediately preceding the rest day or holiday, as the case may be, by the number of days on which the employee actually</p>

leave, or benefit period, as the case may be, by the number of days on which the employee actually worked during that period of 14 days.

2. Where an employee is employed on a monthly rate of pay and the number of days on which the employee is required to work in a week is the same in every week under his contract of service.

The gross rate of pay for one day is to be calculated according to the following formula:

The basic rate of pay for one day is to be calculated according to the following formula:

12 x monthly gross rate of pay

12 x monthly basic rate of pay

52 x number of days on which the employee is required to work in a week.

52 x number of days on which the employee is required to work in a week.

3. Where an employee is employed on a monthly rate of pay and is required under his contract of service to work on a certain number of days in one week and on a different number of days in the following week in every period of 2 consecutive weeks.

The gross rate of pay for one day is to be calculated according to the following formula:

The basic rate of pay for one day is to be calculated according to the following formula:

12 x monthly gross rate of pay

12 x monthly basic rate of pay

52 x average number of days on which the employee is required to work in a week over any period of 2 consecutive weeks.

52 x average number of days on which the employee is required to work in a week over any period of 2 consecutive weeks.

4. Where an employee is employed on a monthly rate of pay and is required under his contract of service to work on different number of days in different weeks.

The gross rate of pay for one day is to be calculated according to the following formula or such other formula as may be approved by the Commissioner:

The basic rate of pay for one day is to be calculated according to the following formula or such other formula as may be approved by the Commissioner:

12 x monthly gross rate of pay

12 x monthly basic rate of pay

52 x average number of working days in a week.

52 x average number of working days in a week.

[S 475/90]

5. In this Schedule —

“average number of working days in a week” means —

(a) for the purposes of calculating, under [section 11\(1\)](#), the salary that is payable in lieu of notice of termination —

(i) the average number of days on which the employee was required, under his contract of service, to work in a week over the period of 3 weeks immediately preceding the termination of the contract; or

(ii) where the employee was in employment for less than 3 weeks, the average number of days on which the employee would have been required to work in a week over the first 3 weeks of his employment, if the contract of service had not been terminated;

(b) for the purposes of calculating, under [section 28\(2\)](#), the salary that may be deducted for absence from work —

- (i) the average number of days on which the employee was required, under his contract of service, to work in a week over the period of 3 weeks immediately preceding the day of absence or period of absence, as the case may be; or
 - (ii) where the employee was in employment for less than 3 weeks, the average number of days on which the employee was required to work under his contract of service in a week over the period of 3 weeks immediately following the day of absence or period of absence, as the case may be;
- (c) in any other case —
- (i) the average number of days on which the employee was required, under his contract of service, to work in a week over the period of 3 weeks immediately preceding the rest day, holiday, day of leave or period of leave, as the case may be; or
 - (ii) where the employee was in employment for less than 3 weeks, the average number of days on which the employee was required to work under his contract of service in a week over the period of 3 weeks immediately following the rest day, holiday, day of leave or period of leave, as the case may be;
- “week” means a continuous period of 7 days commencing at midnight on Sunday.
6. Paragraphs (a) and (b) of the definition of “average number of working days in a week” in item 5 are not applicable in the third column.
7. In calculating the number of working days in a week or the average number of working days in a week, any day on which an employee is required to work for 5 hours or less under his contract of service shall be regarded as half a day.

EMPLOYMENT OF FOREIGN MANPOWER ACT
(CHAPTER 91A)
(Original Enactment: Act 21 of 1990)
REVISED EDITION 2009
(31st July 2009)

An Act relating to the employment of foreign manpower.

[30/2007]
[1st January 1991]

Short title

1. This Act may be cited as the Employment of Foreign Manpower Act.

[30/2007]

Interpretation

2. In this Act, unless the context otherwise requires —

“construction works” means the construction, extension, installation, carrying out, repair, maintenance, renewal, removal, alteration, dismantling or demolition of —

- (a) any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level;
- (b) any road, motorway, harbour works, railway, cableway, canal or aerodrome;
- (c) any drainage, irrigation or river control work;
- (d) any electrical, water, gas or telecommunication works; or
- (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation,

and includes any works which form an integral part of, or are preparatory to the works described in [paragraphs \(a\) to \(e\)](#), including site clearance, earth-moving, excavation, laying of foundation, site restoration and landscaping, and such other works or activities as the Minister may, by notification in the *Gazette*, specify to be construction works;

“Controller” means the Controller of Work Passes appointed under [section 3](#);

“employ” means to engage or use the service of any person for the purpose —

- (a) of any work; or
- (b) of providing any training for that person,

whether under a contract of service or otherwise, and with or without salary;

“employer” means any person employing a foreign employee and, for the purposes of an application for a work pass, any person who intends to employ a foreign employee;

“employment inspector” means the Controller and any person appointed as an employment inspector under [section 3](#);

“foreign employee” means —

- (a) any foreigner, other than a self-employed foreigner, who seeks or is offered employment in Singapore; or
- (b) such other person or class of persons as the Minister may, by notification in the *Gazette*, specify;

“foreigner” means any person who is not a citizen or permanent resident of Singapore;

“levy” means the levy imposed under [section 11](#);

“occupier”, in relation to any premises, includes —

- (a) the person having the charge, management or control of either the whole or part of the premises either on his own account or as an agent; and
- (b) any person who is carrying out construction or other works at the premises on behalf of some other person;

“premises” includes —

- (a) any building or structure, whether permanent or temporary;
- (b) any land, whether or not built on;
- (c) any place, whether or not enclosed, including any place situated underground or underwater;
- (d) any vehicle, vessel or aircraft; and

(e) any part of any premises;

“self-employed foreigner” means any foreigner who, not being employed under a contract of service, engages in any trade, vocation, profession or other activity in Singapore for the purpose of gain;

“train”, in relation to a foreign employee, means to teach, instruct or educate the foreign employee in relation to the work in which the foreign employee is employed or to be employed;

“work pass” means a work pass belonging to any prescribed category of work passes which is issued by the Controller under [section 7](#).

[37/95; 26/2001; 30/2007]

Meaning of “personal identifier”

2A. —

(1) In this Act, “personal identifier” means any of the identifiers specified in [the Schedule](#) (including any in digital form).

(2) The Minister may, by order published in the *Gazette*, amend [the Schedule](#), except that any other personal identifier so prescribed in the order must —

(a) be an image of, or a measurement or recording of, an external part of the human body; and

(b) not be an identifier the obtaining of which would involve the taking of an intimate sample within the meaning of [section 13A of the Registration of Criminals Act \(Cap. 268\)](#).

[30/2007]

Appointment of Controller of Work Passes and employment inspectors

3. —

(1) The Minister may appoint a Controller of Work Passes who shall have such functions and powers as are conferred on him by this Act and such number of Deputy Controllers of Work Passes and Assistant Controllers of Work Passes as the Minister may think necessary to assist the Controller in the proper discharge of his functions.

[39/98; 30/2007]

(1A) The Deputy Controllers of Work Passes and the Assistant Controllers of Work Passes shall have and may exercise and perform all the powers, duties and functions of the Controller conferred by this Act, subject to such limitations as the Controller may think fit to impose.

[39/98; 30/2007]

(2) The Minister may appoint such number of employment inspectors as he may think fit for carrying out the purposes of this Act.

Controller and employment inspectors to be public servants

3A. The Controller and every Deputy Controller of Work Passes, Assistant Controller of Work Passes and employment inspector appointed under [section 3](#) shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

[30/2007]

Exemption

4. The Minister may, by notification in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act.

Prohibition of employment of foreign employee without work pass

5. —

(1) No person shall employ a foreign employee unless the foreign employee has a valid work pass.

[30/2007]

(2) No foreign employee shall be in the employment of an employer without a valid work pass.

[30/2007]

(3) No person shall employ a foreign employee otherwise than in accordance with the conditions of the foreign employee’s work pass.

[30/2007]

(4) In any proceedings for an offence under [subsection \(1\)](#), it shall not be a defence for a defendant to prove that he did not know that the employee was a foreigner unless the defendant further proves that he had exercised due diligence to ascertain the nationality of the employee.

[37/95; 30/2007]

(5) For the purpose of [subsection \(4\)](#), a defendant shall not be deemed to have exercised due diligence unless he had checked the passport, document of identity or other travel document of the employee.

[37/95; 30/2007]

(6) Any person who contravenes [subsection \(1\)](#) shall be guilty of an offence and shall —
(a) be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; and
(b) on a second or subsequent conviction —

(i) in the case of an individual, be punished with imprisonment for a term of not less than one month and not more than 12 months and also be liable to a fine not exceeding \$15,000; and

(ii) in the case of a body corporate, be punished with a fine not exceeding \$30,000.

