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GOVERNMENT GAZETTE

ACTS SUPPLEMENT

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The following Act was passed by Parliament on 11th January 2011 and assented to by the President on 25th January 2011:—

REPUBLIC OF SINGAPORE

No. 5 of 2011.

I assent.



S R NATHAN,
President.
25th January 2011.

An Act to amend the Employment Agencies Act (Chapter 92 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Employment Agencies (Amendment) Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Employment Agencies Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “employment agency”, the following definition:

““Commissioner” means the Commissioner for Employment Agencies appointed under section 3(1);”;

(b) by inserting, immediately after the definition of “employment agency”, the following definitions:

““employment agency personnel” means any person who performs any work for an employment agency (including work which is not specified employment agency work) for or in connection with the employment of persons in any capacity, and includes —

(a) any key appointment holder of the employment agency; and

(b) any person who is engaged, whether on a permanent, temporary or contractual basis, by the employment agency to perform such work;

“key appointment holder”, in relation to an employment agency, means —

(a) any director, chief executive officer, chief financial officer, chief operating officer, partner or sole-proprietor of the employment agency; or

(b) any person, by whatever name called, who has general control and management of the administration of any specified employment agency work of the employment agency;”;

(c) by inserting, immediately after the definition of “licensee”, the following definitions:

“ “partner” includes a partner of a limited liability partnership, a general partner of a limited partnership and a limited partner of a limited partnership;

“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, and whether or not situated underground or underwater;

(d) any vessel, aircraft, train or vehicle (whether mechanically propelled or otherwise) or any other means of transport; and

(e) any part of any premises referred to in paragraphs (a) to (d);”;

(d) by deleting the full-stop at the end of the definition of “public officer” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

“ “specified employment agency work” means any of the following work:

(a) communication with any applicant for employment for the purpose of processing any application by such applicant for employment;

- (b) collation of the biodata or resume of any applicant for employment for the purpose of helping the applicant establish an employer-employee relationship;
- (c) submission of any application on behalf of any employer or applicant for employment to the Controller of Work Passes appointed under section 3 of the Employment of Foreign Manpower Act (Cap. 91A), which application is required under that Act;
- (d) facilitation of the placement of any applicant for employment with an employer.”.

Repeal and re-enactment of section 3

3. Section 3 of the principal Act is repealed and the following section substituted therefor:

“Appointment of officers

3.—(1) The Minister may appoint a Commissioner for Employment Agencies who shall have such functions and powers as are conferred on him by this Act.

(2) The Minister may appoint such number of Deputy Commissioners for Employment Agencies and Assistant Commissioners for Employment Agencies as the Minister may think necessary to assist the Commissioner in the proper discharge of his functions.

(3) The Deputy Commissioners for Employment Agencies and Assistant Commissioners for Employment Agencies shall have and may exercise and perform all the powers, duties and functions of the Commissioner conferred by this Act, subject to such limitations as the Commissioner may think fit to impose.

(4) The Minister may appoint such number of employment agency inspectors and employment agency licensing officers as he may think fit for carrying out the purposes of this Act.

(5) The Commissioner, Deputy Commissioners for Employment Agencies and Assistant Commissioners for Employment Agencies shall have and may exercise and perform all the powers, duties and functions of an employment agency inspector or an employment agency licensing officer conferred by this Act.”.

Amendment of section 4

4. Section 4 of the principal Act is amended by deleting subsections (2) and (3) and substituting the following subsections:

“(2) The Minister may, by order, exempt any person or employment agency, or any class thereof, when performing any type of work or activity as may be stated in the order, from all or any of the provisions of this Act, either absolutely or subject to such conditions as he may think fit to impose.

(3) The Minister may, at any time, in his discretion, revoke any exemption order made under subsection (2), or cancel, alter or add to any condition in the exemption order.

(4) Without limiting the conditions that may be imposed under subsection (2), the Minister may, when exempting any person or employment agency, or any class thereof, from the requirement for a licence, impose a condition requiring the person or employment agency, or any class thereof, to obtain the approval of the Commissioner to be registered, in such form and manner as the Commissioner may determine, as an exempt person or exempt employment agency, as the case may be.”.

Amendment of section 6

5. Section 6 of the principal Act is amended —

- (a) by deleting the words “he is the holder of a licence from the Commissioner authorising him” in subsection (1) and substituting the words “the person is the holder of a licence from the Commissioner authorising the person”;