

**Retirement and Re-employment Act
(CHAPTER 274A)**

Table of Contents

Long Title

Part I PRELIMINARY

1 Short title

2 Interpretation

3 Officers

Part II MINIMUM RETIREMENT AGE

4 Minimum retirement age

5 Salary adjustment at 60 years of age

6 Invalidity of term of contract of service

Part III RE-EMPLOYMENT OF ELIGIBLE EMPLOYEES

7 Re-employment eligibility criteria

7A Employer to re-employ eligible employee

**7B Period of service under previous employment contract and under
re-employment contract**

7C Employment assistance payment

Part IV REMEDIES

8 Remedies for unlawful dismissal on ground of age

8A Conciliation

8B Remedies relating to unreasonable denial of re-employment and dismissal without just cause or excuse

8C Remedies relating to unreasonable terms and conditions of re-employment contract and employment assistance payment

8D Procedure for making and hearing claims

8E Joining of claims

8F Appeal against decision or order of Commissioner

Part V GENERAL

9 Powers of Commissioner and investigating officers

9A Investigations of complaints and offences

9B Obstructing employee, etc.

9C Penalties

10 Composition of offences

11 Exemption

11A Restriction on contracting out

11B Power to issue tripartite guidelines

12 Regulations

13 Savings and transitional provisions

Legislative History

Comparative Table

RETIREMENT AND RE-EMPLOYMENT ACT

(CHAPTER 274A)

(Original Enactment: Act 14 of 1993)

REVISED EDITION 2012

(30th September 2012)

An Act to provide for a minimum retirement age for employees, for the re-employment of employees and for matters connected therewith.

[\[4/2011\]](#)

[1st July 1993]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Retirement and Re-employment Act.

[\[4/2011\]](#)

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“collective agreement” has the same meaning as in the Industrial Relations Act (Cap. 136);

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

“contract of service” means any agreement, whether in writing or oral, express or implied, whereby one person agrees to employ another as an employee and that other agrees to serve his employer as an employee;

“eligible employee” means an employee who satisfies the re-employment

eligibility criteria set out in section 7(1);

“employee” means a person who has entered into or works under a contract of service with an employer;

“employer” means any person who employs another person under a contract of service and includes —

- (a) the Government;
- (b) any statutory authority;
- (c) any duly authorised agent or manager of any employer; and
- (d) any person who owns or is carrying on, or for the time being responsible for the management or control of a profession, business, trade or work in which any employee is engaged;

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

“investigating officer” means any person appointed as an investigating officer under section 3;

“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;

“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.

[4/2011]

(2) For the purposes of this Act, an employee shall be treated as dismissed by his employer if —

- (a) the contract under which he is employed by the employer is terminated by the employer, whether it is so terminated by notice or without notice; or
- (b) the employer retires the employee, or requires or causes that employee to retire or resign on the ground of age.

(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.

[4/2011]

Officers

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

[4/2011]

(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.

[4/2011]

(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.

[4/2011]

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

[4/2011]

PART II

MINIMUM RETIREMENT AGE

Minimum retirement age