



THE STATUTES OF THE REPUBLIC OF SINGAPORE

WORK INJURY COMPENSATION ACT

(CHAPTER 354)

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Work Injury Compensation Act

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An Act relating to the payment of compensation to employees for injury suffered in the course of their employment.

[5/2008]

[1st October 1975]

PART I

PRELIMINARY

Short title

- 1. This Act may be cited as the Work Injury Compensation Act.

[5/2008]

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
 - “approved hospital” means a hospital prescribed to be such under section 14(1);

“Assistant Commissioner” means any person appointed as an Assistant Commissioner (Work Injury Compensation) under section 2A;

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

“dependant”, in respect of a deceased employee, means the wife, husband, parent, grandparent, step-father, step-mother, child, grandchild, step-child, brother, sister, half-brother, half-sister, step-brother and step-sister irrespective of whether that person is actually dependent on the employee’s earnings or not and for the purpose of this definition —

- (a) the child of a deceased employee shall be deemed to include the illegitimate child of that employee and any child whose adoption by him has been registered under the Adoption of Children Act (Cap. 4); and
- (b) the parent of a deceased employee shall be deemed to include the father and the mother of an illegitimate child and the person who has registered the adoption of any child under the Adoption of Children Act;

“earnings” means any wages paid to the employee by the employer and any privilege or benefit which is capable of being estimated in money and includes the value of any food or quarters supplied to the employee by the employer if as a result of the accident the employee is deprived of such food 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 employee to cover any special expenses incurred by him by reason of the nature of his employment;

“employee” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether —

- (a) by way of manual labour or otherwise;
- (b) the contract is express or implied or is oral or in writing; and
- (c) the remuneration is calculated by time or by work done, but does not include any class of persons specified in the Fourth Schedule;

“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 that club,

and where the services of an employee are temporarily lent or let on hire to another person by the person with whom the employee 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 employee whilst he is working for that other person;

“injury” includes any condition specified in the Second Schedule;

“investigation officer” means any person appointed as an investigation officer under section 2A;

“medical practitioner” means a medical practitioner registered or exempted from registration under the Medical Registration Act (Cap. 174);

“partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of an employee 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, 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 100%, shall be deemed to result in permanent partial incapacity;

“seaman” means any person employed as part of the crew of any Singapore ship within the meaning of the Merchant Shipping Act (Cap. 179) and includes the master of any such ship;

“total incapacity” means such incapacity whether of a temporary or permanent nature as incapacitates an employee 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 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 100%;

“workplace” means any premises where a person is at work or is to work, for the time being works, or customarily works.

[34/80; 5/2008]

(2) If in any proceedings for the recovery of compensation under this Act it appears to the Commissioner or the court that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, the Commissioner or the court may, if having regard to all the circumstances of the case he or it thinks proper to do so, deal with the matter as if the injured person had at such time been a person working under a valid contract of service or apprenticeship.

(3) Any reference to an employee who has been injured shall, unless the context otherwise requires, where the employee is dead, include a reference to his legal personal representative or to his dependants or any of them.

[5/2008]

(4) This Act shall apply to an accident happening to an employee outside Singapore where the employee is ordinarily resident in Singapore and is employed by an employer in Singapore but is required in the course of his employment to work outside Singapore.

[5/2008]

(4A) This Act shall apply to an accident happening, on or after 1st April 2008, to any seaman onboard any Singapore ship within the meaning of the Merchant Shipping Act (Cap. 179), whether the ship was within or outside Singapore at the time of the accident.

[5/2008]

(5) 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.

Appointment of Assistant Commissioners, investigation officers and authorised persons

2A.—(1) The Commissioner may appoint such number of public officers as Assistant Commissioners (Work Injury Compensation) and investigation officers and such persons as authorised persons, as may be necessary to assist the Commissioner in the administration of this Act.

[5/2008]

(2) The Commissioner may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act (except the power of delegation conferred by this subsection) to any Assistant Commissioner, investigation officer or authorised person, subject to such conditions or limitations as the Commissioner may specify.

[5/2008]

Commissioner, Assistant Commissioner and investigation officer to be public servants

2B. The Commissioner and every Assistant Commissioner and investigation officer shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

[5/2008]

PART II

COMPENSATION FOR INJURY

Division 1 — Entitlement and liability for compensation

Employer's liability for compensation

3.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to an employee,

his employer shall be liable to pay compensation in accordance with the provisions of this Act.

[5/2008]

(2) An accident happening to an employee while he is, with the express or implied permission of his employer, travelling as a passenger by any means of transport to or from his place of work shall be deemed to arise out of and in the course of his employment if at the time of the accident the means of transport is being operated by or on behalf of his employer or by some other person by whom it is operated in pursuance of arrangements made with his employer and is not being operated in the ordinary course of a public transport service.

[5/2008]

(3) An accident happening to an employee in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue or protect persons who are, or are thought to be or possibly to be injured or imperilled, or to avert or minimise damage or loss to property.

[5/2008]

(4) An accident happening to an employee shall be deemed to arise out of and in the course of his employment notwithstanding that he was at the time of the accident acting in contravention of any written law or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if —

- (a) the accident would have been deemed so to have arisen had such act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and
- (b) such act was done for the purposes of and in connection with the employer's trade or business.

[5/2008]

(5) An employer shall not be liable to pay compensation in respect of —

- (a) any injury to an employee resulting from an accident if it is proved that the injury to the employee is directly attributable to the employee having been at the time thereof under the influence of alcohol or a drug not prescribed by a medical practitioner; or

- (b) any incapacity or death resulting from a deliberate self-injury or the deliberate aggravation of an accidental injury.

[5/2008]

(5A) In this section, “drug” means —

- (a) a controlled drug within the meaning of the Misuse of Drugs Act (Cap. 185); or
- (b) a prescription only drug specified for the purposes of section 29 of the Medicines Act (Cap. 176) that is not prescribed by a medical practitioner for the employee’s consumption or use.

[5/2008]

(6) For the purposes of this Act, an accident arising in the course of an employee’s employment shall be deemed, in the absence of evidence to the contrary, to have arisen out of that employment.

[5/2008]

Compensation for occupational diseases

4.—(1) If —

- (a) an employee who is employed in any occupation specified in the second column of the Second Schedule contracts an occupational disease specified in the first column of that Schedule opposite that occupation; or
- (b) an employee who has been employed in that occupation contracts that disease within the period specified in the third column of that Schedule opposite that occupation after ceasing to be so employed,

and the incapacity or death of the employee results from that disease, compensation shall be payable as if the disease were a personal injury by accident arising out of and in the course of that employment, and all the other provisions of this Act shall apply accordingly, subject to this section.

[5/2008]

(2) When an employee enters into a contract of service or apprenticeship with any employer to work in any occupation specified in the Second Schedule or is, with his consent, transferred by his employer to such an occupation, the employee shall, if requested to do so by the employer, submit himself for examination by a medical practitioner, the fee for which shall be paid by the employer; but he shall not be required to submit himself for such examination otherwise than in accordance with regulations made under this Act.

[5/2008]

(3) No compensation shall be payable by an employer under this section in respect of the incapacity or death of an employee resulting from the employee contracting an occupational disease if the employee's incapacity commences or his death happens more than the period specified in the third column of the Second Schedule opposite the disease after the employee ceases to be in his employment.

[5/2008]

(3A) Subsection (3) shall not apply to the death of an employee where his death has been preceded, whether immediately or not, by any period of incapacity in respect of which compensation is payable under this section.

[5/2008]

(4) For the purposes of calculating the monthly earnings of the employee in a claim for compensation under this section, the date of commencement of the incapacity of the employee or the date of his death, if there has been no previous period of incapacity, shall be treated as the date of the happening of the accident, if he is then employed by the employer from whom compensation is claimed in any employment to the nature of which the occupational disease is due, and if he is not then so employed, the last day on which he was so employed shall for this purpose be deemed to be the date of the happening of the accident.

[5/2008]

(5) For all other purposes of this Act, in a claim for compensation under this section, the date of commencement of the incapacity of the employee, or the date on which a medical practitioner certifies that in his opinion the employee is suffering from such occupational disease, whichever date is the earlier, or the date of his death if there has been no previous period of incapacity shall be deemed to be the date of the happening of the accident.

[5/2008]

(6) If the occupational disease has been contracted by a gradual process, so that 2 or more employers are severally liable to pay compensation in respect thereof under this section, the aggregate amount of such compensation shall not exceed the amount that would have been payable if those employers had been a single employer, and in such case each of those employers shall, in default of agreement, be liable for such proportion of the compensation payable as the Commissioner thinks just.

[5/2008]

(7) The Minister may appoint such medical practitioners to be medical referees for the purpose of determining whether the disease

in respect of which compensation is claimed is in fact an occupational disease specified in the Second Schedule and any other matter which is material for the determination of any claim for compensation under this Act.

[5/2008]

(8) The report of a medical referee appointed under subsection (7) may be acted upon by the Commissioner as if it were conclusive evidence of the facts certified in such report.

Compensation limited to injuries received at work

5. Except as provided in sections 3 and 4, no compensation shall be payable to an employee in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of the relevant employment.

[5/2008]

Persons entitled to compensation

6.—(1) Compensation under this Act shall be payable to or for the benefit of the employee or, where death results from the injury, to the deceased employee's estate or to or for the benefit of his dependants as provided by this Act.