[30/2007]

(6A) Where a court has convicted a person for the contravention of [subsection \(1\)](#), the court shall, in addition to imposing on that person any other punishment, order the payment by him of a sum which is equal to the levy which would have been payable if any work pass had been issued for the period during which any foreign employee was employed by the person in contravention of [subsection \(1\)](#), and any such payment ordered shall be recoverable as a fine.

[30/2007]

(7) Any person who contravenes [subsection \(2\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(7A) Any person who contravenes [subsection \(3\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[30/2007]

(8) For the purposes of this section —

(a) the levy payable shall be determined using the lowest applicable monthly rate of levy as specified in an order made by the Minister under [section 11](#) in respect of the trade or type of occupation of the foreign employee at the date when he was first employed by the defendant without a valid work pass, and a certificate issued by the Controller and tendered in court shall be prima facie evidence of such rate;

(b) for the avoidance of doubt, where a person has been convicted of an offence under [subsection \(6\)](#), and he has on a previous occasion been convicted for contravening section 5(1) of the Employment of Foreign Workers Act (Cap. 91A, 1997 Ed.) in force immediately before 1st July 2007, the first-mentioned conviction shall be considered a second or subsequent conviction under [subsection \(6\)](#); and

(c) all convictions against the same person for the contravention of [subsection \(1\)](#) at one and the same trial shall be deemed to be one conviction.

[30/2007]

Presumption of employment

6. Where a foreigner is found at any premises, the occupier of the premises shall be presumed, until the contrary is proved, to have employed the foreigner.

[37/95]

Prohibition of foreigner without work pass entering or remaining at work place

6A. —

(1) No occupier of a work place who has control of access to the work place shall permit any foreigner without a valid work pass to enter or remain at the work place.

[37/95; 30/2007]

(2) Where a foreigner without a valid work pass is found at any work place, it shall be presumed, until the contrary is proved, that the occupier of the work place —

- (a) had control of access to the work place;
- (b) had permitted the foreigner to enter or remain at the work place; and
- (c) had knowledge that the foreigner did not possess a valid work pass.

[37/95; 30/2007]

(3) The presumptions provided for in [subsection \(2\)](#) shall not be rebutted by proof that a defendant did not know that the person was a foreigner unless the defendant further proves that he had exercised due diligence —

- (a) to prevent the foreigner from entering or remaining at the work place;
- (b) to ascertain that the person was a citizen or permanent resident of Singapore by checking his passport, document of identity or other travel documents; or
- (c) to ascertain that the foreigner had at the material time in his possession a valid work pass by checking his original work pass.

[37/95; 30/2007]

(4) For the purposes of [subsection \(3\)\(a\)](#), a defendant shall not be deemed to have exercised due diligence unless he had taken all reasonable measures to prevent any foreigner without a valid work pass from entering or remaining at the work place, including all the measures prescribed under [subsection \(5\)](#) in respect of the work place.

[37/95; 30/2007]

(5) For the purposes of [subsection \(4\)](#), the Minister may, by notification in the *Gazette*, prescribe the measures that are required to be taken by the occupier of the work place.

[37/95]

(6) Any person who contravenes [subsection \(1\)](#) shall be guilty of an offence and shall be liable —

- (a) on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) on a second or subsequent conviction, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 2 years or to both.

[30/2007]

(7) In this section —

“occupier”, in relation to a work place, means the principal contractor who undertakes any construction works at the work place and includes such other person as the Minister may, by notification in the *Gazette*, specify to be the occupier of the work place;

“principal contractor” means a person who has entered into a contract with an owner, a developer or a lessee of a property or his agent for the purpose of carrying out any construction works, or such other works or activities as the Minister may, by notification in the *Gazette*, specify;

“work place” means any place or premises where works are being carried out and includes any premises within the vicinity of the work place to which the occupier has control of access.

[37/95; 30/2007]

(7A) For the avoidance of doubt, where a person has been convicted of an offence under [subsection \(6\)](#), and he has on a previous occasion been convicted for contravening section 6A(1) of the Employment of Foreign Workers Act (Cap. 91A, 1997 Ed.) in force immediately before 1st July 2007, the first-mentioned conviction shall be considered a second or subsequent conviction under [subsection \(6\)](#).

[30/2007]

(7B) All convictions against the same person for the contravention of [subsection \(1\)](#) at one and the same trial shall be deemed to be one conviction.

[30/2007]

(8) Nothing in this section shall prevent any person from being prosecuted under any other provision of this Act for any act or omission which constitutes an offence under that other provision, but no person shall be punished twice for the same offence.

Application for work pass

7. —

- (1) Every application for a work pass shall —
- (a) where the work pass belongs to any category of work passes prescribed by the Minister, be made by a person prescribed for that category of work passes;
 - (b) be in such form as the Controller may determine;
 - (c) be accompanied by the prescribed fee, if any; and
 - (d) be accompanied by such information, statements and documents as the Controller may require.

[30/2007]

- (2) On receipt of an application under [subsection \(1\)](#), the Controller may —

- (a) issue a work pass, with or without conditions —
 - (i) if the prescribed fee has been paid; and
 - (ii) if the Controller is satisfied that the foreign employee or self-employed foreigner to whom the work pass is to be issued is not a prohibited immigrant under [section 8 of the Immigration Act \(Cap. 133\)](#); or
- (b) refuse to issue any work pass.

[30/2007]

- (3) A work pass may, on payment of the prescribed renewal fee, be renewed by the Controller for such period as the Controller may determine, starting from the day immediately following the day on which the work pass would have expired but for that renewal.

[30/2007]

- (4) The Controller may at any time —

- (a) vary or revoke any of the existing conditions of a work pass or impose new conditions;
- (b) vary, suspend or revoke a work pass;
- (c) reinstate a work pass which has been suspended or revoked, if the prescribed fee has been paid; or
- (d) debar any person from applying for or being issued with a work pass for such fixed period of time as may be determined by the Controller.

[30/2007]

- (5) Any person who is aggrieved by a decision of the Controller under [subsection \(2\)](#), [\(3\)](#) or [\(4\)](#) may appeal to the Minister, whose decision shall be final.

[30/2007]

- (6) There shall be no judicial review in any court of any decision or act of the Minister or the Controller under this section, except in regard to any question relating to compliance with any procedural requirement of this Act governing such decision.

[30/2007]

- (7) In [subsection \(6\)](#), “judicial review” includes proceedings instituted by way of —

- (a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order;
- (b) an application for a declaration or an injunction;
- (c) an Order for Review of Detention; and
- (d) any other suit or action relating to or arising out of any decision made or act done in pursuance of any power conferred upon the Minister or the Controller by this section.

[30/2007]

Register of foreign employees to be kept by employer

8. —

- (1) An employer shall keep, in accordance with section 95 of the [Employment Act \(Cap. 91\)](#), a register of foreign employees to whom work passes have been issued under [section 7](#).

[30/2007]

- (2) The register shall be in such form and shall contain such particulars as the Controller may determine.

(3) The register shall, at all reasonable times, be open to inspection by an employment inspector.

Termination of employment of foreign employees

9. —

(1) Where the Controller has decided to suspend or revoke the work pass of a foreign employee under [section 7\(4\)](#), the Controller shall notify the employer of the foreign employee of his decision and the employer of the foreign employee shall, within 7 days of receiving the notification, terminate the employment of the foreign employee.

[30/2007]

(2) Every employer of a foreign employee who intends to have the work pass of the foreign employee cancelled shall —

(a) apply to the Controller to cancel the work pass; and

(b) if so required, return the work pass to the Controller within 7 days of such cancellation.

[30/2007]

(3) An employer who contravenes [subsection \(1\)](#) or [\(2\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[30/2007]

(4) The termination of the employment of a foreign employee under [subsection \(1\)](#) shall not be —

(a) capable of negotiation with a trade union representing the foreign employee;

(b) a matter in respect of which any form of industrial action may be taken by any such trade union;

(c) the subject-matter of a trade dispute or of conciliation proceedings or any method of redress whether or not under any written law; and

(d) any industrial matter within the meaning of the [Industrial Relations Act \(Cap. 136\)](#).

[30/2007]

(5) Where in respect of the employment of any person there has been any contravention of [subsection \(1\)](#), that person shall not, by reason only of such contravention, be deemed to be employed under an illegal contract of employment.

Self-employed foreigners to apply for work passes

10. —

(1) No self-employed foreigner shall engage in any trade, vocation, profession or other activity for the purpose of gain in Singapore unless he has obtained a valid work pass which allows him to work in Singapore.

