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EMPLOYMENT CLAIMS ACT 2016 (ACT 21 OF 2016)

EMPLOYMENT CLAIMS (AMENDMENT) RULES 2019

In exercise of the powers conferred by section 33 of the Employment Claims Act 2016, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Employment Claims (Amendment) Rules 2019 and come into operation on 15 April 2019.

Amendment of rule 1A

2. Rule 1A of the Employment Claims Rules 2017 (G.N. No. S 104/2017) (called in these Rules the principal Rules) is amended —

(a) by inserting, immediately after the definition of “messaging system”, the following definition:

““registrar of the State Courts” means the registrar of the State Courts appointed under the State Courts Act (Cap. 321) and includes a deputy registrar appointed under that Act;” and

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

““working day” means any day other than a Saturday, Sunday or a public holiday.”.

Amendment of rule 2

3. Rule 2(2) of the principal Rules is amended by deleting sub-paragraph (b) and substituting the following sub-paragraph:

“(b) any procedure for proceedings in a District Court or in the High Court for which provision is made in these Rules.”.

Amendment of rule 3

4. Rule 3 of the principal Rules is amended —

(a) by deleting the words “or the Registrar” wherever they appear in paragraph (1) and substituting in each case the words “, the Registrar or a court”; and

(b) by deleting the words “by the Registrar” in paragraph (2) and substituting the words “the Registrar or the court”.

Amendment of rule 3E

5. Rule 3E(1) of the principal Rules is amended by deleting the words “or the Registrar” in sub-paragraph (a) and substituting the words “, the Registrar or a court”.

Amendment of rule 8

6. Rule 8 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraphs:

“(3) For the purposes of section 13(2)(b)(ii) of the Act, a claim must be accompanied by —

(a) every document on which the claimant relies or will rely; and

(b) any of the following reports which accompany the claim referral certificate:

(i) a report on the findings of the approved mediator or an authorised person in relation to a wrongful dismissal dispute;

(ii) a report on the findings of the Commissioner, an authorised person, an inspecting officer under

the Employment Act (Cap. 91) or an employment inspector under the Employment of Foreign Manpower Act (Cap. 91A) for the purpose of enabling a tribunal under section 21(1A) of the Act to determine whether there has been a failure to comply with any obligation mentioned in that section.

(4) A claim may be lodged in respect of one or more specified employment disputes, except that a separate claim must be lodged in respect of a wrongful dismissal dispute.”.

Amendment of rule 15

7. Rule 15 of the principal Rules is amended by deleting the word “discontinue” in paragraphs (1), (2) and (7) and substituting in each case the word “withdraw”.

Amendment of rule 17

8. Rule 17(2) of the principal Rules is amended by deleting the full-stop at the end of sub-paragraph (c) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

- “(d) where there are 2 or more claims brought by the same claimant or against the same respondent, and no joinder has been ordered under rule 12, an order that —
 - (i) the claims be heard separately;
 - (ii) the claims be heard one after the other by the same tribunal or court; or
 - (iii) one or more proceedings be stayed until the determination of one or more of the other proceedings;
- (e) where there is a dispute as to the jurisdiction of the tribunal in the proceedings, an order —
 - (i) dismissing the claim or part of the claim for lack of jurisdiction; or

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- (ii) setting down the dispute on jurisdiction to be tried together with the hearing of the claim.”.

Amendment of rule 20

9. Rule 20(1) of the principal Rules is amended by deleting the full-stop at the end of sub-paragraph (e) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

- “(f) dispensing with the attendance before the tribunal of any party to the claim, with the consent of the party;
- (g) the time for the payment of any money to any party under section 22(1)(a) or (c) of the Act, including whether payment may be made by instalments.”.

New rules 20A and 20B

10. The principal Rules are amended by inserting, immediately after rule 20, the following rules:

“Adjournment to correct errors in claim referral certificate

20A.—(1) A tribunal or the Registrar may, at any time before the conclusion of the proceedings before the tribunal, adjourn the proceedings to allow for the correction by an approved mediator of any error in a claim referral certificate relating to the proceedings, within the time specified by the tribunal or the Registrar.

(2) A claim referral certificate so corrected in accordance with paragraph (1) is treated as having been lodged with the Registry on the date the claim referral certificate was first lodged.

Continuation of proceedings by another tribunal magistrate

20B.—(1) When a tribunal magistrate who has commenced any proceedings under the Act is unable through death, illness or other cause to conclude the proceedings, the Presiding Judge of

the State Courts may nominate another tribunal magistrate to continue the proceedings.

(2) Nothing prevents a tribunal magistrate so nominated from recalling all or any of the witnesses or taking their evidence afresh.”.

Amendment of rule 21

11. Rule 21 of the principal Rules is amended —

- (a) by deleting the word “summons;” in paragraph (1)(a) and substituting the words “summons to give evidence at the hearing and produce documents in the person’s possession, custody or control; or”;
- (b) by deleting sub-paragraph (b) of paragraph (1);
- (c) by inserting, immediately before the words “to produce” in paragraph (1)(c), the words “without attending before the tribunal,”; and
- (d) by inserting, immediately after the word “payable” in paragraph (2), the words “by the party requesting the summons”.

Amendment of rule 25

12. Rule 25 of the principal Rules is amended by deleting the word “Leave” in the rule heading and substituting the words “Application for leave”.

New rules 25A and 25B

13. The principal Rules are amended by inserting, immediately after rule 25, the following rules:

“Hearing of application for leave to appeal

25A.—(1) A District Court may, at any time after an application for leave to appeal is filed under rule 25, convene a case management conference or direct parties to appear before the registrar of the State Courts for a case management conference, for that Court or registrar to make such orders or