[5/2008]

(2) Where a dependant dies before a claim under this Act is determined by the Commissioner, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the employee.

[5/2008]

(3) Where a deceased employee has no dependant, the compensation shall be paid into a fund to be known as the Workers' Fund which shall be established, maintained and applied in accordance with regulations made under this Act and the person managing the Fund shall be entitled to claim the compensation.

[5/2008]

Division 2 — Computation of compensation

Amount of compensation

7. The amount of compensation under this Act in respect of any personal injury of an employee caused by accident arising out of and in the course of his employment shall be computed in accordance with the Third Schedule.

[5/2008]

Method of calculating earnings

8.—(1) For the purposes of this Act, the earnings of an employee shall be computed in such manner as is best calculated to give his true monthly earnings at the date of the accident, subject to the following provisions:

- (a) where the employee has been employed by the employer for whom he was working at the time of the accident for a continuous period which is more than a month immediately preceding the accident, his monthly earnings shall be the average amount of his earnings during the continuous period of not more than 12 months immediately preceding the accident;
- (b) where the employee has been employed by the employer for whom he was working at the time of the accident for a continuous period which is a month immediately preceding the accident or shorter, his monthly earnings shall be the actual earnings he would have received for the whole month immediately preceding the accident; and
- (c) where reliable evidence of the earnings of the relevant employee under paragraph (a) or (b) does not exist or cannot be adduced without undue delay or expense, regard may be had to evidence of the earnings of employees employed on similar work in the same locality at or about the date of the accident.

[5/2008]

(2) Where an employee is employed under contracts of service with 2 or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident, except contracts of service that the last-mentioned employer does not know.

[5/2008]

Distribution of compensation

9.—(1) Subject to subsection (1A), no payment of compensation in respect of an employee whose injury has resulted in death or permanent incapacity shall be made otherwise than by deposit with the Commissioner, and any such payment made directly to

the employee or his dependant shall be deemed not to be payment of compensation for the purposes of this Act.

[5/2008]

(1A) The Commissioner may —

(a) in respect of injury which has resulted in the death or permanent incapacity of the employee, authorise payment of compensation to be made directly to —

(i) an employee who is not less than 18 years of age;

(ii) one or more of the dependants of the deceased employee and in such proportion as the Commissioner thinks fit, except that where a will has been produced, such payment may instead be made directly to the estate of the deceased employee; or

*(iii) any committee or committees of the employee and estate of the employee appointed under the Mental Disorders and Treatment Act (Cap. 178) where the employee has become mentally incapacitated;

(b) take into account any amount paid otherwise than in accordance with subsection (1) in assessing the compensation payable under this Act if he considers it fair and reasonable to do so.

[5/2008]

(2) The receipt of the Commissioner shall be a sufficient discharge for any compensation deposited with him.

(3) On the deposit of any money under subsection (1) as compensation in respect of an accident resulting in the death of an employee, the Commissioner may deduct therefrom the actual amount of the expenses of the funeral of the employee or \$250, whichever is the less, and may pay the same to the person by whom such expenses were incurred.

[5/2008]

(4) Compensation deposited in respect of an accident resulting in the death of an employee may be apportioned among one or more of the dependants of the deceased employee and in such proportion as the Commissioner thinks fit, except that where a will has been

*Sub-paragraph (iii) of section 9(1A)(a) will be deleted and substituted by the following sub-paragraph when item 1(54)(a) in the Second Schedule to the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008) is brought into operation:

“(iii) where the employee has become mentally incapacitated, any deputy appointed or deemed to be appointed for the employee by the High Court under the Mental Capacity Act 2008 with power to receive such payment;”.

produced, such compensation may instead be paid to the estate of the deceased employee.

[5/2008]

(4A) Compensation deposited in respect of an accident resulting in the permanent incapacity of an employee who, before the payment of such compensation is made, becomes mentally incapacitated may be payable to —

- (a) any one or more of the dependants of the employee; or
- *(b) any committee or committees of the employee and estate of the employee appointed under the Mental Disorders and Treatment Act (Cap. 178).

[5/2008]

(5) Where any lump sum deposited with the Commissioner is payable to a person who is under any legal disability or in any other case where the Commissioner considers it desirable to do so, the Commissioner may, in his discretion, order such sum to be invested, applied or otherwise dealt with for the benefit of that person in such manner and for such period as the Commissioner may determine.

(5A) Where any periodical payment of compensation for temporary incapacity is payable to any employee under a legal disability, the Commissioner may, of his own motion or on application made to him in that behalf, order that the payment be made during the disability to any dependant of the employee or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the employee.

[16/90; 5/2008]

(6) If the Commissioner is satisfied after such inquiry as he may consider necessary that no dependant of a deceased employee exists or can be traced and the circumstances are such that there is no reasonable likelihood that any dependant can be traced, the Commissioner shall pay the balance of the money deposited with him under subsection (1) to the Workers' Fund.

[5/2008]

(7) Where after inquiry made of his own motion or on application made to him the Commissioner is satisfied that by reason of any change in the circumstances of any dependant, or for any other sufficient cause, an order of the Commissioner made under this section ought to be

*Paragraph (b) of section 9(4A) will be deleted and substituted by the following paragraph when item 1(54)(a) in the Second Schedule to the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008) is brought into operation:

“(b) any deputy appointed or deemed to be appointed for the employee by the High Court under the Mental Capacity Act 2008 with power to receive such payment.”.

varied, the Commissioner may make such order for the variation of that order as he thinks just in the circumstances of the case.

(8) No order prejudicial to any person shall be made under subsection (7) unless that person has been given an opportunity of showing cause why the order should not be made, and no such order shall require the repayment by a dependant of any sum already paid to him except where such payment has been obtained by fraud or other improper means.

Compensation not to be assigned, attached or charged

10. Subject to the provisions of this Act, no payment of compensation payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the employee by operation of law nor shall any claim be set off against the same.

[16/90; 5/2008]

Division 3 — Making claims

Notice and claim

11.—(1) Except as provided in this section, proceedings for the recovery of compensation for an injury under this Act shall not be maintainable unless —

- (a) notice of the accident has been given to the employer by or on behalf of the employee as soon as practicable after the happening thereof;
- (b) a claim for compensation with respect to that accident has been made within one year from the happening of the accident causing the injury, or, in the case of death, within one year from the date of the death; and
- (c) the claim has been made in such form and manner as the Commissioner may determine.

[34/80; 5/2008]

(2) No notice to the employer shall be necessary where a fatal accident has occurred.

(3) The want of or any defect or inaccuracy in a notice shall not be a bar to the maintenance of proceedings if —

- (a) the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident; or

- (b) it is found in the proceedings for settling the claim that the employer is not, or would not be, if a notice or an amended notice were then given and the hearing postponed, prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from Singapore or other reasonable cause.

(4) The failure to make a claim within the period specified in subsection (1) shall not be a bar to the maintenance of proceedings if it is found that the failure was occasioned by mistake, absence from Singapore or other reasonable cause.

(5) Notice to the employer (or, if there is more than one employer, to one of such employers) in respect of an injury may be given either in writing or orally or to the foreman or other person under whose supervision the employee was employed, or to any person designated for the purpose by the employer, and shall state in ordinary language the cause of the injury and the date on which and the place at which the accident happened.

[5/2008]

(6) The notice if in writing may be given by delivering the notice at, or sending it by registered post addressed to, the residence or place of business of the person to whom it is to be given.

Notice to Commissioner and insurer by employer

12.—(1) Every employer shall give notice to —

- (a) the Commissioner in such form and manner as the Commissioner may determine; and
(b) his insurer in writing,

of the occurrence of every prescribed event that may give rise to a claim for compensation under this Act within the time prescribed for that event.

[5/2008]

(2) (*Deleted by Act 5 of 2008*)

(3) For the purposes of this section, “employer” shall include the person, if any, referred to in section 17 as the principal.

Change of address

12A.—(1) Where any claim for compensation has been made under this Act by an employee or by a person acting on behalf of an employee

who is dead or mentally incapacitated, and the Commissioner has reason to believe that there is a change during the currency of the claim in the address used by the employee or the person for the purposes of the claim, the Commissioner may serve a notice on the employee or the person, as the case may be, requesting for particulars of any change in address.

[5/2008]

(2) Subject to subsection (3), the employee or the person acting on behalf of an employee who is dead or mentally incapacitated, as the case may be, on whom the Commissioner has served a notice under subsection (1) shall, within a period of 14 days after the service of the notice, inform the employee's employer and the Commissioner, in writing or in person, of any change in address.

[5/2008]

(3) Subsection (2) shall not apply if the compensation has been fully paid in accordance with this Act.

[5/2008]

(4) Notwithstanding section 13(4), if an employee or the person acting on behalf of an employee who is dead or mentally incapacitated fails, without reasonable cause, to notify the Commissioner of any change in the address as is required by subsection (2), the employee's right to compensation shall be suspended from the 15th day after the Commissioner has served a notice under subsection (1) on the employee or the person, as the case may be.

[5/2008]

(5) Any suspension under subsection (4) shall cease upon the employee or the person acting on behalf of an employee who is dead or mentally incapacitated, as the case may be, providing the particulars of any change in the address used by the employee or the person for the purposes of the claim.

