

Workmen's Compensation (Amendment) Bill

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Bill No: 3/1971

Read the first time: 30th July 1971

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Expenditure of Public Money

Workmen's Compensation (Amendment) Bill

Bill No. 3/1971

Read the first time on 30th July 1971.

An Act to amend the Workmen's Compensation Act (Chapter 130 of the 1970 Revised Edition).

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 Workmen's Compensation (Amendment) Act, 1971, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. The proviso to subsection (1) of section 2 of the Workmen's Compensation Act (hereinafter in this Act referred to as "the principal Act") is hereby deleted and the following substituted therefor: —

“Provided that the following persons are excepted from the definition of “workman”: —

- (a) a person employed otherwise than by way of manual labour whose earnings, calculated in accordance with the provisions of section 9 of this Act, exceed seven hundred and fifty dollars a month;
- (b) a person whose employment is of casual nature and who is employed otherwise than for the purposes of the employer’s trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club;
- (c) a domestic servant;
- (d) a police officer, and any other person engaged to perform police duties in accordance with the provisions of any written law while so performing such duties;
- (e) an outworker;
- (f) a tributer;
- (g) any member of the family of the employer who dwells with him in his house;
- (h) any class of persons whom the Minister may, by order, declare not to be workmen for the purposes of this Act.”.

Amendment of section 3

3. Section 3 of the principal Act is hereby amended —

- (a) by deleting the definitions of “adult” and “minor” appearing in subsection (1) thereof;
- (b) by deleting the definition of “Commissioner” appearing in subsection (1) thereof and substituting therefor the following: —

“ “Commissioner” means the Commissioner for Labour appointed under section 3 of the Employment Act (Cap. 122, 1970 Ed), and includes any officer to whom the Commissioner has delegated all or any of the powers conferred or duties imposed upon the Commissioner by this Act;”;

- (c) by deleting the definition of “earnings” appearing in subsection (1) thereof and substituting therefor the following: —

“ “earnings” means any wages paid in cash to the workman by the employer and any privilege or benefit which is capable of being estimated in money and includes the value of any food, fuel or quarters supplied to the workman by the employer if as a result of the accident the workman is deprived of such food, fuel or quarters; and any overtime payments or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of constant character or for work habitually performed except —

- (a) a travelling allowance;
- (b) the value of any travelling concession;
- (c) a contribution paid by the employer towards any pension or provident fund;
- (d) a sum paid to the workman to cover any special expenses incurred by him by reason of the nature of his employment;”;

(d) by deleting the definition of “employer” appearing in subsection (1) thereof and substituting therefor the following: —

“ “employer” includes —

- (a) the Government;
- (b) any statutory body or authority;
- (c) the legal personal representative of a deceased employer; and
- (d) in relation to a person employed for the purpose of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of such club,

and where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person;”;

- (e) by deleting the definition of “partial disablement” appearing in subsection (1) thereof and substituting therefor the following: —

““partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in his incapacity and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment which he was able to undertake at the time of the accident:

Provided that every injury specified in the First Schedule to this Act, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to or exceeds one hundred *per centum*, shall be deemed to result in permanent partial incapacity;”;

- (f) by deleting the definition of “total disablement” appearing in subsection (1) thereof and substituting therefor the following: —

““total incapacity” means such incapacity whether of a temporary or permanent nature as incapacitates a workman for all work which he was capable of undertaking at the time of the accident resulting in such incapacity:

Provided that permanent total incapacity shall be deemed to result from an injury or from any combination of injuries specified in the First Schedule to this Act where the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to or exceeds one hundred *per centum*;”;

- (g) by deleting subsection (2) thereof and substituting therefor the following: —

“(2) The exercise and performance of the powers and duties of a department of the Government or a statutory body or authority shall, for the purposes of this Act, be deemed to be the trade or business of the Government or statutory body or authority, as the case may be.”.