

Employment Claims Regulations 2017

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No. S 136

**EMPLOYMENT CLAIMS ACT 2016
(ACT 21 OF 2016)**

EMPLOYMENT CLAIMS REGULATIONS 2017

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 Regulations 2017 and come into operation on 1 April 2017.

Definitions

2. In these Regulations, unless the context otherwise requires —

“claimant” means a person who lodges a claim with a tribunal, and includes a person who intends to lodge a claim with a tribunal;

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

“electronic filing system” means the electronic filing system established for the transmission of any mediation request form or other document to the mediation service provider;

“foreigner” means an individual who is not a citizen or permanent resident of Singapore;

“mediation request form” means the form for a mediation request set out at the Internet website of the mediation service provider;

“mediation service provider” means the department of Tripartite Alliance Limited known as Tripartite Alliance for Dispute Management;

“recognised trade union” has the same meaning as in section 30(1) of the Industrial Relations Act (Cap. 136);

“respondent” means a person against whom a claim is made, or who is joined in the capacity of a respondent, and includes a person against whom a claimant intends to make a claim;

“seafarer” has the same meaning as in section 2(1) of the Employment Act;

“trade union” has the same meaning as in section 2 of the Industrial Relations Act;

“tripartite mediation advisor” means any tripartite mediation advisor appointed under section 30K of the Industrial Relations Act;

“work pass” has the same meaning as in section 2 of the Employment of Foreign Manpower Act (Cap. 91A).

Employee of Government to whom Act applies

3. For the purposes of paragraph (a) of the definition of “employee”, and paragraph (a) of the definition of “employer”, in section 2(1) of the Act, the category,

class or description of employees of the Government prescribed to be employees for the purposes of the Act consists of every officer or employee of the Government who —

- (a) has with the Government any specified employment dispute concerning any matter specified in items 1 to 12 and 43 of the Second Schedule to the Act and item 3 of the Third Schedule to the Act; and
- (b) submits or intends to submit to the Commissioner a mediation request, or lodges or intends to lodge with a tribunal a claim, relating only to that specified employment dispute.

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Submission of mediation request

4.—(1) For the purposes of section 3(2) of the Act, a mediation request is submitted to the Commissioner —

- (a) by transmitting to the mediation service provider through the electronic filing system an electronic record of each of the following:
 - (i) the mediation request form;
 - (ii) each document submitted in support of the mediation request; or
- (b) by lodging at the office of the mediation service provider a hard copy of each of the following:
 - (i) the mediation request form;
 - (ii) each document submitted in support of the mediation request.

(2) Where paragraph (1)(a) applies, the mediation request is submitted to the Commissioner on the date and at the time that the last part of the last electronic record is transmitted to the mediation service provider.

(3) Despite paragraphs (1) and (2), the Commissioner may accept a mediation request that is incomplete.

(4) The Commissioner must, as soon as reasonably practicable, send the claimant a written notice stating whether the Commissioner accepts the mediation request.

Person who may submit mediation request on behalf of claimant

5.—(1) An officer of a trade union of employees may submit a mediation request on behalf of any claimant who —

- (a) is a member of the trade union; and

- (b) is an employee who belongs to any class of employees in respect of whom the trade union has been accorded or given recognition under section 17 of the Industrial Relations Act (Cap. 136) by the employer of those employees.

(2) An officer of a trade union of employees that is a recognised trade union may submit a mediation request on behalf of any claimant who —

- (a) is a member of the trade union; and
- (b) is an executive employee who may be represented individually by the trade union under Part IV of the Industrial Relations Act.

(3) Where a claimant is below 18 years of age, a parent or guardian of the claimant may submit a mediation request on behalf of the claimant.

(4) Where a claimant is (in the opinion of the Commissioner) unable to present his or her own case by reason of illiteracy or infirmity of mind or body (not amounting to a lack of capacity within the meaning of section 4 of the Mental Capacity Act (Cap. 177A)), a person who is authorised in writing by the claimant, or is approved by the Commissioner, may submit a mediation request on behalf of the claimant.

Requirements prescribed for section 3(3)(b)(ii) of Act

6. The requirements prescribed for section 3(3)(b)(ii) of the Act for a specified employment dispute to be listed in a mediation request (called in this regulation the present mediation request) are as follows:

- (a) the claimant is out of time to apply under regulation 10(2) to amend the list of specified employment disputes in the earlier mediation request mentioned in section 3(3)(b)(i) of the Act (called in this regulation the earlier mediation request) to include the specified employment dispute mentioned in section 3(3)(b) of the Act (called in this regulation the relevant dispute);
- (b) the amount alleged to be payable under the relevant dispute does not exceed the difference between —
 - (i) the prescribed claim limit in section 12(7) of the Act that is applicable to the claimant; and
 - (ii) the total of such of the following amounts as may be applicable to the claimant:
 - (A) the total amount alleged to be payable under the unresolved specified employment disputes listed in the