[30/2007]

(2) Any self-employed foreigner who contravenes [subsection \(1\)](#) shall be guilty of an offence and shall —

(a) be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) on a second or subsequent conviction, be punished with imprisonment for a term of not less than one month and not more than 12 months and also be liable to a fine not exceeding \$15,000.

[30/2007]

(3) Where a court has convicted a person for the contravention of [subsection \(1\)](#), the court shall, in addition to imposing on that person any other punishment, order the payment by him of a sum which is equal to the levy which would have been payable if a valid work pass had been issued for the period during which the person was engaged in a trade, vocation, profession or other activity for the purpose of gain in Singapore, and any such payment ordered shall be recoverable as a fine.

[30/2007]

(4) For the purposes of this section —

(a) the levy payable shall be determined using the lowest applicable monthly rate of levy as specified in an order made by the Minister under [section 11](#) in respect of the trade, vocation,

profession or other activity engaged in by the self-employed foreigner at the date when he was first so engaged, and a certificate issued by the Controller and tendered in court shall be prima facie evidence of such rate;

(b) for the avoidance of doubt, where a person has been convicted of an offence under [subsection \(2\)](#), and he has on a previous occasion been convicted for contravening section 10(1) of the Employment of Foreign Workers Act (Cap. 91A, 1997 Ed.) in force immediately before 1st July 2007, the first-mentioned conviction shall be considered a second or subsequent conviction under [subsection \(2\)](#); and

(c) all convictions against the same person for the contravention of [subsection \(1\)](#) at one and the same trial shall be deemed to be one conviction.

[30/2007]

Levy in respect of foreign employee or self-employed foreigner

11. —

(1) The Minister may, by order published in the *Gazette*, provide for the imposition of a levy of such amount as may be specified in the order on employers in respect of any foreign employee or class of foreign employees or on self-employed foreigners who have, pursuant to [section 10\(1\)](#), obtained a work pass to engage in any trade, vocation, profession or other activity in Singapore for the purpose of gain.

[30/2007]

(2) The levy shall continue to be payable unless the work pass —

(a) has expired;

(b) has been suspended or revoked by the Controller; or

(c) has been cancelled by the Controller on application by the employer.

[30/2007]

(3) Any order made under [subsection \(1\)](#) may provide for the recovery of the levy in such manner and through such channels as may be specified in the order.

(4) Where the amount of the levy payable by any employer or self-employed foreigner in respect of any month is not paid within such period as may be specified in the order, the employer or self-employed foreigner shall be liable to pay a penalty on the amount for every day the amount remains unpaid commencing from the first day of the month succeeding the month in respect of which the amount is payable.

[30/2007]

(5) The penalty under [subsection \(4\)](#) shall be calculated at the rate specified by the Minister, by notification published in the *Gazette*, or the sum of \$5, whichever is the greater, but, subject to that, the total penalty shall not exceed 30% of the amount of levy outstanding.

[30/2007]

(6) The Controller may, in any case in which he thinks fit, waive, remit or refund in whole or in part any penalty due under [subsection \(4\)](#).

[37/95; 30/2007]

(7) Any levy and penalty due from and payable by any employer or self-employed foreigner shall be recoverable by the Controller, or any person duly authorised by the Controller to act on his behalf, as a debt due to the Government.

[30/2007]

(8) For the purposes of reimbursing any person authorised by the Controller to act on his behalf for the expenses incurred by him in the collection and recovery of the levy, the Minister may authorise the person to be paid such amount as the Minister may determine.

(9) In any proceedings for the recovery of any levy and penalty due thereon which any employer or self-employed foreigner is liable to pay, a certificate purporting to be under the hand of the Controller certifying the amount of the levy and penalty due thereon payable by the employer or self-employed foreigner shall be prima facie evidence of the facts stated therein.

[30/2007]

Extent of validity of work pass

12. —

(1) A work pass for a foreign employee shall be valid only in respect of the trade or occupation, the type of employment, the employer and the foreign employee that may be specified therein.

[30/2007]

(2) A work pass for a self-employed foreigner shall be valid only in respect of the trade, vocation, profession or activity and the self-employed foreigner that may be specified therein.

[30/2007]

(3) A work pass shall be valid for the period specified in the work pass unless it is earlier suspended or revoked by the Controller, or earlier cancelled by the Controller on the application by the employer or self-employed foreigner, as the case may be.

[30/2007]

Custody of work pass, etc.

13. —

(1) A work pass holder shall not allow any other person to have possession of his work pass.

[30/2007]

(2) If required by the Controller, a foreign employee shall hand over the work pass to his employer on the last day of his employment with that employer.

[30/2007]

(3) An employer who is handed a work pass under [subsection \(2\)](#) shall return the work pass to the Controller within 7 days of the date he receives the work pass.

[30/2007]

(4) Upon demand by an employment inspector, a work pass holder shall produce his work pass for inspection.

[30/2007]

Loss, etc., of work pass

14. —

(1) When a work pass has been lost, destroyed or defaced, the foreign employee or the employer or the self-employed foreigner, as the case may be, shall report to the Controller within 7 days of such loss, destruction or defacement, and the Controller may issue a duplicate work pass on payment of the prescribed fee.

[39/98; 30/2007]

(2) Where the foreign employee or the employer or the self-employed foreigner recovers possession of the work pass after notifying the loss of the work pass, the foreign employee or the employer or the self-employed foreigner, as the case may be —

(a) may retain the work pass if no duplicate work pass has been issued by the Controller under [subsection \(1\)](#); or

(b) shall immediately return the work pass so recovered to the Controller for revocation if a duplicate work pass has been issued by the Controller under [subsection \(1\)](#).

[30/2007]

(3) A person who finds or comes into possession of a work pass other than his own shall immediately deliver it to the Controller.

[30/2007]

Burden of proof

15. The burden of proving the truth of the contents of a written application for a work pass under [section 7](#) shall be on the person who makes the application.

[30/2007]

Powers of employment inspector

16. —

(1) An employment inspector shall, for the purposes of this Act, have power to do all or any of the following things:

- (a) to enter and search, by day or by night, any premises or part thereof when he has reasonable cause to believe that any person is employed therein or accommodated thereat or that evidence of the commission of an offence under this Act can be found therein;
- (b) to require any person who the employment inspector has reason to believe has any document, including documents of identity and travel documents, or information relevant to the carrying out of the provisions of this Act, to produce any such document or give such information;
- (c) to retain any document relevant to the carrying out of the provisions of this Act;
- (d) to examine orally any person supposed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act, and to reduce into writing the answer given or statement made by that person who shall be bound to state truly the facts and circumstances with which he is acquainted; and the statement made by that person shall be read over to him and shall, after correction, be signed by him;
- (e) to require by order in writing the attendance before him of any person who, from information given or otherwise, appears to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act, and that person shall so attend as required and if he fails to attend as so required, to report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order;
- (f) to take such photographs as he thinks necessary of the premises and persons reasonably believed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act;
- (g) to require any person to produce any article which is relevant to any investigation under this Act and, if necessary, to take into custody any such article.

[37/95; 30/2007]

(2) An employment inspector may require the occupier of any premises and his agents and any person found in the premises to furnish such means required by the employment inspector as necessary for any entry, search, examination or investigation, and the taking of photographs or the taking of articles into custody or otherwise for the exercise of his powers under this Act.

[37/95]

(3) An employment inspector may, after concluding his investigation, hand over to an immigration officer any travel document which he has taken into custody or has been produced to him.

(4) If any person —

- (a) intentionally offers any resistance to or wilfully delays an employment inspector in the exercise of any power under this section;
 - (b) fails to comply with the requisition of an employment inspector under this section;
 - (c) fails to produce any document which he is required by or under this section to produce;
 - (d) wilfully withholds any information as to who is the occupier of the premises or who is the principal contractor or who is his employer; or
 - (e) conceals or prevents or attempts to conceal or prevent a person from appearing before or being examined by an employment inspector,
- that person shall be deemed to obstruct an employment inspector in the execution of his duties under this Act.

[37/95]

(5) Every employment inspector shall have authority to appear in court and may, with the authorisation of the Public Prosecutor, conduct any prosecution in respect of any offence under this Act or any regulations made thereunder.

[15/2010 wef 02/01/2011]

Change of address

17. —

(1) If required by the Controller, any employer shall inform the Controller of any change in his address within 14 days of such change —

- (a) where the employer is an individual registered under the [National Registration Act \(Cap. 201\)](#), by reporting the change of his place of residence under [section 8](#) of that Act;
- (b) where the employer is a body corporate incorporated under the [Companies Act \(Cap. 50\)](#), a sole proprietorship or a firm registered under the [Business Registration Act \(Cap. 32\)](#) or a limited liability partnership registered under the [Limited Liability Partnerships Act \(Cap. 163A\)](#), by reporting the change of the address of the registered office or place of business under section 143 of the [Companies Act](#), section 14 of the [Business Registration Act \(Cap. 32\)](#) or [section 26 of the Limited Liability Partnerships Act \(Cap. 163A\)](#), as the case may be; or
- (c) where [paragraphs \(a\)](#) and [\(b\)](#) are not applicable, in writing.