[5/2008]

(6) If at the end of 3 months after the Commissioner has served a notice referred to in subsection (1), the employee or the person acting on behalf of an employee who is dead or mentally incapacitated, as the case may be, still fails to provide the particulars of any change in the address to the Commissioner as requested by that notice, then notwithstanding section 13(4), no compensation under this Act shall be payable in respect of the claim to which the notice relates unless the Commissioner is satisfied that there was reasonable cause for the failure.

[5/2008]

Medical examination and treatment

13.—(1) When notice of an accident has been given to an employer by an employee or on the employee's behalf, the employer shall, before the expiry of the 5th day after the giving of the notice, offer to have the employee examined free of charge by a medical practitioner, and the employee shall submit himself for such medical examination.

[5/2008]

(1A) Any employee who is in receipt of any periodical payment of compensation for temporary incapacity under this Act shall, if required by the employer, submit himself for such examination from time to time.

[16/90; 5/2008]

(1B) An employee shall not be required to submit himself for examination otherwise than in accordance with regulations made under this Act.

[16/90; 5/2008]

(2) *(Deleted by Act 5 of 2008)*

(3) If an employee, on being required to do so by the employer under subsection (1) or (1A) or by the Commissioner, at any time fails to submit himself for examination by a medical practitioner, his right to compensation shall be suspended until the examination has taken place; and if the failure extends over a period of 3 months from the date when the employee was required to submit himself for examination by the Commissioner, no compensation shall be payable in respect of any injury to the employee resulting from the accident unless the injury results in the death of the employee or unless the Commissioner is satisfied that there was reasonable cause for the failure.

[34/80; 5/2008]

(4) If an employee having been so required, and before the expiry of the period within which he is liable under subsection (1) to submit himself for medical examination, voluntarily leaves, without having been so examined, the place at which he was residing at the time of the accident, his right to compensation shall be suspended until he notifies his employer of his new address and offers himself for such examination.

[5/2008]

(5) Where an employee whose right to compensation has been suspended under subsection (3) or (4) dies without having submitted himself for medical examination as required by those subsections, the

Commissioner may, if he thinks fit, direct the payment of compensation to the dependants or the estate of the deceased employee.

[5/2008]

(6) Where under subsection (3) or (4) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

(7) Where an injured employee has refused to be treated by a medical practitioner or has failed to carry out or deliberately disregarded the instructions for his treatment, then —

(a) where the employee is in receipt of any periodical payment of compensation for temporary incapacity under the provisions of this Act, the Commissioner may order the suspension of those payments until the employee accepts such treatment or has carried out such instructions, and may further, where the Commissioner is satisfied that the duration of the employee's incapacity has been prolonged by such refusal, failure or disregard, order those payments to be restricted to such period, calculated from the date of injury, as the disability of the employee might reasonably have been expected to have lasted for, had he accepted treatment and followed instructions; or

(b) where the employee has suffered permanent incapacity and the Commissioner is satisfied that the incapacity has been aggravated by such refusal, failure or disregard, the Commissioner may order that compensation be paid to the employee appropriate to such incapacity as he might reasonably have been expected to have suffered if he had been regularly treated by a medical practitioner.

[16/90; 5/2008]

Compensation for medical treatment

14.—(1) The Minister shall from time to time prescribe which hospitals are approved hospitals for the purpose of this Act.

[5/2008]

(2) Where personal injury by accident arising out of and in the course of employment is caused to —

(a) an employee and the injured employee receives medical treatment by a medical practitioner or at an approved hospital for his injury, being medical treatment that is certified by any attending medical practitioner to be necessary; or

(b) an employee referred to in section 2(4) or (4A) and the injured employee receives medical treatment —

- (i) outside Singapore for the accident which occurs outside Singapore; and
- (ii) which, in the view of the Commissioner, requires immediate medical treatment due to the nature of injury suffered by the employee,

the employer of the employee shall be liable to pay compensation in accordance with paragraph 5 of the Third Schedule for the medical treatment received by the employee.

[5/2008]

(3) Any compensation under subsection (2) for medical treatment received by an employee at an approved hospital for personal injury by any accident arising out of and in the course of the employment shall be paid directly to the proprietor of the approved hospital, after deducting any amount previously paid by the employee in relation to the medical treatment; and the proprietor of an approved hospital shall be entitled to recover such compensation (less those deductions) directly from the employer.

[5/2008]

(4) Where an employee has paid for the cost of any medical treatment which an employer is liable to pay under subsection (2), the employee shall be entitled to recover such cost from the employer.

[5/2008]

(5) If the injured employee refuses treatment at an approved hospital and the treatment is certified by a medical practitioner to be necessary, any order of compensation made to him may, at the instance of the employer, be suspended or reviewed by the Commissioner.

[5/2008]

Payment of compensation for temporary incapacity

14A.—(1) Where any injury by accident arising out of and in the course of employment results in the temporary incapacity of an employee, the compensation the employer shall pay to the employee shall be a periodical payment of the amount prescribed in paragraph 4 of the Third Schedule.

[5/2008]

(2) Such compensation in respect of injury resulting in temporary incapacity of an employee shall be in accordance with paragraph 4 of the Third Schedule, and shall be payable not later than the same day as

earnings would have been payable to the employee under the contract of service or apprenticeship under which he was employed at the time of the accident (except that the interval between periodical payments shall in no case exceed one month) even though —

- (a) no claim for compensation in respect of that injury is made under this Act; or
- (b) a claim for compensation in respect of that injury has not been assessed or determined by the Commissioner.

[5/2008]

(3) Notwithstanding any other provision of this Act, the Commissioner may order the employee to refund to the employer any payment made by the employer under subsection (1) if —

- (a) the employee fails to make any claim for compensation within the time limited by and in accordance with section 11;
- (b) the employee withdraws his claim for compensation;
- (c) the Commissioner has determined that no compensation be paid to the employee; or
- (d) it has come to the attention of the Commissioner that the employee has made a false claim.

[5/2008]

Review by Commissioner

15.—(1) Any periodical payment for temporary incapacity payable under this Act may be reviewed by the Commissioner on the application of the employer or of the employee accompanied by a certificate of a medical practitioner that there has been a change in the condition of the employee.

[16/90; 5/2008]

(2) Any periodical payment for temporary incapacity may, on review under this section, and subject to the provisions of this Act, be continued, increased, decreased or ended.

[16/90; 5/2008]

Commutation of periodical payments for temporary incapacity

16. Any periodical payments for temporary incapacity may, where the payments have been continued for not less than 6 months, be commuted into a lump sum of such amount as may be agreed to by the parties and consented to by the Commissioner.

[16/90; 5/2008]

*Division 4 — Liability and indemnity***Liability of principals**

17.—(1) Where any person (referred to in this section as the principal) in the course of or for the purpose of his trade or business contracts with any other person (referred to in this section as the employer) for the execution by the employer of the whole or any part of any work, or for the supply of labour to carry out any work, undertaken by the principal, the principal shall be liable to pay to any employee employed in the execution of the work any compensation which he would have been liable to pay if that employee had been immediately employed by him.

[5/2008]

(1A) For the purposes of this section, the Commissioner shall, in his discretion and notwithstanding any claim by the employee, determine that a claim for compensation be made, or a recovery of compensation be obtained, against the principal or the employer.

[5/2008]

(2) Where a claim has been determined by the Commissioner to be made against the principal for compensation under subsection (1), this Act shall apply as if references to the principal were substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the wages of the employee under the employer by whom he is immediately employed.

[5/2008]

(3) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the person who would have been liable to pay compensation to the employee independently of this section.

[5/2008]

(4) Nothing in this section shall be construed as preventing the Commissioner from ordering the compensation under this Act to be recovered from the employer instead of the principal, and a claim so determined by the Commissioner to be made against a principal or an employer, as the case may be, shall not bar subsequent proceedings under this Act against the other to recover so much of the compensation as may remain unpaid.

[5/2008]

(5) This section shall not apply in any case where the accident occurred elsewhere than at or about the place where the principal has undertaken to execute work or which is under his control or management.

Remedies both against employer and third party

18.—(1) Where any injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer (referred to in this section as the third party) to pay damages in respect thereof —

- (a) the employee may take proceedings against the third party to recover damages and may claim against any person liable to pay compensation under this Act, but he shall not be entitled to recover both damages and compensation; and
- (b) if the employee has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called upon to pay an indemnity under section 17(3), shall be entitled to be indemnified by the third party so liable to pay damages as aforesaid.

[5/2008]

(2) Where any injury is caused to an employee by accident arising out of and in the course of his employment under circumstances which give a right to recover reduced damages in respect thereof from a third party by virtue of any wilful act or negligence of the employer or employee, any right conferred by subsection (1) on —

- (a) the person by whom any compensation under this Act was paid; and
- (b) any person who has been called upon to pay an indemnity under section 17(3),

to be indemnified by the third party shall be limited to a right to be indemnified in respect of such part only of the total compensation paid or payable in such proportion as the court may determine as is appropriate to the degree to which the injury was attributable to the act, default or negligence of the third party.

