

## Amendments to the Employment Act

### ANNEX A

#### KEY AMENDMENTS TO THE EMPLOYMENT ACT

	S/n	Current	From 1 Jan 09 (Changes <u>underlined</u> and highlighted in blue text)
<b>Coverage (General)</b>	1a	The EA covers all employees except: <ul style="list-style-type: none"> <li>• Seamen</li> <li>• Domestic workers</li> <li>• Public servants</li> <li>• Employees in managerial &amp; executive positions</li> <li>• Confidential staff</li> </ul>	The EA will cover all employees except: <ul style="list-style-type: none"> <li>• Seamen</li> <li>• Domestic workers</li> <li>• Public servants</li> <li>• <u>Employees in managerial &amp; executive positions*</u></li> </ul> <p><u>*Junior managers and executives earning \$2,500 basic monthly salary and below will be covered but confined to protection against the non-payment of salary and access to Labour Court for salary claims only.</u></p>
<b>Coverage (Part IV)</b>	2a	Part IV of the EA applies to: <ul style="list-style-type: none"> <li>• All workmen regardless of salary</li> <li>• Non-workmen earning a basic monthly salary of \$1,600 and below</li> </ul>	Part IV of the EA will apply to: <ul style="list-style-type: none"> <li>• Workmen <u>earning a basic monthly salary of \$4,500 and below</u></li> <li>• Non-workmen earning a basic monthly salary of <u>\$2,000</u> and below</li> </ul>
<b>Employment Standards and Benefits</b>	3a	All employees covered under the EA are entitled to protection for: <ul style="list-style-type: none"> <li>• Payment of salary</li> <li>• Contract of service (e.g. notice period, unfair dismissal)</li> <li>• Maternity leave &amp; benefits</li> </ul>	All employees covered under the EA will be entitled to protection for: <ul style="list-style-type: none"> <li>• Payment of salary</li> <li>• Contract of service (e.g. notice period, unfair dismissal)</li> <li>• Maternity leave &amp; benefits</li> <li>• <u>Public holidays</u></li> <li>• <u>Paid sick Leave</u></li> </ul>
	3b	Employees covered under Part IV of the EA are entitled to: <ul style="list-style-type: none"> <li>• Hours of work &amp; overtime payment</li> <li>• Rest days &amp; annual leave</li> <li>• Retrenchment &amp; retirement benefits</li> <li>• Paid public holidays &amp; sick Leave</li> </ul>	Employees covered under Part IV of the EA will be entitled to: <ul style="list-style-type: none"> <li>• Hours of work &amp; overtime payment</li> <li>• Rest days &amp; annual leave</li> <li>• Retrenchment &amp; retirement benefits</li> </ul>
	3c	Conditions to qualify for Paid Sick Leave: <ul style="list-style-type: none"> <li>• Worked for at least 6 months,</li> <li>• Has obtained medical certificate (MC) from company doctor, or from public medical</li> </ul>	Conditions to qualify for Paid Sick Leave: <ul style="list-style-type: none"> <li>• Worked for at least <u>3 months; the entitlement for the 4<sup>th</sup> to 6<sup>th</sup> months of service will be phased-in,</u></li> <li>• Has obtained medical certificate (MC) from company doctor <u>or from</u></li> </ul>

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		institutions if the company does not have an appointed company doctor, and <ul style="list-style-type: none"> <li>• Inform employer of sick leave within 48 hours.</li> </ul>	<u>public medical institutions</u> , and <ul style="list-style-type: none"> <li>• Inform employer of sick leave within 48 hours.</li> </ul>
	3d	The employer has to pay the medical examination fees for his employee (e.g. consultation fee). Provision of healthcare plans or medical insurance schemes not recognised as alternatives to the statutory obligation to bear medical examination fees.	The employer has to pay the medical examination fees for his employee (e.g. consultation fee). The provision of <u>specified healthcare plan may be recognised as alternatives</u> to the statutory obligation to bear medical examination fees.
	3e	Part-time employees are defined as those who work less than 30 hours per week.	Part-time employees will be re-defined as those who work less than <u>35 hours</u> per week.
<b>Penalties &amp; Enforcement Powers</b>	4a	<ul style="list-style-type: none"> <li>• Maximum penalty of \$1,000 and/or 6 months jail for 1<sup>st</sup> time offenders,</li> <li>• Maximum penalty of \$2,000 and/or 12 months jail for repeat offenders, and</li> <li>• Maximum composition fine of \$200</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum penalty of <u>\$5,000</u> and/or 6 months jail for 1<sup>st</sup> time offenders,</li> <li>• Maximum penalty of <u>\$10,000</u> and/or 12 months jail for repeat offenders, and</li> <li>• Maximum composition fine of <u>\$1000</u></li> </ul>
	4b	-	The Commissioner and Employment Inspectors will be vested with <u>additional powers</u> to search and examine premises for evidence, obtain photographic and videographic evidence, and summon witnesses to furnish information, articles or documents.
<b>Other Administrative Amendments</b>	5a	The terms “termination” and “dismissal” are currently not defined in the EA, and there are differing interpretations of what “dismissal” constitutes.	The term “dismiss” will be defined as <u>a termination of employment by an employer, with or without notice, and whether on the grounds of misconduct or otherwise.</u>
	5b	-	<ul style="list-style-type: none"> <li>• Outdated provisions such as <u>Part X on Employment Exchange and Part XI on Health, Accommodation and Medical Care will be repealed.</u></li> <li>• Outdated restriction on <u>collective agreements on maternity benefits will be removed.</u></li> </ul>