[30/2007]

(2) The address as reported in [subsection \(1\)](#) shall be deemed to be the last known address of the employer for the purposes of [section 18](#).

[30/2007]

(3) If required by the Controller, any foreign employee or self-employed foreigner shall inform the Controller in writing of any change in his address within 14 days of such change.

[30/2007]

(4) The address as reported in [subsection \(3\)](#) shall be deemed to be the last known address of the foreign employee or self-employed foreigner for the purposes of [section 18](#).

[30/2007]

Service of notices

18. —

(1) Every notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

(a) by delivering it to the person or to some adult member or employee of his family at his last known place of residence;

(b) by leaving it at his usual or last known place of residence or business in an envelope addressed to him; or

(c) by sending it by ordinary or registered post addressed to the person at his usual or last known place of residence or business.

[37/95]

(2) Where any notice, order or document is served by ordinary or registered post, it shall be deemed to have been duly served at the time it would have been received in the ordinary course of post if the notice, order or document is addressed —

(a) in the case of a company incorporated in Singapore, to the registered office of the company;

(b) in the case of a company incorporated outside Singapore, either to the individual authorised to accept service of process under the [Companies Act \(Cap. 50\)](#) at the address filed with the Registrar of Companies, or to the registered office of the company wherever it may be situated;

(c) in the case of an individual, a partnership (including a limited liability partnership as defined in [section 4\(1\) of the Limited Liability Partnerships Act \(Cap. 163A\)](#)) or a body of persons, to the last known business or private address of such individual, partnership or body of persons.

[37/95; 30/2007]

(3) Where any notice, order or document is served by registered post in accordance with [subsection \(2\)](#), in proving service of the notice, order or document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

[37/95]

(4) Every notice, order or document to be given by the Controller under this Act shall be signed by the Controller or by some person or persons from time to time authorised by the Controller in that behalf and every such notice, order or document shall be valid if the

signature or an official facsimile thereof of the Controller or of such person or persons is duly printed or written thereon.

[37/95]

(5) Any notice or order under this Act requiring the attendance of any person or witness before the Controller shall be signed by the Controller or by a person duly authorised by the Controller.

[37/95]

Protection from personal liability

19. No suit or other legal proceedings shall lie against the Controller or any employment inspector or other person acting under the direction of the Controller for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

[37/95]

Offence by body corporate

20. Where an offence under this Act or any regulations made thereunder is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

[37/95]

Power to arrest without warrant

21. —

(1) Any police officer or employment inspector may arrest without warrant any person whom he reasonably believes —

(a) is employing a foreigner —

(i) without a valid work pass; or

(ii) otherwise than in accordance with the conditions of a work pass;

(b) is a foreign employee or self-employed foreigner who is working without a valid work pass;

(c) has obstructed an employment inspector who is discharging his duties under this Act;

(d) has made any statement or furnished any information to the Controller or an employment inspector under this Act which is false in any material particular or is misleading by reason of the omission of any material particular;

(e) has given, sold, forged or unlawfully altered a work pass;

(f) has used or, without lawful authority, has possession of a forged or an unlawfully altered work pass, or a work pass which is issued to another person; or

(g) has abetted any other person in any act referred to in [paragraphs \(a\) to \(f\)](#).

[30/2007]

(2) An employment inspector making an arrest without warrant shall, without unnecessary delay and subject to [subsection \(4\)](#), take or send the person arrested before a Magistrate's Court.

[30/2007]

(3) No employment inspector shall detain in custody a person arrested without warrant for longer than is reasonable in the circumstances, and such period shall not exceed 48 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

[30/2007]

(4) Any person who has been arrested by an employment inspector may be released on bail, or on his own bond, by an employment inspector.

[30/2007]

Arrest how made

21A. —

(1) In making an arrest, an employment inspector making the arrest shall touch or confine the body of the person to be arrested unless the person submits to arrest by word or action.

[30/2007]

(2) If the person forcibly resists or tries to evade arrest, the employment inspector may use all means necessary to effect the arrest.

[30/2007]

No unnecessary restraint

21B. —

(1) The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

[30/2007]

(2) An employment inspector may use handcuffs or any similar means of restraint on a person arrested to prevent him from —

- (a) inflicting any bodily injury to himself or others;
- (b) damaging any property;
- (c) creating any disturbance; or
- (d) escaping from custody.

[30/2007]

(3) The handcuffs or means of restraint shall not be used for the purpose of punishment.

[30/2007]

Search of persons arrested

21C. —

(1) When a person is arrested, the employment inspector making the arrest may search the person and take possession of all articles (other than necessary wearing apparel) found upon the person that the employment inspector has reason to believe were connected with the offence for which the person was being arrested.

[30/2007]

(2) Whenever it is necessary to cause a person to be searched, the search shall be made by an employment inspector of the same sex as the person, with strict regard to decency.

[30/2007]

Employment inspector to be armed

21D. Every employment inspector shall be provided with such batons and accoutrements as may be necessary for the effective discharge of his duties.

[30/2007]

Power to seize offensive weapons

21E. An employment inspector making any arrest may take from the person arrested any offensive weapons which he has about his person.

[30/2007]

Power on escape to pursue and arrest

21F. If a person in lawful custody escapes or is rescued, the employment inspector from whose custody he escaped or was rescued may immediately pursue and arrest him in any place within Singapore and deal with that person as he might have done on the original arrest.

[30/2007]

Disposal of documents or articles

21G. —

(1) Any document or article produced, retained or requisitioned under [section 16\(1\)\(b\), \(c\) or \(g\)](#) or [21E](#) shall —

(a) where the document or article is produced in any criminal trial, be dealt with in accordance with section 364(1) of the [Criminal Procedure Code 2010](#); or

[15/2010 wef 02/01/2011]

(b) in any other case —

(i) be returned to the owner; or

(ii) if the owner is not known, be reported to a Magistrate's Court.

[30/2007]

(2) Where the report of any document or article produced, retained or requisitioned under [section 16\(1\)\(b\)](#), [\(c\)](#) or [\(g\)](#) or [21E](#) is made to a Magistrate's Court under [subsection \(1\)\(b\)\(ii\)](#), the Magistrate's Court may order the document or article —

(a) to be forfeited; or

(b) to be disposed of in such manner as the Magistrate's Court thinks fit.

[30/2007]

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

[30/2007]

Offences

22. —

(1) Any person who —

(a) being an employer, a foreign employee or a self-employed foreigner to whom a work pass applies, contravenes any of the conditions of the work pass;

(b) contravenes [section 13\(4\)](#);

(c) wilfully obstructs an employment inspector in the exercise of his powers under [section 16](#), [21](#), [21A](#), [21B](#), [21C](#), [21E](#) or [21F](#);

(d) makes any statement or furnishes any information to the Controller or an employment inspector under this Act which he knows or ought reasonably to know is false in any material particular or is misleading by reason of the omission of any material particular;

(e) gives, sells, forges or unlawfully alters a work pass;

(f) uses or, without lawful authority, has in his possession any forged or unlawfully altered work pass, or a work pass which is issued to another person; or

(g) contravenes [section 13\(1\)](#), [\(2\)](#) or [\(3\)](#), [14](#) or [17\(1\)](#) or [\(3\)](#),

shall be guilty of an offence and shall be liable —

(i) in the case of an offence under paragraph (a), [\(b\)](#) or [\(c\)](#), on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both;

(ii) in the case of an offence under paragraph (d), [\(e\)](#) or [\(f\)](#), on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; and

(iii) in the case of an offence under paragraph (g), on conviction to a fine not exceeding \$5,000.

[30/2007]

(2) Any employer, foreign employee or self-employed foreigner who —

(a) knows, or has reason to believe, that an offence has been committed under [subsection \(1\)\(d\)](#); and

(b) intentionally omits to furnish any information to the Controller in respect of that offence,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[30/2007]

Abetment

23. —

(1) Any person who abets the commission of an offence under this Act shall be guilty of the offence and shall be liable on conviction to be punished with the punishment provided for that offence.

[37/95]

(2) Where an occupier is charged for abetting another person who has employed a foreign employee in contravention of [section 5\(1\)](#), it shall not be sufficient for the occupier to prove in his defence that he had instructed the other person not to, or obtained from the other person an undertaking that he would not, so employ a foreign employee.