[5/2008]

Bankruptcy of employer

19.—(1) Where any employer has entered into a contract with any insurer in respect of any liability under this Act to any employee, then, in the event of the employer becoming bankrupt or making a composition or scheme of arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed or possession having been taken by or on behalf of the holders of

debentures secured by a floating charge of any property comprised in or subject to the charge, the rights of the employer against the insurer as respecting that liability shall, notwithstanding anything in any written law relating to bankruptcy or the winding up of companies for the time being in force in Singapore, be transferred to and vest in the employee.

[5/2008]

(1A) Upon any such transfer under subsection (1), the insurer shall have the same rights and remedies and be subject to the same liabilities as if the insurer were the employer, but the insurer shall not be under any greater liability to the employee than it would have been to the employer.

[5/2008]

(2) If the liability of the insurer to the employee is less than the liability of the employer to the employee, the employee may prove for the balance in the bankruptcy or liquidation or, as the case may be, may recover the balance from the receiver or manager.

[5/2008]

(3) Where in any case such as is referred to in subsection (1) the contract of the employer with the insurer is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premiums), that subsection shall apply as if the contract were not void or voidable, and the insurer shall be entitled to prove in the bankruptcy or liquidation for the amount paid to the employee.

[5/2008]

(3A) Subsection (3) shall not apply in any case in which the employee fails to give notice to the insurer of the happening of the accident and of any resulting incapacity as soon as practicable after he becomes aware of the institution of the bankruptcy or liquidation proceedings and that the employer was insured and with whom.

[5/2008]

(4) There shall be included among the debts which —

- (a) under section 90 of the Bankruptcy Act (Cap. 20) are to be paid in priority to all other debts;
- (b) under section 328 of the Companies Act (Cap. 50) are to be paid in priority to all other debts; and
- (c) under section 226 of the Companies Act are to be paid in priority to any claim for principal or interest in respect of debentures,

the amount due in respect of any compensation or liability for compensation accrued before the following dates:

- (i) in the case mentioned in paragraph (a), the date of the bankruptcy order;
- (ii) in the case mentioned in paragraph (b), the date of the commencement of the winding up of the company or, where the company is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily, the date of the winding up order; and
- (iii) in the case mentioned in paragraph (c), the date of the appointment of the receiver or of possession being taken as mentioned in section 226 of the Companies Act (Cap. 50).

(5) Where the compensation is a periodical payment for temporary incapacity, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum into which the periodical payment for temporary incapacity could, if commutable, be commuted if application were made for the purpose under section 16 and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

[16/90; 5/2008]

(6) Subsection (4) shall apply in the case of any amount for which an insurer is entitled to prove under subsection (3), but otherwise subsection (4) shall not apply where the bankrupt or the company being wound up has entered into such a contract with the insurer as is referred to in subsection (1).

(7) This section shall not apply where a company is wound up voluntarily for the purpose only of reconstruction or of amalgamation with another company.

Special provisions relating to seamen

20. This Act shall apply to seamen who are employees within the meaning of this Act, subject to the following modifications:

- (a) the notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident;

- (b) in the case of the death of a master or seaman the claim for compensation shall be made within 6 months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within 18 months after the date on which the ship was or is deemed to have been so lost;
- (c) where an injured master or seaman is discharged or left behind in any territory in the Commonwealth or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in that territory or by a consular officer in the foreign country, and if so taken and transmitted by the person by whom they are taken to the Minister, they or certified copies thereof shall, in any proceedings for enforcing the claim, be admissible in evidence as provided by sections 184 and 186 of the Merchant Shipping Act (Cap. 179), and those sections shall apply accordingly;
- (d) no periodical payment for temporary incapacity shall be payable in respect of the period during which the owner of the ship is, under any law relating to shipping in force for the time being in Singapore or any part thereof, liable to defray the expenses of maintenance of the injured master or seaman.

[S 22/89; 16/90; 5/2008]

Division 5 — Insurance and other general provisions

Contracting out

21. Any contract or agreement whereby an employee relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment shall be void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

[5/2008]

Commissioner may receive and pay to dependants, etc., money due to dead or mentally incapacitated employee from employer

22.—(1) Notwithstanding anything in any written law relating to the administration or distribution of estates of deceased persons for the time being in force in Singapore, where it appears to the Commissioner

that compensation or interest is payable to an employee under this Act and the employee has died before such payment is made, it shall be lawful for the Commissioner to receive and pay the compensation or interest, without production of a grant of representation, to any one or more of the dependants of the deceased employee or to the estate of the deceased employee.

[5/2008]

*(2) Where it appears to the Commissioner that compensation or interest is payable to an employee under this Act and the employee is mentally incapacitated before such payment is made, it shall be lawful for the Commissioner to receive and pay the compensation or interest to any one or more of the dependants of the employee for the benefit of the employee without the appointment of any committee or committees of the employee and estate of the employee required under the Mental Disorders and Treatment Act (Cap. 178).

[5/2008]

Compulsory insurance against employer's liability

23.—(1) Every employer shall insure and maintain insurance under one or more approved policies with an insurer within the meaning of the Insurance Act (Cap. 142) against all liabilities which he may incur under the provisions of this Act in respect of any employee employed by him unless the Minister, by notification in the *Gazette*, waives the requirement of such insurance in relation to any employer.

[5/2008]

(2) The Minister may, from time to time, prescribe the minimum amounts for which an employer shall insure himself in respect of any of his liabilities under this Act.

[5/2008]

(3) For the avoidance of doubt, an employer shall be liable to pay any liability that he may incur under this Act in excess of the insurance limits that the Minister may prescribe under subsection (2).

[5/2008]

(4) In this section, “approved policy” means a policy of insurance not subject to any conditions or exceptions prohibited by regulations made under this Act.

[5/2008]

*The words “committee or committees of the employee and estate of the employee required under the Mental Disorders and Treatment Act (Cap. 178)” in section 22(2) will be substituted with the following words when item 1(54)(b) in the Second Schedule to the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008) is brought into operation:

“deputy for the employee under the Mental Capacity Act 2008”.

(5) Any conditions or exceptions imposed in a policy of insurance by any insurer which are prohibited by regulations made under this Act shall not absolve the insurer's liability under the policy.

[5/2008]

PART III

ASSESSMENT AND PAYMENT OF COMPENSATION

Commissioner to assess compensation payable

24.—(1) Subject to the provisions of this Act, the Commissioner shall have power to assess and make an order on the amount of compensation payable to any person on any application made by or on behalf of that person.

(2) The Commissioner shall cause to be served on the employer and the person claiming compensation for any injury resulting from an accident —

- (a) a notice of assessment of compensation stating the amount of the compensation payable in accordance with the assessment made by the Commissioner under subsection (1); or
- (b) a notice of assessment of compensation stating that no compensation is payable if the Commissioner is of the view that the injury to which the claim relates did not arise out of or in the course of the person's employment or that the person was not an employee within the meaning of this Act.

[5/2008]

(3) A notice of assessment of compensation referred to in subsection (2)(a) that is served under subsection (2) on an employer and the person claiming compensation shall be deemed to have been agreed upon by the employer and the person claiming compensation, and shall have the effect of an order under section 25D on —

- (a) the 15th day after the notice is served where no objection is received by the Commissioner within a period of 14 days after the service of the notice; or
- (b) the 29th day after the notice is served where all objections so received by the Commissioner are withdrawn within a period of 28 days after the service of the notice.

[5/2008]

(3A) Any notice of assessment of compensation referred to in subsection (2)(b) that is served under subsection (2) on an employer and the person claiming compensation shall have the effect of an order under section 25D on the 15th day after the notice of assessment is served if no objection is received by the Commissioner within a period of 14 days after the service of the notice.

[5/2008]

(3B) No appeal shall lie against any order under subsection (3) or (3A).

[5/2008]

(4) The employer shall pay the amount of compensation determined to the Commissioner or such person claiming compensation as the Commissioner may direct —

(a) within a period of 21 days after the service of a notice of assessment of compensation on the employer if no objection is received by the Commissioner within the time limited under subsection (3)(a); or

(b) within a period of 35 days after the service of a notice of assessment of compensation on the employer if all objections so received by the Commissioner are withdrawn within the time limited under subsection (3)(b).

[5/2008]

(5) *(Deleted by Act 5 of 2008)*

(6) Any assessment of compensation made by the Commissioner under this section may, in any case involving any prescribed occupational disease specified in the Second Schedule, be reviewed at any time within 3 years from the date of the assessment if the Commissioner is satisfied that since that date there has been an aggravation of the result of the relevant occupational disease and that the amount of compensation originally assessed is substantially inadequate.

[5/2008]

(7) The Commissioner shall, where a review under subsection (6) has been made, issue a notice of assessment of additional compensation payable by the employer.

(8) This section and section 25 shall apply to a notice of assessment of additional compensation under subsection (7) as they apply to a notice of assessment of compensation.

Objection to notice of assessment

25.—(1) If any employer or person claiming compensation objects to any notice of assessment of compensation issued by the Commissioner under section 24(2), he shall, within a period of 14 days after the service of the notice of assessment (or such longer period as the Commissioner may, in his discretion, allow in any particular case), give notice of his objection in the prescribed form and manner to the Commissioner stating precisely the grounds of his objection.

[5/2008]

(2) The Commissioner shall disregard any ground of objection that is contained in any notice of objection given outside of the period allowed for objections under subsection (1).

