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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. 4 of 2011.

I assent.

(LS)

S R NATHAN,
President.
25th January 2011.

An Act to amend the Retirement Age Act (Chapter 274A of the 2000 Revised Edition), to provide for the re-employment of employees and to make consequential amendments to the Income Tax Act (Chapter 134 of the 2008 Revised Edition) and the Industrial Relations Act (Chapter 136 of the 2004 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 Retirement Age (Amendment) Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of long title

2. The long title to the Retirement Age Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the word “employees”, the words “, for the re-employment of employees”.

Amendment of section 1

3. Section 1 of the principal Act is amended by deleting the words “Retirement Age Act” and substituting the words “Retirement and Re-employment Act”.

Amendment of section 2

4. Section 2 of the principal Act is amended —

(a) by inserting, immediately after the definition of “collective agreement” in subsection (1), the following definition:

“ “Commissioner” means the Commissioner for Labour appointed under section 3(1) of the Employment Act (Cap. 91);”;

(b) by inserting, immediately after the definition of “contract of service” in subsection (1), the following definition:

“ “eligible employee” means an employee who satisfies the re-employment eligibility criteria set out in section 7(1);”;

(c) by inserting, immediately after the definition of “employer” in subsection (1), the following definition:

“ “employment assistance payment” means such sum of money which is payable by an employer to an eligible employee under section 7C(1);”;

(d) by deleting the definition of “prescribed retirement age” in subsection (1) and substituting the following definitions:

““prescribed minimum retirement age” means such other minimum retirement age as may be prescribed by the Minister under section 4(1);

“re-employment”, with its grammatical variations and cognate expressions, means the employment of an employee by the same employer on or after the date the employee attains the specified age;

“salary” has the same meaning as in section 2(1) of the Employment Act (Cap. 91);

“specified age” means —

(a) in relation to any person or class of persons as may be prescribed by the Minister by notification in the *Gazette*, such age as may be prescribed by the Minister in the *Gazette* in relation to such person or class of persons; and

(b) in relation to any other person —

(i) the prescribed minimum retirement age; or

(ii) where the retirement age stipulated in an employment contract is higher than the prescribed minimum retirement age, the retirement age so stipulated;

“tripartite guidelines” means the guidelines relating to re-employment issued by the Minister under section 11B.”; and

(e) by inserting, immediately after subsection (2), the following subsection:

“(3) In this Act, a person shall be regarded as attaining or having attained N years of age (where N is a positive integer) or other higher age on or after the Nth or other anniversary, as the case may be, of the date of his birth.”.

Repeal and re-enactment of section 3

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

“Officers

3.—(1) The Commissioner for Labour shall be the officer in charge of the general administration of this Act.

(2) Any Deputy Commissioner for Labour, Principal Assistant Commissioner for Labour or Assistant Commissioner for Labour appointed under the Employment Act (Cap. 91) may, subject to such limitations as may be prescribed, 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 by the Commissioner for the purpose of this Act.

(3) The Minister may appoint such number of investigating officers, conciliation officers and other officers as he may consider necessary or expedient for the purpose of this Act.

(4) The Minister may, from time to time, make rules for the conduct of the duties of officers under this Act.”.

Amendment of section 4

6. Section 4 of the principal Act is amended —

(a) by deleting subsection (1) (including the footnote) and substituting the following subsection:

“(1) Notwithstanding anything in any other written law, contract of service or collective agreement, the retirement age of an employee shall be not less than 62 years or such other age, up to 67 years, as may be prescribed by the Minister.”;

(b) by deleting the words “60 years” in subsection (2) and substituting the words “62 years”; and

(c) by deleting the words “prescribed retirement age” in subsection (2) and substituting the words “prescribed minimum retirement age”.

Amendment of section 5

7. Section 5 of the principal Act is amended —

(a) by deleting the word “older” wherever it appears in subsections (1) to (6);

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- (b) by inserting, immediately after the word “prescribed” in subsection (2), the word “by or”;
 - (c) by deleting the word “wages” wherever it appears in subsections (2) to (5) and substituting in each case the word “salary”;
 - (d) by deleting subsection (7); and
 - (e) by deleting the section heading and substituting the following section heading:

“Salary adjustment at 60 years of age”.

Amendment of section 6

8. Section 6 of the principal Act is amended by deleting the words “60 years or the prescribed retirement age” and substituting the words “62 years or the prescribed minimum retirement age”.

Repeal and re-enactment of section 7 and new sections 7A, 7B and 7C

9. Section 7 of the principal Act is repealed and the following sections substituted therefor:

“Re-employment eligibility criteria

7.—(1) For the purposes of this Act, an employee shall be eligible for re-employment if —

- (a) he attains the specified age on or after 1st January 2012; and
- (b) upon attaining or having attained the specified age or other higher age, which higher age shall not exceed 65 years or such other age, up to 67 years, as may be prescribed by the Minister, he —
 - (i) is assessed by his employer to have at least satisfactory work performance; and
 - (ii) is medically fit to continue working.

(2) For the purpose of subsection (1)(b)(ii), an employee shall be presumed to be medically fit to continue working, unless the employer of the employee proves, on a balance of probabilities, that the employee is not medically fit.