[37/95; 30/2007]

Complaint by employment inspector

24. For the purpose of [section 151 of the Criminal Procedure Code 2010](#), on receiving the complaint in writing and signed by any employment inspector, the Magistrate must proceed to issue a summons or warrant in accordance with [section 153 of the Criminal Procedure Code 2010](#).

[15/2010 wef 02/01/2011]

Person primarily liable may exempt himself from liability

25. [Repealed by Act 30 of 2007]

Jurisdiction of Courts

26. Notwithstanding the provisions of any written law to the contrary, a Magistrate's Court or a District Court shall have jurisdiction to try any offence under this Act or any regulations made thereunder and shall have power to impose the full punishment for any such offence.

Composition of offences

27. The Controller may compound any offence under this Act or any regulations made thereunder by accepting from the person reasonably suspected of committing the offence a sum not exceeding \$2,000.

[30/2007]

Forms

28. For the purposes of this Act, the Controller may devise and use such forms as he may consider necessary.

Regulations

29. —

(1) The Minister may make regulations generally for carrying out the provisions of this Act.

(2) Regulations made under [subsection \(1\)](#) may —

(a) prescribe that any act or omission in contravention of the provisions of any regulation shall be an offence and shall be punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 12 months or with both;

(b) prescribe such fees or charges as may be necessary for the purposes of this Act;

(c) prescribe the categories of work passes, the period for which any work pass may be issued, renewed or reinstated, the criteria for the issuance, renewal or reinstatement of any work pass and any condition subject to which a work pass may be issued, renewed or reinstated;

(d) provide for the taking and recording of any personal identifier of any person —

(i) who applies for or has been issued with a work pass; or

(ii) who is suspected of committing an offence under this Act;

(e) provide for the use of any mechanical, electrical or other form of device or system for the taking or recording of all or any of the personal identifiers;

(f) provide for the collation of any personal identifier taken or recorded pursuant to regulations made under [paragraph \(d\)](#) and the dissemination thereof to the police and to any other law enforcement agency authorised by the Controller to receive it;

(g) provide for any matter relating to the release of any arrested person on any bail or bond under [section 21\(4\)](#);

(h) provide for any matter relating to the security to be given by or in respect of any foreigner issued with a work pass, including any condition subject to which the security may be forfeited.

[39/98; 30/2007]

(3) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Transitional provisions

30. —

(1) Any permit, appointment, application, appeal, decision, ruling, order, direction or notice issued, made or given under the repealed Regulation of Employment Act (Cap. 272, 1985 Ed.) shall be treated as a permit, appointment, application, appeal, decision, ruling, order, direction or notice issued, made or given under this Act and shall have the same force and effect as a

permit, appointment, application, appeal, decision, ruling, order, direction or notice issued, made or given under this Act.

(2) Any form used for the purposes of the repealed Regulation of Employment Act which was in force or had effect immediately before 1st January 1991 shall continue in force and have effect as though prescribed under this Act until new forms are prescribed.

THE SCHEDULE

Section 2A

PERSONAL IDENTIFIERS

1. Fingerprints or handprints of a person (including those taken using paper and ink or digital lives canning technologies).
2. A photograph or other image of a person's face and shoulders.
3. A person's signature.

[30/2007]

Work Permit (Foreign Domestic Worker) - Before you apply

Employers are required to apply for a Work Permit if they wish to hire a Foreign Domestic Worker (FDW). The Work Permit is usually valid for two years.

Employer Guidelines

If you are considering hiring a FDW, please read through the following information, guidelines and requirements to create and maintain a positive working relationship:

Initial difficulties

New FDWs from rural areas of their home countries may encounter some of these difficulties:

- Understanding and communicating in your language
- Use of modern household appliances
- Adjustment to living in high-rise buildings
- Different practices in taking care of children

They will need time to familiarise themselves with your way of life. You can help by taking time to orientate and train her, especially in the early stages of her employment.

Well-being

Rest

A well-rested FDW is more productive. You should ensure that she has sufficient rest, especially during the night. Rest days should also be catered for, as agreed between yourself and the worker.

Weekly Rest Day

All foreign domestic workers (FDWs) who have their Work Permits issued on or after 1 January 2013 will be entitled to a weekly rest day.

To give employers and FDWs greater flexibility, employers may compensate their FDWs if there is mutual written agreement between both parties for the FDWs to work on their rest days. The compensation should be at least one day's salary or a replacement rest day taken within the same calendar month.

The Ministry of Manpower (MOM) understands that the weekly rest day is a new requirement and there may be questions on how employers can implement it. Therefore, MOM has produced a special rest day edition of the employer newsletter In FOCUS, and also a special guide entitled FDW Weekly Rest Day: A Guide for Employers to address commonly-asked questions and operational matters which employers may encounter.

FDW employers will each receive a copy of the newsletter and the guide in English at their homes. The Mandarin, Malay and Tamil versions of the guide are also available.

Employers who wish to receive regular updates from MOM on FDW matters may subscribe to our newsletter In FOCUS.

Employers may also refer to the media release and read the FAQs for more background information on the new weekly rest day requirement.

Members of public can contact MOM at mom_fmmd@mom.gov.sg for any further questions or clarifications regarding the weekly rest day.

Accommodation

As an employer, you are responsible for the provision of accommodation for your FDW. Accommodation is acceptable only if it meets all the following requirements:

- Adequate shelter
Accommodation must adequately protect your FDW from environmental elements such as the sun, rain or strong winds.
- Provision of basic amenities
Your FDW must minimally be provided a mattress, a pillow, and a blanket.
- Sufficient ventilation
Accommodation must be sufficiently ventilated. Mechanical ventilation (e.g. electrical fan) should be provided if natural ventilation is inadequate.
- Ensuring safety
Your FDW should not sleep near any dangerous equipment or structure that could potentially cause harm or hurt to her.
- Ensuring modesty
Your FDW must not sleep in the same room as a male adult / teenager.
- Ensuring space and privacy
Where possible, your FDW should be given a separate room of her own. If that is not possible, you should ensure that sufficient space and privacy are provided for your FDW.

Medical care

As an employer, you are responsible for your FDW's medical needs. You are required to bear the full cost of her medical care should she require medical treatment, including hospitalisation.

Insurance

- Medical insurance
For medical insurance policies taken up or renewed on/or after 1 January 2010, the insurance coverage must be at least \$15,000 per year for each FDW's inpatient care and day surgery during her stay in Singapore. This is in line with the employers' existing responsibility for the upkeep and well-being of their FDWs, including the provision of medical treatment.
- Personal accident insurance
It is compulsory for employers to take up a Personal Accident Insurance policy for their FDWs before they can employ the FDW. The minimum sum assured should be \$40,000. Any compensation payable should be made to her or her beneficiaries.

Open communication

The FDW may experience homesickness and loneliness. As her employer, you can ease those feelings by letting her communicate with her family and friends in her home country.

Family integration

You should try as far as possible to integrate your FDW into your family as she is staying in your home. Do make an effort to understand her background, and to be patient and tolerant when communicating with her. It will go a long way in minimising any disputes and conflicts that may arise and affect her work performance.

Safe work conditions

It is your responsibility to ensure that the FDW performs her work in a safe manner. Her work practices must be in accordance with the approved work practices stipulated in MOM's training courses (e.g. the [Employers' Orientation Programme](#)) and relevant safety and training materials.

Employment laws, contracts and safety agreement

Non-coverage by the Employment Act

Domestic workers, both foreign and local, are not covered by the Employment Act.

It is not practical to regulate specific aspects of domestic work, i.e. hours of work, work on a rest day and on public holidays. For example, it would be hard to compute overtime payments as domestic workers' work/free time are difficult to define and regulate in the same way as employees working in offices or factories.

Employment contracts

To avoid disputes, the Ministry of Manpower (MOM) encourages employers and their FDWs to enter into a written employment contract.

Employment agencies commonly draft mutually agreeable contracts for the two parties involved.

In event of an employment problem or breach of contract by her employer, the FDW can lodge a complaint or file a claim with MOM. MOM will contact the employer and arrange for a meeting between the FDW and the employer to resolve the dispute.

Signing of Safety Agreement

For FDWs who are deployed from 1 December 2012 onwards, EAs will be required to facilitate the signing of a safety agreement between employers and the FDWs, i.e. when new employment relationships are established, whether for first-time or transfer FDW.

For first-time FDWs, the EA should facilitate the safety agreement after the FDW has attended the Settling-In-Programme, prior to the deployment of the FDW to the employer's home.

For transfer FDWs, the EA should facilitate the safety agreement prior to the deployment of the FDW to the employer's home.