[5/2008]

Power to make orders and give directions for determination of claim

25A.—(1) Notwithstanding anything in this Act, the Commissioner may, at any time after a claim for compensation has been made under section 11, make such order or give such direction as he thinks fit, including the direction for any person in relation to the claim to appear before him, for the determination of the claim.

[5/2008]

(2) Where any party fails to comply with any order made or direction given by the Commissioner under subsection (1), the Commissioner may dismiss the claim or make such other order as he thinks fit.

[5/2008]

(3) The Commissioner may, in exercising his powers under subsection (1), make such order as to costs as he thinks fit.

[5/2008]

(4) Any order or direction made or given against any person who does not appear before the Commissioner when directed to do so under subsection (1) may be set aside or varied by the Commissioner on such terms as he thinks just.

[5/2008]

Pre-hearing conferences to be held when directed by Commissioner

25B.—(1) Without prejudice to the generality of section 25A(1), at any time after a claim for compensation has been made under section 11, the Commissioner may direct parties to attend a pre-hearing conference by serving a notice to the parties.

[5/2008]

(2) At the pre-hearing conference, the Commissioner may consider any matter including the possibility of settlement of all or any of

the issues for the hearing and require the parties to furnish the Commissioner with any such information and document as he thinks fit, and may also give all such directions as appear to be necessary or desirable for the determination of any issue for hearing.

[5/2008]

(3) If any party defaults in complying with any such directions as may be given by the Commissioner under subsection (2), the Commissioner may, either in his own discretion or upon the application of any party, make a decision concerning the claim and in pursuance of that decision, make such order for payment of compensation as he thinks just.

[5/2008]

(4) Any order made under subsection (3) may be set aside or varied by the Commissioner, on the application of any party, on such terms, if any, as he thinks just.

[5/2008]

(5) At any time during the pre-hearing conference where the parties are agreeable to a settlement of some or all of the matters for hearing, the Commissioner may record that settlement and make an order to give effect to the settlement.

[5/2008]

Failure to appear of one or more parties

25C.—(1) If, at the time appointed for the pre-hearing conference, one or more of the parties to the action or proceedings fail to attend, the Commissioner may make a decision concerning the claim and make such order as to compensation or costs as he thinks just.

[5/2008]

(2) An order made by the Commissioner in the absence of a party concerned or affected by the order may be set aside or varied by the Commissioner, on the application of that party, on such terms as he thinks just.

[5/2008]

(3) Without prejudice to the generality of subsection (1), where one or more of the parties to the action or proceedings fail to attend the pre-hearing conference, the Commissioner may, if he thinks fit, adjourn the pre-hearing conference.

[5/2008]

Power of Commissioner to conduct hearing

25D. The Commissioner may, after a claim for compensation has been made under section 11 —

- (a) conduct a hearing of the case and hand down a decision accordingly; and
- (b) make any order for the payment of compensation as he thinks just at or after the hearing.

[5/2008]

Experts to assist Commissioner

26.—(1) The Commissioner may, for the purpose of determining any matter under this Act, appoint one or more persons possessing special knowledge of that matter to assist the Commissioner.

[5/2008]

(2) Where any medical board or panel has been established under this Act to assist the Commissioner to determine the extent of injury suffered by an employee in an accident, any determination by the medical board or panel as to the extent of the injury shall be treated as being conclusive by the Commissioner when assessing or determining the amount of compensation payable to the employee.

[5/2008]

Appearance of parties

27.—(1) Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of that person —

- (a) by an advocate or solicitor;
- (b) with the leave of the Commissioner, by any other person authorised in writing by that person;
- *(ba) where the person is mentally incapacitated — with the leave of the Commissioner, by any of his dependants or any committee or committees appointed under the Mental Disorders and Treatment Act (Cap. 178) to manage his property;
- (bb) where the person is dead — with the leave of the Commissioner, by any of his dependants or his estate, whether or not the estate has obtained a grant of representation;

*The words “committee or committees appointed under the Mental Disorders and Treatment Act (Cap. 178)” in section 27(1)(ba) will be substituted with the following words when item 1(54)(c) in the Second Schedule to the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008) is brought into operation:

“deputy appointed or deemed to be appointed for him by the High Court under the Mental Capacity Act 2008”.

- (c) when that person is an employer, by a person in his permanent and exclusive employment; or
- (d) by his insurer.

[5/2008]

(2) Where the Government is a party to any proceedings under this Act, such appearance, application or act may be made by the head of the department by, in or under which the employee was employed or by any officer of that department authorised in writing by the head thereof or by the Attorney-General or any person authorised by him.

[5/2008]

Enforcement of orders

28.—(1) Where an order has been made or deemed to be made under section 9(5A) or (7), 13(7), 14A(3), 24, 25A, 25B, 25C or 25D, the order shall be enforced by a District Court in the same manner as a judgment of that Court and all necessary processes may be served by that Court on behalf of the Commissioner.

[5/2008]

(1A) Where an order for compensation has been made under section 25B, 25C or 25D, the employer shall, within a period of 21 days after the order is made, pay the Commissioner or such other person as the Commissioner may direct, the amount of compensation so ordered.

[5/2008]

(2) No sale of immovable property shall for the purposes of such enforcement be ordered except by the High Court.

Payment of interest

28A.—(1) Where an employer fails to pay compensation in accordance with section 24(4) or 28(1A), or where an employer fails to make a deposit with the Commissioner under section 29(3), the employer shall be liable to pay the Commissioner or such other person as the Commissioner may direct, interest on the amount unpaid at such prescribed rate subject to the following provisions:

- (a) the amount of interest on compensation unpaid shall not exceed 50% of the assessed amount of compensation; and
- (b) the Commissioner may, in his discretion, waive or remit the whole or any part of such interest.

[5/2008]

(2) Any interest under subsection (1) shall be payable —

- (a) to or for the benefit of the employee;

- (b) where the employee is dead, to or for the benefit of any one or more of the deceased employee's dependants or to the estate of the deceased employee where a will has been produced, as the Commissioner deems fit, or where the deceased employee has no dependants, to the Workers' Fund; or
- *(c) where the employee is mentally incapacitated, to any one or more of the employee's dependants for the benefit of the employee, or to any committee or committees appointed under the Mental Disorders and Treatment Act (Cap. 178) to manage the employee's property, as the Commissioner deems fit.

[5/2008]

Appeal from decision of Commissioner

29.—(1) Subject to section 24(3B), any person aggrieved by any order of the Commissioner made under this Act may appeal to the High Court whose decision shall be final.

[5/2008]

(2) Subject to the Rules of Court, the procedure in an appeal to the High Court shall be the procedure in a civil appeal from a District Court with such modifications as the circumstances may require.

(2A) No appeal shall lie against any order unless a substantial question of law is involved in the appeal and the amount in dispute is not less than \$1,000.

(3) Notwithstanding any appeal under this section, the employer shall deposit with the Commissioner the amount of compensation ordered by the Commissioner under section 25B, 25C or 25D within 21 days from the date of the Commissioner's decision, and the deposit shall be held by the Commissioner pending the outcome of the appeal.

[5/2008]

Powers of Commissioner during hearing

30.—(1) For the purposes of this Act, the Commissioner shall have all the powers of a District Judge for the summoning and examination of witnesses and the administration of oaths or affirmations and for compelling the production of documents and material objects.

*The words "committee or committees appointed under the Mental Disorders and Treatment Act (Cap. 178)" in section 28A(2)(c) will be substituted with the following words when item 1(54)(d) in the Second Schedule to the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008) is brought into operation:

"deputy appointed or deemed to be appointed for the employee by the High Court under the Mental Capacity Act 2008".

(2) The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and the memorandum shall be signed by the Commissioner with his own hand and shall form part of the record.

(3) The evidence of any medical witness shall be taken down as nearly as may be word for word.

(4) Any person who in any way wilfully obstructs the service of or obedience to any summons and any person summoned who neglects to attend and to produce documents as required in such summons and any person who commits in respect of any proceedings under this Act any offence described in Chapter X of the Penal Code (Cap. 224) shall be punishable on conviction as provided in that Chapter.

(5) Every person who gives evidence before the Commissioner shall be bound to answer truthfully all questions put to him by the Commissioner.

(6) Any person who wilfully makes any false statement or who gives any evidence in any proceedings under this Act which he knows to be untrue, or who does any other act, which if done in any judicial proceedings would be punishable under Chapter XI of the Penal Code, shall be punishable on conviction as provided in that Chapter.

