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EMPLOYMENT CLAIMS ACT 2016 (ACT 21 OF 2016)

EMPLOYMENT CLAIMS (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred by section 34(1) of the Employment Claims Act 2016, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Employment Claims (Amendment) Regulations 2019 and come into operation on 1 April 2019.

Amendment of regulation 3

2. Regulation 3 of the Employment Claims Regulations 2017 (G.N. No. S 136/2017) (called in these Regulations the principal Regulations) is amended —

- (a) by deleting the words “statutory dispute” in paragraphs (a) and (b) and substituting in each case the words “employment dispute”; and
- (b) by inserting, immediately after the words “to the Act” in paragraph (a), the words “and item 3 of the Third Schedule to the Act”.

Deletion and substitution of regulation 7

3. Regulation 7 of the principal Regulations is deleted and the following regulation substituted therefor:

“Prescribed fee for mediation under Part 2 of Act

7. For the purposes of section 3(3)(d) of the Act, the prescribed fee payable by a claimant for a mediation request is the total of the following sums, where applicable:

- (a) where the total amount alleged to be payable in respect of all of the specified contractual disputes and specified statutory disputes listed in the mediation request does not exceed \$10,000 — \$10;
- (b) where the total amount alleged to be payable in respect of all of the specified contractual disputes and specified statutory disputes listed in the mediation request exceeds \$10,000 — \$20;
- (c) where the total amount alleged to be payable in respect of any wrongful dismissal dispute listed in the mediation request does not exceed \$10,000 — \$10;
- (d) where the total amount alleged to be payable in respect of any wrongful dismissal dispute listed in the mediation request exceeds \$10,000 — \$20.”.

Amendment of regulation 10

4. Regulation 10(3) of the principal Regulations is amended by inserting, immediately after the words “paragraph (a), (b), (c),”, “(ca), (cb),”.

Amendment of regulation 11

5. Regulation 11 of the principal Regulations is amended —

- (a) by deleting the word “Upon” in paragraph (1) and substituting the words “Unless an approved mediator decides that section 4(2) of the Act applies, upon”;
- (b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) If the approved mediator decides that section 4(2) of the Act applies, the approved mediator must notify the respondent that —

- (a) a claim relating to a specified employment dispute has been made by a claimant against the respondent; and

- (b) the approved mediator has issued a claim referral certificate to the claimant under section 6(2)(c) of the Act.”; and
- (c) by inserting, immediately after paragraph (3), the following paragraph:
 - “(4) The approved mediator may require the claimant or the respondent to submit, within the time required by the approved mediator, any document or information that the approved mediator considers necessary to —
 - (a) make a decision whether paragraph (1) or section 4(2) of the Act applies; or
 - (b) decide on any other matter in relation to any specified employment dispute listed in the mediation request.”.

New regulation 11A

6. The principal Regulations are amended by inserting, immediately after regulation 11, the following regulation:

“Continuation of mediation by another approved mediator

11A. Where an approved mediator is unable to continue mediation under the Act because of death, illness or any other cause, another approved mediator may continue the mediation.”.

Amendment of regulation 13

7. Regulation 13 of the principal Regulations is amended by deleting the words “the Form set out in the Second Schedule” and substituting the words “the applicable form provided at the website of the Ministry of Manpower at <http://www.mom.gov.sg> for the specified employment dispute concerned”.

New regulation 13A

8. The principal Regulations are amended by inserting, immediately after regulation 13, the following regulation:

“Correction of error, etc.

13A.—(1) This regulation applies in relation to —

- (a) a claim referral certificate in respect of one or more claims that have not been determined by a tribunal; or
- (b) a settlement agreement entered into under section 7(1) of the Act that has not been registered in a District Court.

(2) An approved mediator may correct any error in, or any defect in the form of, a claim referral certificate or settlement agreement —

- (a) on the approved mediator’s own initiative; or
- (b) on the application of one of the following persons:
 - (i) in a case of a claim referral certificate — by the claimant concerned;
 - (ii) in a case of a settlement agreement — by any party to the settlement agreement.

(3) An approved mediator who corrects an error or defect in form under this regulation must —

- (a) issue an amended claim referral certificate to the claimant concerned; or
- (b) provide a new settlement agreement to be entered into in accordance with section 7(1) of the Act.

(4) In this regulation, “error” means any misnomer, misspelling, misprint, mistake, inaccuracy, omission or any error of any other description that is accidental or inadvertent.”.