The EA is not required to facilitate the safety agreement for renewals, i.e. when the employer is renewing the employment contract with her existing FDW.

This agreement is to ensure that both employers and FDWs are aware and understand MOM's requirements when cleaning the exterior of windows. The agreement lists MOM's restrictions on the cleaning of window exterior and employers will state their requirement for the FDW to clean the window exterior in accordance to MOM's regulations.

The FDW will also acknowledge the employer's requirement on cleaning the window exterior. To ensure FDWs understand, the agreement copy to be signed by the FDW will be in her native language.

All three parties, i.e. EA, employer and FDW, will sign the safety agreement and each should keep a copy of the signed agreement.

Salary

Monthly salary

A FDW's wages should reflect the scope of work agreed upon.

The employer must pay the FDW the [fixed monthly salary](#) declared to MOM. She must be paid her due salary each month, no later than seven days after the last day of the salary period. Any salary period agreed between the employer and worker shall not exceed one month. If the worker so requests, the salary shall be paid via direct transfer into the worker's bank account in a bank established in Singapore.

If it is mutually agreed that the employer should keep the bank account book, the FDW must be given access to the book at all times to check that payments are credited promptly and regularly.

The employer must also keep a record of the monthly salary paid to the FDW, and should be able to produce this record at the request of any authorised public officer.

Salary adjustment

Where appropriate, the employer should consider giving the FDW a periodic wage adjustment to reward good performance and loyalty in service.

Apart from the monthly salary, the employer can also consider offering her a contract gratuity. This sum of money, which should be negotiated between the two parties, could be paid to the FDW upon conclusion of an agreed period of employment. Such incentives may result in a more motivated and diligent FDW.

CPF

Central Provident Fund contributions are not required for FDWs.

Levy

A FDW levy is to be paid by employers at the end of each month. Levy charges begin one day after she arrives in Singapore. For a first-time FDW, the levy will begin on the fourth day of her arrival (excluding the day of arrival).

	Levy Rate (\$)	
	Monthly	*Daily
Normal	265	8.72
Concession	120	3.95

* Daily levy rate only applies to FDWs who did not work for a full calendar month. From 1 January 2011, the daily levy rate is computed based on the following: $(\text{Monthly levy rate} \times 12) / 365 = \text{rounding up to the nearest cent}$.

Levy payments should be made via General Interbank Recurring Order (GIRO). The worker's Work Permit will be cancelled if you fail to maintain a valid GIRO account. Download the [GIRO application form](#).

The levy for each month is payable by the employer at the end of each month. The payment due date is the 14th (for manual payment) or 17th (for GIRO payment) of the following month. If the 17th is a non-working day, the deduction will be made on the next working day.

If you wish to view your levy bills online, you can register for the [Internet Foreign Worker Levy Billing System \(iFWLB\)](#).

Consequences of non-payment of Levy

If payment is not made on time, one or more of the following measures may be taken:

- A late payment penalty will be charged.
- Existing Work Permits will be cancelled.
- The employer will not be allowed to apply for new Work Permits or renew his existing Work Permits.
- Legal proceedings will be taken to recover the unpaid levy liability.

Levy concession

Eligible FDW employers may qualify for the concessionary levy rate of \$120 per month under any of the schemes below:

- Young child/grandchild scheme
- Aged person scheme
- Persons with disabilities scheme

Important

- Levy concession for one FDW is granted based on one eligible person. An employer may apply for concession for up to two FDWs. An eligible person is an individual who meets any of the criteria below.
- You only start paying the concessionary rate the following month after the application is approved.

Levy Concession (Young Child/Aged Person Schemes)

Type of Levy Concession Schemes	Who is Eligible?	Need to Apply?
Young child scheme	The employer or spouse has a child who:	Child born in Singapore No.

	<ul style="list-style-type: none"> • is below the age of 12 years • is a Singapore Citizen • lives together. 	<p>Child born overseas</p> <p>Yes.</p> <p>Download form</p>
Young grandchild scheme	<p>The employer or spouse has a grandchild who:</p> <ul style="list-style-type: none"> • is below the age of 12 years • is a Singapore Citizen • lives together. 	<p>Yes.</p> <p>Download form</p>
Aged person (FDW employer/spouse) scheme	<p>i. The employer or co-residing spouse is:</p> <ul style="list-style-type: none"> • a Singapore Citizen • aged 65 years or above. <p>ii. The employer or spouse is a Singapore Citizen and the other party:</p> <ul style="list-style-type: none"> • is a Singapore Permanent Resident • is aged 65 years or above • lives at the same registered residential address. 	<p>No.</p>
Aged person (parent/grandparent) scheme	<p>i. The employer or spouse has a parent, parent-in-law, grandparent or grandparent-in-law who:</p> <ul style="list-style-type: none"> • is aged 65 years or above • is a Singapore Citizen • lives with them at the same registered residential address. <p>ii. The employer or spouse is a Singapore Citizen and has a parent, parent-in-law, grandparent or grandparent-in-law who:</p> <ul style="list-style-type: none"> • is aged 65 years or above • is a Singapore Permanent Resident • lives with them at the same registered residential address. 	<p>Yes (if aged person's information is not given during FDW's application).</p> <p>Download form</p>

Processing time

Please allow up to two weeks for the application to be processed. The outcome will be mailed to the employer.

Levy Concession (Persons With Disabilities Scheme)

For employers with disabilities or who have family members with disabilities*, you should apply to the [Agency for Integrated Care \(AIC\)](#) for levy concession under the Persons with Disabilities (PWD) scheme.

* Certified by a Singapore-registered doctor as someone who need assistance in **at least one** Activity of Daily Living, i.e. showering/bathing, feeding, toileting, dressing and transferring or moving.

Foreign Domestic Worker (FDW) Grant

This monthly grant of \$120 is given to support employers who hire FDW to care for their family members with moderate disability*.

To qualify, the applicant must have a per capita monthly household income of \$2,600 and less. The Foreign Domestic Worker must also attend relevant caregivers' training approved by Agency for Integrated Care (AIC). For more information on the FDW grant criteria and application process, you should refer to [AIC website](#).

* *Certified by a Singapore-registered doctor as someone who need assistance in performing at least three Activities of Daily Living, i.e. showering/bathing, feeding, toileting, dressing and transferring or moving.*

Waiver of Levy

There have been some changes to the circumstances that employers can apply for waiver of the levy. Refer to the [Frequently Asked Questions \(FAQ\)](#) for more information.

Employers may apply for a waiver of the levy under the following circumstances.

Your Foreign Domestic Worker:

- is on [overseas leave](#)[#] for at least seven consecutive days
- fails to return to Singapore after overseas leave
- is on hospitalisation leave[#]
- is under police custody or is housed at the Embassy.

[#] Levy waiver is capped at a maximum of 60 calendar days per calendar year.

You should apply for waiver of levy within a year after the end of the month in which the levy was paid. For example, to claim a levy refund for November 2010 (paid in December 2010), employers must apply before end of December 2011.

Applications for waiver of FDW levy can be made:

- Online through the [Central Provident Fund Board's website](#)
- In person at [one of the Central Provident Fund Service Centres](#).
 - - A copy of the foreign worker's passport and boarding pass are required.

Change of employer's address

An employer must notify MOM within 14 days when there is a change in the residential address.

For Singapore Citizen/Permanent Resident:

Please update your residential address at:

- Immigration & Checkpoints Authority Building, Level 3; or
- Any Neighbourhood Police Post or Neighbourhood Police Centre

MOM will issue an acknowledgement letter once we received the data. It may take up to two weeks. Please make sure that you keep the letter until your worker's Work Permit is renewed.

For Existing Work Pass, Dependant's Pass and Long Term Pass Holder:

Please update your residential address using [EP Online](#) ([SingPass](#) is required).

The pass holder or company representative is required to log in to EP Online. Click on "Change Particulars > Personal Contact Details and Residential Address of Pass Holder" on the left function bar to update the residential address. Acknowledgment is immediate. The acknowledgment letter must be printed and kept with the Work Pass card. The new residential address will also be updated as the new place of work for the Foreign Domestic Worker.

Termination of services, repatriation and security bond

Termination of services

When you no longer require the services of your FDW, you should ensure that all issues arising from her employment (e.g. outstanding wages, compensation claims) have been settled before cancelling the Work Permit.

Repatriation and security bond

You should give your FDW reasonable notice of her repatriation to her home country and bear the full cost of her repatriation. To ensure that employers bear full responsibility, a security bond must be executed with MOM's Work Pass Division. Under the bond, employers are required to post a security deposit of \$5,000 per FDW in the form of an insurance or banker's guarantee. This deposit may be forfeited if you breach any of the security bond conditions, including failing to repatriate your FDW upon cancellation of her Work Permit.