PART IV

POWERS, OFFENCES, PENALTIES AND PROCEEDINGS

Powers of Commissioner and investigation officers

30A. The Commissioner and any investigation officer shall, for the purposes of the execution of this Act, have power to do all or any of the following:

- (a) to enter, inspect and examine at any time any workplace;
- (b) to enter, inspect and examine at all reasonable times any place which the Commissioner or investigation officer has reasonable cause to believe to be —
 - (i) a workplace; or
 - (ii) a place of which a workplace forms a part;

- (c) to inspect and examine any machinery, equipment, plant, installation or article in any place referred to in paragraphs (a) and (b);
- (d) where the Commissioner, or an investigation officer, is a registered medical practitioner, to carry out on any person who is or had been working in a workplace such medical examinations as may be necessary for the purposes of this Act;
- (e) to take samples of any material or substance found in a workplace or being discharged from any workplace for the purpose of analysis or test;
- (f) to assess the levels of noise, illumination, heat or harmful or hazardous substances in any workplace and the exposure levels of persons at work therein;
- (g) to take such photographs or video recording as the Commissioner or investigation officer thinks necessary of the premises and persons reasonably believed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act;
- (h) to require any person whom the Commissioner or investigation officer has reason to believe has any document, including documents of identity or documents containing information relevant to the carrying out of the provisions of this Act, to produce any such document;
- (i) to take into custody any article in the workplace which is required for the purpose of any investigation under this Act;
- (j) to require any person to attend at such time and place as may be specified in a notice served on that person, which is necessary for the purpose of any investigation under this Act;
- (k) to examine orally any person supposed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act, and to reduce into writing the answer given or statement made by that person who shall be bound to state truly the facts and circumstances with which he is acquainted; and the statement made by that person shall be read over to him and shall, after correction, be signed by him;
- (l) to report any failure by any person to attend as required by a notice under paragraph (j), to a Magistrate who may

thereupon issue a warrant to secure the attendance of that person as required by the notice.

[5/2008]

Costs

31. All costs of and incidental to any proceedings before the Commissioner shall, subject to regulations made under this Act, be in the discretion of the Commissioner.

Proceedings against insurers

32.—(1) Where an employer has incurred any liability to pay compensation or interest under this Act in respect of any accident occurring while there was in force an approved policy of insurance covering that liability, proceedings to enforce a claim in respect of that liability under sections 24, 25, 28A and 29 may be brought against the insurer as if he were the employer.

[5/2008]

(2) In any proceedings brought against an insurer by virtue of subsection (1), the employer shall render all reasonable assistance to the insurer to enable the insurer to conduct any such proceedings and to defend any claim which the insurer decides to defend; and if the employer fails to do so he shall be liable to pay to the insurer any amount which has been paid or may become payable by the insurer as a result of those proceedings.

Limitation of employee's right of action

33.—(1) Nothing in this Act shall be deemed to confer any right to compensation on an employee in respect of any injury if he has instituted an action for damages in respect of that injury in any court against his employer or if he has recovered damages in respect of that injury in any court from his employer.

[5/2008]

(2) Subject to subsections (2A) and (2B), no action for damages shall be maintainable in any court by an employee against his employer in respect of any injury by accident arising out of and in the course of employment —

- (a) if he has a claim for compensation for that injury under the provisions of this Act and does not withdraw his claim within a period of 28 days after the service of the notice of assessment of compensation in respect of that claim;

- (b) if he and his employer have agreed or are deemed to have agreed to the notice of assessment under section 24(2)(a) for that injury; or
- (c) if he has recovered damages in respect of the injury in any court from any other person.

[5/2008]

(2A) Where —

- (a) a claim for compensation under this Act is made for an employee's injury by accident arising out of and in the course of the employment;
- (b) there is no objection by the employee to the notice of assessment of compensation in respect of that claim;
- (c) the compensation ordered by the Commissioner thereafter in respect of that claim is of a lesser amount than that stated in that notice of assessment of compensation in respect of that claim;
- (d) within a period of 28 days after the making of the order, the employee notifies the Commissioner and the employer in writing that he does not accept the compensation so ordered, and has not received or retained any part of such compensation earlier paid (if any) by the employer; and
- (e) no appeal under section 29 is made against the order,

the employee may institute an action in any court against his employer for damages in respect of that injury and any order made by the Commissioner in respect of that injury shall be void.

[5/2008]

(2B) Where —

- (a) the Commissioner assesses or makes an order that no compensation shall be payable for a claim for compensation for an employee's injury by accident arising out of and in the course of employment because —
 - (i) the injury did not arise out of and in the course of the employee's employment; or
 - (ii) the injured person is not an employee within the meaning of this Act; or
- (b) an appeal to the High Court under section 29 from an order made by the Commissioner has failed because of any reason mentioned in paragraph (a)(i) or (ii),

the employee may institute an action in any court to recover damages independently of this Act for injury caused by that accident.

[5/2008]

(3) If an action is brought within the time specified in section 11 in any court to recover damages independently of this Act for injury caused by any accident and it is determined in the action or on appeal that the injury is one for which the employer is not liable but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court shall, if the employee so chooses, proceed to assess the compensation and may deduct therefrom all or any part of the costs which, in its judgment, have been caused by the employee instituting the action instead of proceeding under this Act.

[5/2008]

(4) In any proceedings under subsection (3) when the court assesses the compensation, it shall give a certificate of the compensation it has awarded and the direction it has given, if any, as to the deduction of costs and such certificate shall have the same effect as a judgment of the court.

Reciprocal arrangements for payment of work injury compensation

34. Where an arrangement has been made between the Government and the government of any other State whereby sums awarded under the law relating to work injury compensation in Singapore to persons resident or becoming resident in the territory administered by any such government, and sums awarded under the law relating to work injury compensation in any such territory to persons resident or becoming resident in Singapore, may at the request of the authority by which the award is made be transferred to and administered by a competent authority in any such territory or by the Commissioner in Singapore, as the case may be, money in the hands of the Commissioner shall be transferred, and money received by him shall be administered, in such manner as may be prescribed.

[5/2008]

Offences and penalties

35.—(1) Any employer who —

- (a) for the purpose of defraying or partly defraying the cost of insurance in respect of his liability to pay compensation under this Act, makes any deduction from the earnings of an employee in his employment; or

(b) fails to insure himself in accordance with section 23(1) or (2), shall be guilty of an offence and shall be liable —

- (i) in the case of an offence under paragraph (a), on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (ii) in the case of an offence under paragraph (b), on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[5/2008]

(2) Any person who —

- (a) fails to pay compensation in accordance with and within the time specified in this Act;
- (b) fails to pay the interest in accordance with section 28A(1);
- (c) makes any statement or furnishes any information to the Commissioner or an investigation officer under this Act which he knows or ought reasonably to know is false in any material particular or is misleading by reason of the omission of any material particular;
- (d) abets the commission of an offence under this Act;
- (e) wilfully obstructs or delays the Commissioner or an investigation officer in the exercise of his powers under section 30A; or
- (f) fraudulently makes any claim for compensation under this Act which he knows to be false in order to induce or deceive the employer or insurer or the Commissioner in making payment of such compensation to him or any other person,

shall be guilty of an offence and shall be liable —

- (i) in the case of an offence under paragraph (a) or (b), on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both;
- (ii) in the case of an offence under paragraph (c) or (e), on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both;
- (iii) in the case of an offence under paragraph (d), on conviction to be punished with the punishment provided for that offence; and

- (iv) in the case of an offence under paragraph (f), on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

[5/2008]

Offences by bodies corporate, etc.

36.—(1) Where an offence under this Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any officer of the body corporate, the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[5/2008]

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

[5/2008]

(3) Where an offence under this Act or any regulations made thereunder is committed by a partnership of individuals or bodies corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any partner of the partnership or any officer of the body corporate, the partner or the officer of the body corporate as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[5/2008]

(4) Where an offence under this Act or any regulations made thereunder is committed by an unincorporated association (other than a partnership), any officer of the unincorporated association or member of its governing body and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any officer of the unincorporated association, or any person who was purporting to act in any such capacity, he as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[5/2008]

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

[5/2008]

(6) Regulations may provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

[5/2008]

When Magistrate may take cognizance of offence

37. For the purpose of section 133 of the Criminal Procedure Code (Cap. 68) and notwithstanding subsections (1) and (2) thereof, a Magistrate may take cognizance of an offence under this Act upon receiving a complaint in writing and signed by the Commissioner.

[5/2008]

Jurisdiction of court

38. Notwithstanding any provision to the contrary in the Criminal Procedure Code, a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

[5/2008]

Composition of offences

39.—(1) The Commissioner or an Assistant Commissioner so authorised by the Commissioner may compound any offence under this Act which is prescribed as a compoundable offence by collecting

from a person reasonably suspected of having committed the offence a sum not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$5,000,

whichever is the lower.

[5/2008]

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

[5/2008]

(3) All sums collected under this section shall be paid to the Consolidated Fund.

[5/2008]

Recovery of compensation upon conviction

40.—(1) The court before which any conviction for an offence under section 35(2)(a) or (b) is had may, on the application of the Commissioner, and in addition to the fine prescribed in that section, order the person convicted to pay the amount of any compensation ordered by the Commissioner or interest due.

[5/2008]

(2) The court may order that the amount ordered to be paid under subsection (1) —

(a) be paid directly to the person to whom the compensation amount or interest is due; and

(b) be recoverable according to the law for the time being in force relating to the recovery of fines.

[5/2008]

(3) Any amount ordered by the court under subsection (1) shall cease to be payable if the person convicted under that subsection has served a default sentence of imprisonment in relation to that amount.

[5/2008]

PART V

GENERAL

Government not liable to prosecution

41. For the avoidance of doubt, nothing in this Act shall render the Government liable to prosecution for an offence.

[5/2008]

Exempt employer from any provision

42.—(1) The Minister may, by order published in the *Gazette* and with or without conditions, exempt any class or description of employers from all or any of the provisions of this Act.

[5/2008]

(2) If an exemption is granted under subsection (1) with conditions, the exemption operates only if the conditions are complied with.

[5/2008]

Service of documents, etc.

