



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 17th August 2015 and assented to by the President on 21st August 2015:—

### REPUBLIC OF SINGAPORE

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**No. 27 of 2015.**

I assent.

TONY TAN KENG YAM,  
*President.*  
*21st August 2015.*



An Act to amend the Employment Act (Chapter 91 of the 2009 Revised Edition) and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Employment (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2(1) of the Employment Act is amended —

(a) by inserting, immediately after the definition of “approved medical institution”, the following definition:

“ “authorised officer” means any public officer appointed as an authorised officer under section 3(2);”;

(b) by inserting, immediately after the definition of “basic rate of pay”, the following definition:

“ “civil contravention” means a contravention that is declared to be a civil contravention under section 126A;” and

(c) by inserting, immediately after the definition of “medical practitioner”, the following definition:

“ “no-pay leave”, for an employee, means leave of absence without pay granted by the employer at the request of the employee;”.

**Amendment of section 3**

3. Section 3(2) of the Employment Act is amended by inserting, immediately after the words “number of”, the words “authorised officers,”.

**Amendment of section 13**

4. Section 13 of the Employment Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) An employee is deemed to have broken the employee’s contract of service with the employer if the employee is absent

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from work for more than 2 days continuously without prior leave from the employer and —

- (a) the employee has no reasonable excuse for the absence;  
or
- (b) the employee does not inform and does not attempt to inform the employer of the excuse for the absence.”.

**Amendment of section 76**

**5.** Section 76 of the Employment Act is amended —

- (a) by inserting, immediately after the words “Subject to this section” in subsection (1A), the words “and section 77”;
- (b) by deleting the words “1st May 2013” in subsection (2A)(a) and substituting the words “1 May 2013 but before the date of commencement of section 5(c) of the Employment (Amendment) Act 2015”; and
- (c) by inserting, immediately after subsection (2A), the following subsection:

“(2B) A female employee who delivers a child —

- (a) on or after the date of commencement of section 5(c) of the Employment (Amendment) Act 2015; or
- (b) before the date of commencement of section 5(c) of the Employment (Amendment) Act 2015 but whose estimated delivery date for her confinement in respect of that child (as certified by a medical practitioner) is on or after that date,

is not entitled to any pay during the benefit period if she has not served her employer for a period of at least 3 months preceding the day of her confinement.”.

**Amendment of section 77**

6. Section 77 of the Employment Act is amended —

- (a) by inserting, immediately after the word “holidays” in subsection (1), the words “, but not any day during the benefit period on which the female employee takes no-pay leave”; and
- (b) by inserting, immediately after the word “holidays” in the section heading, the word “, etc.”.

**Amendment of section 87A**

7. Section 87A of the Employment Act is amended by inserting, immediately after subsection (5), the following subsection:

“(5A) Despite subsection (5), no employee is entitled to take paid childcare leave on a day the employee takes no-pay leave.”.

**Amendment of section 88**

8. Section 88 of the Employment Act is amended —

- (a) by deleting the words “such of the days specified in the Schedule to the Holidays Act (Cap. 126) as fall” in subsection (1) and substituting the words “a public holiday that falls”;
- (b) by deleting the words “of the days specified in that Schedule” in subsection (1)(a) and substituting the words “public holidays”;
- (c) by deleting the words “of the days specified in that Schedule” in subsection (1)(b) and (c) and substituting in each case the words “public holiday”;
- (d) by deleting the words “any holiday” in subsections (2), (4) and (4A) and substituting in each case the words “any public holiday”;
- (e) by deleting the words “a holiday” in subsections (3) and (6)(a) and substituting in each case the words “a public holiday”;

- (f) by deleting the words “the holiday” in subsection (6)(b) and substituting the words “the public holiday”; and
- (g) by deleting the words “any such holiday” in subsection (7) and substituting the words “any public holiday”.

### **Repeal and re-enactment of section 95 and new section 95A**

**9.** Section 95 of the Employment Act is repealed and the following sections substituted therefor:

#### **“Employers’ obligation in relation to employee records**

**95.—**(1) An employer must make, and keep for the period prescribed (called in this section the record retention period), employee records containing the prescribed particulars for —

- (a) every employee the employer employs; and
- (b) every former employee of the employer.

(2) An employer must ensure that an employee record made and kept under subsection (1) is, during the record retention period prescribed for the employee record, readily accessible to the employee or former employee to which the employee record relates.

(3) An employer is taken to have failed to comply with subsection (1) if the employer makes or keeps an employee record that is incomplete or inaccurate, whether or not the employer knew that the record is incomplete or inaccurate.

(4) Different record retention periods may be prescribed for different classes of employees or former employees, and for different types of employee records.

(5) In this section, “employee record”, for an employee or a former employee of an employer, means a record of information or particulars about the employment by the employer of the employee or former employee, as the case may be.