Disputes with your Foreign Domestic Worker

Disputes might arise because of misunderstandings and differing expectations.

When these happen, you should first try to resolve them with your FDW. Even if there is suspicion that she might have committed a misdeed or crime, you should not take matters into your own hands by meting out physical or other forms of punishment.

If you need assistance, please contact your employment agency or MOM which offers help to resolve such employment disputes. The conciliation service is provided free-of-charge. Please contact MOM at 6438 5122.

Disputes with your employment agency

If you have found your agency's service unsatisfactory, or if you have a contractual dispute with your employment agency, you may seek mediation services from one of two accreditation bodies in Singapore, the Association of Employment Agencies, and CaseTrust. Complete and send the following form (mailing address inside) to MOM:

Feedback on employment agency

Issues for which you can seek assistance include:

- Delay in application/ cancellation/ placement of Foreign Workers
- Overcharging
- Refund of loan and fees
- Unsatisfactory level of services provided

To identify which accreditation body your agency is accredited with, please refer to the list of accredited EAs on AEAS' and CaseTrust's website as listed below.

AEAS: <http://www.aeas.org.sg/accredited.php>

CaseTrust: <http://www.case.org.sg/casetrust.plx?rm=results>

If your employment agency is not accredited with any accreditation body, you may approach CASE for assistance to resolve your disputes. Case's Consumer Hotline is 6100 0315. Hotline hours: Mon-Fri 9am-5pm, Sat 9am-12pm.

Contact details of the accreditation bodies:

1) [Association of Employment Agencies \(Singapore\)](#)

- a. Contact Details: +65 6836 2618
- b. Email: helpdesk@aeas.org.sg
- c. Address: Blk 9 Julian Kukoh #03-77 Singapore 160009

2) [CaseTrust](#)

- a. Contact Details: +65 6461 1800
- b. Email: casetrust@case.org.sg
- c. Address: Blk 170 Ghim Moh Road #05-01 Ulu Pandan Community Building Singapore 279621

Abuse and ill-treatment

MOM takes a serious view of employers who ill-treat or abuse their foreign workers, especially those in domestic employment.

Penalties for offenders

Employers who abuse their Foreign Workers will be severely dealt with. The Singapore Police conducts prompt and thorough investigations into all such cases. Errant employers will be charged in court and those found guilty of physical abuse or ill-treatment will be jailed, fined and/or caned.

Convicted employers and their spouses will not be allowed to employ another FDW permanently.

Some of the offences and the associated penalties are listed below:

Offence	Penalty
Voluntarily causing hurt	Up to 1 year imprisonment and/or \$1,500 fine
Voluntarily causing hurt by dangerous weapons or means	Up to 5 years imprisonment, fine or caning, or any 2 of these punishments
Voluntarily causing grievous hurt	Up to 7 years imprisonment; offenders are also liable to be fine or caned
Wrongful confinement	Up to 1 year imprisonment and/or \$1,000 fine
Wrongful confinement for 3 or more days	Up to 2 years imprisonment and/or fine
Wrongful confinement for 10 or more days	Up to 3 years imprisonment and fine
Word or gesture intended to insult the modesty of a woman	Up to 1 year imprisonment and/or fine
Assault or use of criminal force on a person with intent to outrage modesty	Up to 2 years imprisonment, fine or caning, or any 2 such punishments

Outraging of modesty	Up to 2 years imprisonment and/or fine If hurt or fear of hurt is caused: Caning and 2 – 10 years imprisonment
Rape	8 – 20 years imprisonment and caning with not less than 12 strokes
Criminal intimidation	Up to 2 years imprisonment and/or fine If threat is to cause death or grievous hurt: Up to 7 years imprisonment or more and/or fine

Illegal employment/deployment

Under the existing Work Permit conditions, Foreign Domestic Workers can only be employed for the performance of domestic chores for their employers, at the residential addresses stated on the Work Permits. FDWs may only be deployed to work at another address if:

- i. Their duties in their employer’s home includes looking after the employer’s young children or elderly parents; and
- ii. They are at the other address to continue their duty of looking after the employer’s young children or elderly parents.

Employers can be charged for illegally employing or deploying a FDW.

Penalties for offenders

The penalty for illegal employment without a valid Work Permit is a fine equivalent to between two and four years of the FDW levy, and/or imprisonment for up to one year. For subsequent convictions, the errant employer will face mandatory imprisonment.

Employers who illegally deploy their FDWs can be fined up to \$5,000. In addition, the errant employer will be permanently barred from employing FDWs. The \$5,000 security deposit posted with the MOM might also be forfeited.

**STANDARD EMPLOYMENT CONTRACT BETWEEN FOREIGN DOMESTIC
WORKER AND EMPLOYER**

Employment Agency Name: _____
License No. : _____
Reference No. : _____

This employment contract is made between (a) The Employer and (b) The Foreign Domestic Worker in *Section A*, based on the terms contained in *Section B*.

A copy of the Contract (with all blanks filled in and options selected) and Job Scope Sheet (Annex A) translated into the FDW's language should be given to the FDW in her home country before she signs the contract.

The Schedules of Salary Payment and Loan (including loan for placement fee) Repayment (Annex B) shall be filled up at the same time the contract is signed.

Section A: Particulars of Parties in Contract

(a) The Employer

Full Name : _____
NRIC/ Passport No. : _____
Address : _____

(b) The Foreign Domestic Worker (FDW)

Full Name : _____
Work Permit No. : _____
Passport No. : _____

(c) Representing Recruiting Agent in Singapore

Name of the Recruitment Agency: _____
Owner : _____
Office location : _____
Tele no : _____
Hereinafter referred to as the Singapore **AGENT**.

(d) Represented in Sri Lanka by:

Name of the Recruitment Agency: _____
Owner : _____
Office location : _____
Tele no : _____
Hereinafter referred to as the Singapore **THE SRI LANKA AGENT**.

Section B: Terms of Contract

Part I: Employment Period and Workplace

1. The FDW shall be employed by the Employer as a domestic worker for a period specified in the FDW's work permit.
2. The FDW shall work and reside only in the Employer's residence as specified in the FDW's work permit. In no case shall be required to work for other household or require to work at his business establishment or other places of work.

Part II: Responsibilities of the FDW

3. The FDW shall undertake to perform her work diligently and honestly at all times.
4. The FDW shall not take up, or be required by the Employer to take up, any other employment with any other person(s).

Part III: remuneration and Benefits

5. The Employer shall pay the FDW wages of SGD _____ per month.
6. The salary shall be paid on the _____ day of every month.
7. The FDW shall acknowledge the amount received under her signature in the attached Schedule of Salary Payment (Annex B) as proof of payment. Where applicable, the FDW shall make a monthly loan (including loan for placement fee) repayment with the Employment Agency, through monthly payments to the employer in accordance with the Schedule of Loan (including loan for placement fee) Repayment in Annex B.
8. The salary will be paid by *cash / crediting into the FDW's bank account (*delete where applicable*). On request of the FDW the employer shall remit the salary stated in clause 5, to the account of the FDW, on the last day of every month and a copy of the remittance advice to be given to the FDW.
9. The employer shall defray all expenses incurred in securing a work permit for the FDW and other incidental charges for documentation.

10. The Employer shall provide the FDW with suitable accommodation in accordance with MOM's guidelines, with a reasonable amount of privacy. Please tick where applicable:

Share a room with _____ child/ children

Separate room

Others (please specify):

11. The Employer shall provide at least three adequate meals a day to the FDW, over and above the salary paid. The employer shall also provide the FDW with a free uniform whenever necessary.

12. The Employer shall provide the FDW with _____ hours [**recommended 8 hours**] of continuous rest daily (except for occasional special-care cases), with reasonable rest periods during working hours.

13. The FDW shall be entitled to * one / two/ three/ four rest day(s) a month, on a day mutually agreed (**delete where applicable*). If the rest day was not taken, the FDW shall be compensated in cash as agreed in writing between the employer and the FDW. If there is no such existing agreement, the accreditation body's prevailing compensation guideline shall apply.

14. Should both parties (Employer and FDW) agree to extend this contract, she (the FDW) shall be entitled to _____ days. [**recommended 15 days**] of paid home leave (inclusive of return ticket to her City of origin).

15. If the FDW does not wish to utilize her leave as stated in clause 13, the Employer shall pay the FDW *a lump sum equivalent to the return ticket to her city of origin/ a lump sum of S\$ _____ (*delete where applicable*).