43.—(1) Subject to subsection (3), any notice or document required or authorised to be served under this Act may be served —

(a) in the case of an individual —

- (i) by delivering it to the individual personally or any advocate and solicitor engaged by him;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or business of the individual;
- (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given by the individual to the Commissioner or a person authorised by the Commissioner as the facsimile transmission number for the service of documents on the individual;
or
- (vi) by electronic communication, by sending an electronic communication of the document to the last email address given by the individual to the Commissioner or a person authorised by the Commissioner as the email address for the service of documents on the individual;

- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
 - (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given by the partnership to the Commissioner or a person authorised by the Commissioner as the email address for the service of documents on the partnership; and
- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
 - (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given by the limited liability partnership or body corporate in Singapore to the Commissioner or a person authorised by the Commissioner as the email address for the service of documents on the limited liability partnership or body corporate.

[5/2008]

(2) Where any notice or other document to be served under this Act is —

- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;
- (b) sent by electronic communication to an email address in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and
- (c) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

[5/2008]

(3) Service of any document under this Act on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

[5/2008]

(4) This section shall not apply to notices and documents to be served in proceedings in court.

[5/2008]

Amendment of Schedules

44.—(1) The Minister may, by order published in the *Gazette*, add to or amend any of the Schedules.

[5/2008]

(2) The Minister may, in any order made under subsection (1), make such saving or transitional provisions as may be necessary or expedient.

[5/2008]

Regulations

45.—(1) The Minister may, from time to time, make regulations generally for the carrying out or giving effect to the purposes and provisions of this Act.

[5/2008]

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the limitations subject to which officers appointed to exercise powers and perform duties conferred and imposed on the Commissioner may exercise and perform such powers and duties;
- (b) the intervals at which and conditions subject to which an employee may be required to submit himself for examination by a medical practitioner under this Act;
- (c) the manner in which money held for the benefit of dependants of a deceased employee may be invested;
- (d) the procedure in respect of any proceedings or any matter or thing to be done under this Act;
- (e) the forms to be submitted and the fees to be paid in respect of any matter or thing done or document issued under this Act;
- (f) provide for the transfer outside Singapore of money in the hands of the Commissioner or for the receipt and administration by the Commissioner of any money from outside Singapore applicable for the benefit of any person;
- (g) provide for the establishment, maintenance and application of the Workers' Fund;
- (h) provide for the representation in proceedings before the Commissioner of parties who are subject to legal disability or are mentally incapacitated or are unable for other reasons to appear personally;
- (i) provide for the procedure to be followed when a medical practitioner who has examined an employee certifies that medical treatment in an approved hospital is necessary under section 14 and the procedure for the payment of cost of medical treatment;
- (j) provide for the establishment of medical boards and panels to determine matters relating to medical evidence;

- (k) provide for the prohibition of conditions and exceptions in policies of insurance issued or renewed, and for certificates of insurance to be issued and displayed, for the purposes of section 23;
- (l) provide for any matter relating to the calculation of earnings for the purposes of section 8;
- (m) the rate of interest on any compensation amount not paid for the purpose of section 28A(1);
- (n) the period within which any compensation has to be paid by any person liable to pay the compensation under this Act;
- (o) any matter and condition which relates to the provision of insurance, the appointment of insurers and the imposition of any duties on insurers for the purpose of this Act;
- (p) any other matter as may be necessary or expedient to be prescribed for carrying out the provisions of this Act.

[5/2008]

(3) The regulations made under this section may prescribe offences in respect of the contravention of any specified provision thereof, and may prescribe that fines not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both, on conviction, be imposed in respect of any such offence.

[5/2008]

FIRST SCHEDULE

Sections 2(1) and 44(1) and
paragraph 3(1) of Third Schedule

INJURIES DEEMED TO RESULT IN PERMANENT INCAPACITY

<i>Item</i>	<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
1.	Loss of 2 limbs	100
2.	Loss of both hands or of all fingers and both thumbs	100
3.	Loss of both feet	100
4.	Total loss of sight, including the loss of sight to such extent as to render the claimant unable to perform any work for which eyesight is essential	100
5.	Total paralysis	100
6.	Injuries resulting in being permanently bedridden	100

FIRST SCHEDULE — *continued*

<i>Item</i>	<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
7.	Any other injury causing permanent total incapacity	100
8.	Loss of arm at shoulder	75
9.	Loss of arm between elbow and shoulder	75
10.	Loss of arm at elbow	75
11.	Loss of arm between wrist and elbow	70
12.	Loss of hand at wrist	70
13.	Loss of 4 fingers and thumb of one hand	70
14.	Loss of 4 fingers	60
15.	Loss of thumb —	
	(a) both phalanges	30
	(b) one phalanx	20
16.	Loss of index finger —	
	(a) 3 phalanges	14
	(b) 2 phalanges	11
	(c) one phalanx	9
17.	Loss of middle finger —	
	(a) 3 phalanges	12
	(b) 2 phalanges	9
	(c) one phalanx	7
18.	Loss of ring finger —	
	(a) 3 phalanges	7
	(b) 2 phalanges	6
	(c) one phalanx	5
19.	Loss of little finger —	
	(a) 3 phalanges	7
	(b) 2 phalanges	6
	(c) one phalanx	5
20.	Loss of metacarpals —	
	(a) first or second (additional)	8
	(b) third, fourth or fifth (additional)	3

FIRST SCHEDULE — *continued*

<i>Item</i>	<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
21.	Loss of leg —	
	(a) at or above knee	75
	(b) below knee	65
22.	Loss of foot	55
23.	Loss of toes —	
	(a) all of one foot	20
	(b) great, both phalanges	14
	(c) great, one phalanx	3
	(d) other than great, if more than one toe lost, each	3
24.	Loss of sight of one eye	50
25.	Loss of hearing, one ear	30
26.	Total loss of hearing	60

Note:

- (1) Total permanent loss of the use of a member shall be treated as loss of that member.
- (2) Where there is loss of 2 or more parts of the hand, the percentage shall not be more than the loss of the whole hand.
- (3) Loss of remaining arm, leg or eye if one has already been lost, shall be the difference between the compensation for the total incapacity, and compensation already paid or that which would have been paid for the previous loss of limb or eye.

[16/90]

SECOND SCHEDULE

Sections 2(1), 4, 24(6)
and 44(1)

OCCUPATIONAL DISEASES

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
1. Anthrax	Any occupation involving the handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax.	12 months
2. Asbestosis	Any occupation involving exposure to asbestos dust.	3 years
3. Barotrauma	Any occupation involving subjection to compressed air.	12 months
4. Byssinosis	Any occupation involving exposure to raw cotton dust.	12 months
5. Cataract produced by exposure to the glare of, or rays from, molten glass or molten or red-hot metal	Any process involving frequent or prolonged exposure to the glare of, or rays from, molten glass or molten or red-hot metal.	12 months
6. Chrome Ulceration	Any process involving the use or handling of chromic acid, chromates or bichromates or any preparation or solution containing any of these substances.	12 months
7. Compressed Air Illness or its sequelae	Any occupation involving subjection to compressed air.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
8(a) Epitheliomatous cancer or ulceration of the skin	Any occupation involving the use or handling of, or exposure to tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.	12 months
(b) Localised new growth of the skin, papillomatous or keratotic		
(c) Ulceration of the corneal surface of the eye		
9. Glanders	Any occupation involving contact with equine animals or their carcasses.	12 months
10. Industrial Dermatitis	Any occupation or process involving the exposure to or contact with cutaneous irritants or sensitisers such as alkalis and acids, solvents, mineral oils, synthetic and natural resins, certain woods, formaldehyde, nickel salts, chromates and bichromates, mercury compounds, chlorinated naphthalenes, rubber accelerators, fibre-glass and other chemicals.	12 months
11. Repetitive strain disorder of the upper limb	Any process or activity involving frequent or repeated movements of the upper limb.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
12. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or leukaemia, or anaemia of the aplastic type	Any process involving exposure to x-rays, ionising particles, radium, or other radio-active substances or other forms of radiant energy.	12 months
13. Leptospirosis or its sequelae	Any occupation involving contact with a source or sources of leptospiral infections e.g. abattoir, drainage and sewerage work, refuse collection, road sweeping and work with animals.	12 months
14. Liver Angiosarcoma	Any occupation involving the use or handling of, or exposure to, vinyl chloride monomer.	12 months
15. Mesothelioma	Any occupation involving the use or handling of, or exposure to, asbestos.	12 months
16. Noise-Induced Deafness	Any occupation involving prolonged exposure to a high level of noise.	12 months
17. Occupational Asthma	Any occupation involving the use or handling of, or exposure to, a chemical or other agent which may irritate or sensitise the respiratory system, e.g. isocyanates, rosin, formaldehyde, proteolytic enzymes.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
18. Poisoning by —	Any occupation or process involving —	12 months
(a) Arsenic	— the use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic or exposure to any solution containing arsenic or compound of arsenic;	
(b) Benzene or a homologue	— the use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues;	
(c) Cadmium	— the use or handling of, or exposure to the fumes, or dust of cadmium or its compounds;	
(d) Carbamate	— the production, use or handling of carbamate;	
(e) Carbon disulphide	— the use or handling of, or exposure to the fumes or vapour of, carbon disulphide or a compound of carbon disulphide, or a substance containing carbon disulphide;	
(f) Carbon dioxide gas	— the exposure to carbon dioxide, e.g. in the manufacture of mineral water, fermentation in breweries or other processes;	

