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Retirement and Re-employment (Amendment) Bill

Bill No. 35/2021.

Read the first time on 4 October 2021.

A BILL

i n t i t u l e d

An Act to amend the Retirement and Re-employment Act.

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 is the Retirement and Re-employment (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2(1) of the Retirement and Re-employment Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “prescribed minimum retirement age” and substituting the following definitions:

10 ““prescribed minimum retirement age”, in relation to an employee, means the prescribed minimum retirement age specified under section 4(1) that is applicable to the employee;

15 “prescribed re-employment age”, in relation to an employee, means the prescribed re-employment age specified under section 7A(11) that is applicable to the employee;”;

20 (b) by deleting the words “specified age applicable to that employee” in the definition of “re-employment” and substituting the words “employee’s specified age”; and

(c) by deleting the definition of “specified age” and substituting the following definition:

25 ““specified age”, in relation to an employee, means the higher of the following ages applicable to the employee:

(a) the employee’s prescribed minimum retirement age;

30 (b) the retirement age stipulated in the employee’s contract of service;”.

Deletion and substitution of heading to Part II

3. Part II of the principal Act is amended by deleting the Part heading and substituting the following Part heading:

“PRESCRIBED MINIMUM RETIREMENT AGE”.

Amendment of section 4

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4. Section 4 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

“(1) The Minister may, by notification in the *Gazette*, specify the prescribed minimum retirement age applicable to any class of employees, which must be at least 62 years but not more than 65 years.

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(2) Despite any other written law, contract of service or collective agreement, an employer must not dismiss an employee on the ground of age before that employee attains the employee’s prescribed minimum retirement age.”; and

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(b) by deleting the section heading and substituting the following section heading:

“**Prescribed minimum retirement age**”.

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Amendment of section 6

5. Section 6 of the principal Act is amended by deleting the words “62 years or the” and substituting the words “the employee’s”.

Amendment of section 7A

6. Section 7A of the principal Act is amended —

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(a) by deleting the words “age of 65 years or such other age, up to 67 years, as may be prescribed by the Minister” in subsections (1) and (7)(b) and substituting in each case the words “employee’s prescribed re-employment age”; and

(b) by inserting, immediately after subsection (10), the following subsection:

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“(11) The Minister may, by notification in the *Gazette*, specify the prescribed re-employment age applicable to any class of employees, which must be at least 67 years but not more than 70 years.”.

5 **Saving provision**

7. Despite section 2(c), for the purposes of the principal Act, the age mentioned in paragraph 3 of the Retirement and Re-employment (Prescribed Specified Age) Notification 2011 (G.N. No. S 563/2011) continues, on or after the date of commencement of section 2(c), to be
10 the specified age for an employee mentioned in paragraph 2 of that Notification.

EXPLANATORY STATEMENT

This Bill seeks to amend the Retirement and Re-employment Act to change the statutory limits for the prescribed minimum retirement age and the prescribed re-employment age, and to streamline sections 4, 6 and 7A of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) by deleting and substituting the definitions of “prescribed minimum retirement age” and “specified age”, and introducing a new definition of “prescribed re-employment age”.

Clause 3 deletes and substitutes the heading of Part II to refer to “Prescribed Minimum Retirement Age”.

Clause 4 streamlines the prohibition against dismissal on grounds of age under section 4 by referring only to the prescribed minimum retirement age, instead of a retirement age of not less than 62 or a prescribed alternative. The statutory cap on the prescribed minimum retirement age is lowered from 67 to 65.

Clause 5 amends section 6 to refer only to the prescribed minimum retirement age.

Clause 6 amends section 7A to refer only to the employee’s prescribed re-employment age. The statutory cap on the prescribed re-employment age is raised from 67 to 70.

Clause 7 seeks to preserve the effect of the Retirement and Re-employment (Prescribed Specified Age) Notification 2011 (G.N. No. S 563/2011) by providing that the specified age of an employee mentioned in paragraph 2 of that

Notification continues to be the age mentioned in paragraph 3 of that Notification despite the definition of “specified age” as amended by clause 2(c). Generally, it covers employees who were under an approved retirement benefit scheme before 1 July 1993 that provides for the employee’s retirement on or before 60 years of age.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
