

Employment (Amendment) Bill

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Bill No: 20/1973

Read the first time: 11th July 1973

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Explanatory Statement

Expenditure of Public Money

Employment (Amendment) Bill

Bill No. 20/1973

Read the first time on 11th July 1973.

An Act to amend the Employment Act (Chapter 122 of the 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.—(1) This Act may be cited as the Employment (Amendment) Act, 1973 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

Repeal and re-enactment of section 14

2. Section 14 of the Employment Act is hereby repealed and the following substituted therefor: —

“Misconduct of the 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 the provisions of subsection (1) of this section, where an employee considers that he has been dismissed without just cause or excuse by his employer, he may, within one month of such 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) of this section, 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 Minister’s direction.

(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) of this section 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) of this section shall be guilty of an offence and shall be liable on

conviction by a District Court to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand dollars or to both such imprisonment and fine.

(8) For the purpose of an inquiry under subsection (1) of this section, 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:

Provided that if the inquiry does not disclose any misconduct on the part of the employee the employer shall forthwith restore to the employee the full amount of salary so withheld.”.

Amendment of section 38

3. Section 38 of the Employment Act is hereby amended —

(a) by deleting subsection (4) thereof and substituting therefor the following: —

“(4) An employee shall not be permitted to work overtime for more than seventy-two hours a month.

(5) The Minister may by order in writing exempt all or any category of employees of any particular industry or undertaking specified therein from the provisions of subsection (4) of this section and such order or a copy thereof shall be displayed by the employer concerned in a conspicuous place in the place of employment of such employees.”; and

(b) by re-numbering subsections (5), (6), (7) and (8) thereof as subsections (6), (7), (8) and (9) respectively.

Amendment of section 67

4. Section 67 of the Employment Act is hereby amended by deleting subsection (1) thereof and substituting therefor the following: —

“(1) No child shall be employed except that a child who has completed his twelfth year may be employed in light work suited to his capacity in a non-industrial undertaking.”.

Amendment of section 69

5. Section 69 of the Employment Act is hereby amended by deleting the words “or legal guardian” appearing in the last line thereof.

Amendment of section 70

6. Section 70 of the Employment Act is hereby amended by deleting the words “child or” appearing in the first line thereof.

Repeal and re-enactment of section 77

7. Section 77 of the Employment Act is hereby repealed and the following substituted therefor: —

“Offences

77. 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 two thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment 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 of the regulations made thereunder the offender shall be punished with a fine of two thousand dollars and shall also be liable to imprisonment for a term not exceeding two years.”.

Amendment of cross-heading of Part IX

8. The Employment Act is hereby amended by deleting the words “CHILDREN AND” appearing in the cross-heading of Part IX immediately above section 79 thereof.

Amendment of section 79

9. Section 79 of the Employment Act is hereby amended by deleting the words “child or” appearing in the first line thereof.

Amendment of section 80

10. Section 80 of the Employment Act is hereby amended by deleting the words “child or” appearing in the first line thereof.

Amendment of section 82

11. Section 82 of the Employment Act is hereby amended by deleting the word “twelve” appearing in the second line thereof and substituting therefor the word “fourteen”.

Amendment of section 83