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
(g) Carbon monoxide gas	— the exposure to carbon monoxide, e.g. where blast furnaces and internal combustion engines are used;	
(h) Cyanide	— the use or handling of, or exposure to the fumes, dust or vapour of, cyanide or compound of cyanide, or a substance containing cyanide;	
(i) Halogen derivatives of hydrocarbon compounds	— the production, liberation or use of any halogen derivative of hydrocarbon compounds;	
(j) Hydrogen sulphide	— the exposure to hydrogen sulphide, e.g. in oil refining, sewerage work and manholes;	
(k) Lead	— the use or handling of, or exposure to the fumes, dust or vapour of, lead or compound of lead, or a substance containing lead;	
(l) Manganese	— the use or handling of manganese or substance containing manganese;	
(m) Mercury	— the use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury;	

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
(n) Nitrous fumes	— the use or handling of nitric acid or exposure to nitrous fumes;	
(o) Organophosphates	— the production, use or handling of organophosphates;	
(p) Phosphorus	— the use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.	
19. Silicosis	Any occupation involving exposure to silica dust, e.g. in granite quarries, foundries with sand moulds.	3 years
20. Toxic hepatitis	Any process involving the use or handling of, or exposure to, tetrachloroethane, nitro-derivatives or amino-derivatives of benzene, vinyl chloride monomer, or other poisonous substances.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
21. Tuberculosis	<p>Any occupation involving close and frequent contact with a source or sources of tuberculosis infection by reason of employment —</p> <p>(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;</p> <p>(b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;</p> <p>(c) as a research worker engaged in research in connection with tuberculosis;</p> <p>(d) as a laboratory worker, pathologist or post-mortem worker, where the occupation involves working with material which is a source of tuberculosis infection, or in any occupation ancillary to such employment.</p>	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
22. Severe Acute Respiratory Syndrome (SARS)	Any occupation involving close contact with any source of severe acute respiratory syndrome (SARS) infection by reason of employment — (a) in the medical treatment or nursing of any person suffering from severe acute respiratory syndrome (SARS), or in a service ancillary to such treatment or nursing; (b) in attendance upon any person suffering from severe acute respiratory syndrome (SARS), where the need for such attendance arises by reason of physical or mental infirmity of the person or when engaged in the identification, detection, tracing, isolation, detention, supervision or surveillance of the person; (c) as a worker engaged in research on severe acute respiratory syndrome (SARS) or in a service ancillary to such research; or	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>	<i>Period</i>
	(d) as a laboratory worker or post-mortem worker or funeral services worker, where the occupation involves working with any human body or other material which is a source of severe acute respiratory syndrome (SARS) infection, or in any occupation ancillary to such employment.	
23. Avian Influenza	Any occupation involving — (a) the handling of, or the exposure to, animals or birds; or (b) the exposure to any material or substance with the Avian Influenza virus.	12 months.

[5/2008]

THIRD SCHEDULE

Sections 7, 14(2), 14A and 44(1)

AMOUNT OF COMPENSATION

1.—(1) Where death results from the injury, the amount of compensation payable shall be a lump sum which shall be obtained by multiplying the monthly earnings of the deceased employee by the appropriate factor in the second column of the following Table according to the age on the next birthday of the deceased employee at the time of the accident as specified in the first column thereof:

TABLE

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
14 and below	136
15	135
16	135
17	134
18	134
19	133
20	132
21	132
22	131
23	130
24	129
25	128
26	127
27	127
28	125
29	124
30	123
31	122
32	121
33	120
34	118
35	117
36	115
37	114

THIRD SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
38	112
39	110
40	108
41	107
42	106
43	105
44	104
45	103
46	102
47	101
48	100
49	98
50	96
51	94
52	92
53	90
54	88
55	86
56	84
57	82
58	80
59	78
60	75
61	72
62	68
63	63
64	58
65	53
66 and above	48.

(2) The compensation payable under this paragraph shall in no case be more than \$140,000 or be less than \$47,000.

THIRD SCHEDULE — *continued*

2.—(1) Where permanent total incapacity results from the injury, the amount of compensation shall be a lump sum which shall be obtained by multiplying the monthly earnings of the employee by the appropriate factor in the second column of the following Table according to the age on the next birthday of the employee at the time of the accident as specified in the first column thereof:

TABLE

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
14 and below	181
15	180
16	179
17	178
18	178
19	177
20	176
21	175
22	174
23	173
24	172
25	170
26	169
27	168
28	167
29	165
30	164
31	162
32	160
33	159
34	157
35	155
36	153
37	151
38	149
39	146

THIRD SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
40	144
41	142
42	140
43	138
44	136
45	134
46	132
47	130
48	128
49	126
50	124
51	122
52	120
53	118
54	116
55	114
56	111
57	108
58	105
59	102
60	99
61	96
62	92
63	87
64	82
65	77
66 and above	72.

(2) The compensation payable under this paragraph shall in no case be more than \$180,000 or be less than \$60,000.

THIRD SCHEDULE — *continued*

(3) Notwithstanding sub-paragraph (2), where the injured employee is certified by a medical practitioner to have suffered from permanent total incapacity, additional compensation shall be paid amounting to one quarter of the amount which is otherwise payable under this paragraph.

3.—(1) Where permanent partial incapacity results from the injury, the amount of compensation shall be —

- (a) in the case of an injury specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and
- (b) in the case of an injury not specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury in every employment which the employee was capable of undertaking at that time.

(2) Where more injuries than one are caused by the same accident the amount of compensation payable in respect of all such injuries shall be aggregated but not so as to exceed in any case the amount which would have been payable in respect of permanent total incapacity.

4.—(1) Where temporary incapacity whether total or partial results from the injury, the employee shall be entitled to full earnings for a period of 60 days if he is hospitalised and 14 days if he is not hospitalised and thereafter to a further periodical payment of an amount equal to two-thirds of his earnings during the incapacity or during a period of one year, whichever period is shorter.

(2) No payment under sub-paragraph (1) shall be deducted from the lump sum payable in respect of any permanent incapacity which follows any period of temporary incapacity.

(3) If the temporary incapacity of the employee ceases before the date on which any payment under sub-paragraph (1) falls due, he shall be paid an amount as is appropriate to the duration of such temporary incapacity.

(4) For the purposes of this paragraph, where an employee is certified by a medical practitioner of an approved hospital to be ill enough to need to be hospitalised but the employee is not hospitalised for any reason whatsoever, he shall be deemed to be hospitalised.

5.—(1) Any compensation payable by an employer for the medical treatment received by an employee in relation to his injury by accident arising out of and in the course of employment shall be the lower of the following amounts:

- (a) the cost of medical treatment received by the employee within a period of one year after the happening of the accident causing the injury; or
- (b) \$25,000 per accident per employee.

THIRD SCHEDULE — *continued*

(2) For the avoidance of doubt, the cost of medical treatment shall include, but is not limited to, the fees for medical reports as required for the purpose of this Act, the charges for physiotherapy and occupational and speech therapy, and the cost of medicines and artificial limbs and surgical appliances.

[16/90; S 447/95; 5/2008]

FOURTH SCHEDULE

Sections 2(1) and 44(1)

CLASSES OF PERSONS NOT COVERED

1. Any member of the Singapore Armed Forces.
2. Any officer of the Singapore Police Force, the Singapore Civil Defence Force, the Central Narcotics Bureau or the Singapore Prisons Service.
3. A domestic worker, being any person employed in or in connection with the domestic services of any private premises.

[5/2008]

LEGISLATIVE HISTORY

WORK INJURY COMPENSATION ACT (CHAPTER 354)

This Legislative History is provided for the convenience of users of the Work Injury Compensation Act. It is not part of the Act.

1. Act 25 of 1975 — Workmen's Compensation Act 1975

Date of First Reading	: 25 February 1975 (Bill No. 5/75 published on 28 February 1975)
Date of Second Reading	: 26 March 1975
Date Committed to Select Committee	: 26 March 1975
Date of Presentation of Select Committee Report	: 15 July 1975 (Parl. 2 of 1975)
Date of Third Reading	: 29 July 1975
Date of commencement	: 1 October 1975

2. 1985 Revised Edition — Workmen's Compensation Act (Chapter 354)

Date of operation	: 30 March 1987
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3. Act 34 of 1980 — Workmen's Compensation (Amendment) Act 1980

Date of First Reading	: 31 October 1980 (Bill No. 22/80 published on 7 November 1980)
Date of Second and Third Readings	: 28 November 1980
Date of commencement	: 2 January 1981

4. Act 16 of 1990 — Workmen's Compensation (Amendment) Act 1990

Date of First Reading	: 13 June 1990 (Bill No. 16/90 published on 15 June 1990)
Date of Second and Third Readings	: 18 July 1990
Date of commencement	: 1 September 1990

5. Act 5 of 2008 — Workmen's Compensation (Amendment) Act 2008

Date of First Reading	:	12 November 2007 (Bill No. 50/2007 published on 13 November 2007)
Date of Second and Third Readings	:	22 January 2008
Date of commencement	:	1 April 2008