16. The Employer shall provide the FDW with free medical services. In the event that the FDW falls ill or suffers personal injury during the period of employment, except for the period the FDW leaves Singapore of her own violation and for her own personal purposes, the Employer shall bear all the necessary treatment costs, including medical consultation, medicine, hospitalization and others.

Should the FDW be incapacitated due to work connected illness or injuries, the employer shall immediately repatriate the FDW to Sri Lanka with free transportation fare through the insurance coverage provided by the employer for the FDW. It is understood that the parties shall abide by the provisions of relevant Singapore Law for the compensation, recoverable from the insurance policy if any.

17. In the case of death, the employer shall bear the expenses for the repatriation of remains of the FDW and her personal effects of properties to her relatives in Sri Lanka or if the repatriation of the remains is not possible under the circumstances, the proper disposition thereof upon previous arrangement with the workers next-of-kin, or in the absence of the latter, the Sri Lanka Labour Counsellor Attaché of High Commission of Sri Lanka in Singapore. When appropriate, the insurance policy can be activated upon the death of the housekeeper.
18. External communications shall be made available for the FDW and the employer must allow the FDW seek the advice/ help of the relevant bodies/ authorities such as the Employment Agency, Ministry of Manpower etc at all times.
19. The employer shall provide safe-working conditions for the FDW at all times.

Part IV: Termination

20. Either party may terminate this contract by giving _____ notice **[recommended at least one week]**.
21. Either party may terminate the Contract without notice if either party is in breach of the work permit condition(s).
22. In cases where the employer decides to terminate the contract under any circumstances, the employer should ensure the FDW's proper upkeep until she is repatriated or transferred to another employer, whichever is applicable.
23. The employer shall be responsible to bear the cost of repatriation of the FDW at all times.
24. Upon termination or expiry of the contract, the Employer shall bear the cost of repatriating the FDW back to _____ [her town/ city of origin] in _____ [country].
25. Should both parties agree to renew this employment relationship, a new employment contract shall be signed for another period of not more than two years with an increase of salary by a minimum of 10% by both the employer and the FDW.

Part V: Others

26. Any substantial variation or addition to the terms of this Contract shall be deemed void unless made with the consent of both parties to the Contract and a witness through signatories.
27. Any dispute arising from this Contract shall be referred to the Employment Agency for mediation. If it cannot be settled, the dispute can be referred at the election of either party to an alternative dispute resolution mechanism.
28. In the case whereby any term of the contract contradicts the existing Work Permit conditions or any Singapore government regulations, the latter two shall supersede.
29. All parties agree that this contract shall not be altered, amended or substituted without the approval of the Sri Lanka Labour Counsellor Attaché of High Commission of Sri Lanka in Singapore and without written consent of both the employer and the employee as witnesses.
30. Duties & Obligations of the Sri Lanka Agent
 - (a) Ensure that the FDW is physically, psychologically and emotionally fit to work, inclusive of a full medical examination and certified fit to work by a registered medical examination and certified fit to work by a registered medical practitioner in Sri Lanka covering x-ray, HIV (Aids), VDRL, Hepatitis B, and pregnancy before departure;
 - (b) Ensure that all the laws and requirements imposed by the Sri Lanka Government are complied with;
 - (c) Ensure that all financial obligation of the FDW such as of agency fees processing fees etc are paid prior to her departure from Sri Lanka;
 - (d) Ensure that the deployment of the FDW is facilitated without delay.
31. Duties & Obligations of the Singapore Agent
 - (a) Ensure that the employer is financially qualified and fit to recruit an expatriate worker in accordance with the pertinent laws of Singapore;
 - (b) Ensure that all financial obligations such as the payment of agency fees, processing fees etc are paid by the employer upon arrival by the FDW;
 - (c) Ensure that the employer shall observe the provisions of the employment contract;
 - (d) Extended assistance to the employer and FDW in settling any dispute which may arise between them;
 - (e) In the event, the employer and the housekeeper fail to settle their differences, despite assistance from the concerned individuals and offices, the Singapore agent shall assist the FDW to transfer to another employer or assist in the repatriation of the FDW.

- (f) All Sri Lankan migrant workers should be registered with Sri Lanka High Commission in Singapore on arrival in Singapore
- (g) The Sri Lanka High Commission should be notified of any transfer of Sri Lankan migrant worker to another Employer and register a new contract for each transfer.
- (h) The Sri Lanka High Commission should be notified of any repatriation of Sri Lankan migrant worker.
- (i) Sri Lanka High Commission should be notified of any Sri Lankan migrant worker traveling out of Singapore on vacation.
- (j) Agency should ensure the employment contract with employer is renewed every two years with the Sri Lanka High Commission.
- (k) Agents should provide accurate Employer and Employee details such as address, telephone number and other necessary details at the time of signing the contract.

This contract embodies the entire understanding of the parties hereto and there no promises, term, conditions or obligations oral or written expressed or implied, other than those contained herein.

A copy of this contract has been made for each for the within-named parties, and the High Commission of Sri Lanka (in Singapore)

INWITNESS WHEREOF the contracting parties having read carefully and fully understood the terms and conditions of this contract herewith set their signature on the dates and places as follows.

Section C: Employer's Declaration

I have read and understood the contents of this contract, and hereby agree to abide by it.

The Employer's Signature : _____

Witnessed by (Name & Signature) : _____

Date : _____

Section D: Foreign Domestic Worker's Declaration

I have read and understood the contents of this contract, and hereby agree to abide by it.

The Foreign Domestic Worker's Signature : _____

Witnessed by (Name & Signature) : _____

Date : _____

Section E: Singapore Agent's Declaration

I have read and understood the contents of this contract, and hereby agree to abide by it.

The Singapore Agent's Signature : _____

Witnessed by (Name & Signature) : _____

Date : _____

Section F: Sri Lanka Agent's Declaration

I have read and understood the contents of this contract, and hereby agree to abide by it.

The Sri Lanka Agent's Signature : _____

Witnessed by (Name & Signature) : _____

Date : _____

Section G: AUTHENTICATION by Sri Lanka High Commission

Reg. No.

Date:

Signature:

Section H: AUTHENTICATION by SLBFE

Date:

Signature:

Job Scope Sheet for Foreign Domestic Worker

Employment Agency Name : _____
License No. : _____ **Reference No. :** _____

This job scope sheet pertains to the job offer made by the *Employer* to the *FDW*. It shall be translated into the FDW's language and given to her before she signs the employment contract.

Particulars of Parties

The Employer

Full Name: _____ NRIC/ Passport No.: _____

The Foreign Domestic Worker (FDW)

Full Name: _____ Passport No.: _____

Job Scope

32. Persons in household of Employer's Family:

- _____ adults
- _____ young adults aged 13 to 18
- _____ children aged 5 to 12
- _____ children aged between 3 to 5
- _____ infants/ babies below 3
- _____ person(s) requiring constant care and attention (excluding babies)

33. The FDW shall be required to perform domestic duties as follows (to tick where applicable):

- _ Household chores
 - _ Cooking
 - _ Looking after aged person(s) in the household [constant attention is *required/ not required].
 - _ Baby-sitting
 - _ Child-minding
 - _ Others (please specify): _____
-
-

34. Place of Work (to tick where applicable)

- a) House type
 - _____ Landed property
 - _____ Condominium/ Private Apartment
 - _____ HDB 5-room or larger
 - _____ HDB _____ - Room Flat (*specify no. Of rooms*)
- b) Number of Bedrooms is the house: _____

Schedules of Salary Payment and Loan (including loan for placement fee) Repayment

Name of Employer: _____

Name of FDW: _____

Monthly Salary of FDW: S\$ _____

Total Amount of Loan (including loan for placement fee): S\$ _____

Schedule of Salary Payment				Schedule of Loan (including loan for placement fee) Repayment			
Month / Year	Date of Salary Payment	FDW Acknowledgement (Signature)		Monthly Loan Repayment*	Date of Repayment	Employer's Acknowledgement (Signature)	FDW Acknowledgement (Signature)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							

Schedule of Salary Payment				Schedule of Loan (including loan for placement fee) Repayment			
Month/ Year	Date of Salary Payment	FDW Acknowledgement (Signature)		Monthly Loan Repayment*	Date of Repayment	Employer's Acknowledgement (Signature)	FDW Acknowledgement (Signature)
22							
23							
24							
** Total Amount (S\$)				:			

* Delete rows where necessary.

** The total amount should be filled in at the point of acknowledging this schedule, and it shall be the sum total of the monthly loan repayment.

I hereby declare that I understood and agree with the monthly salary and total amount of loan indicated above.

Name/ Signature of FDW

Name/ Signature Employer

Date

Date

Witnessed by Employment Agency Representative:

Name/ Signature: _____