

Work Injury Compensation Bill

Bill No. 21/2019.

Read the first time on 5 August 2019.

WORK INJURY COMPENSATION ACT 2019

(No. of 2019)

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A BILL

intituled

An Act to repeal and re-enact with amendments the Work Injury Compensation Act (Chapter 354 of the 2009 Revised Edition) to provide for the payment of compensation to employees for injury suffered arising out of and in the course of their employment and to regulate providers of insurance for liability under the Act, and to make consequential and related amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Work Injury Compensation Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

General interpretation

2. In this Act, unless the context otherwise requires —

10 “accepted medical report” means a medical report made by a health professional in the form and manner specified by the Commissioner —

 (a) subject to paragraph (b), certifying a claimant’s permanent incapacity or current incapacity; or

15 (b) where there is more than one such medical report assessing a claimant’s incapacity arising from the same injury, the medical report accepted by the Commissioner for the purpose of computing compensation under this Act for that incapacity;

20 “adopted child”, in relation to a claimant, means any child whose adoption by the claimant is —

 (a) registered under the Adoption of Children Act (Cap. 4); or

 (b) recognised by the law or consular authority of the place of nationality of the claimant or the child,

25 and “adoptive parent” has a corresponding meaning;

“approved medical institution” means a hospital, clinic, healthcare establishment or other medical institution that is prescribed as an approved medical institution;

30 “approved policy” means a policy of insurance, issued or renewed on or after the date of commencement of section 26, that complies with section 26(1);

“Assistant Commissioner” means any public officer appointed as an Assistant Commissioner (Work Injury Compensation) under section 6(1)(a);

“average monthly earnings” or “AME” means an amount computed in accordance with paragraph 6 of the First Schedule; 5

“claim” means a claim for compensation under this Act and includes a deemed claim under section 35;

“claimant” means an injured individual claiming compensation under this Act; 10

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

“contract of service” has the meaning given by the Employment Act;

“designated insurer” means a licensed insurer, within the meaning of the Insurance Act (Cap. 142), that is designated by the Commissioner under section 31(1); 15

“earnings” means all remuneration payable to an employee in respect of work done under the employee’s contract of service, and includes — 20

(a) privileges or benefits capable of being estimated in money and productivity incentive payments;

(b) 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 25

(c) 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, 30

but does not include the following amounts:

(d) travelling allowances;

(e) payments for any travelling concessions;

(f) contributions paid by the employer towards any pension or provident fund for the employee;

(g) payments to the employee to cover any special expenses incurred by the employee by reason of the nature of the employee's employment;

“employer's insurer” means a designated insurer with whom the employer has an approved policy;

“health professional” means —

(a) a registered medical practitioner under the Medical Registration Act (Cap. 174) and includes any person exempted from registration under that Act; or

(b) a registered dentist under the Dental Registration Act (Cap. 76),

and, in relation to compensation for medical treatment mentioned in section 16(1)(b), includes any medical practitioner or dentist registered to practise under the laws of the jurisdiction where the medical treatment is received;

“injury” or “personal injury” includes an occupational disease or a disease mentioned in section 10(1)(c);

“investigation officer” means any public officer appointed as an investigation officer under section 6(1)(a);

“Medical Board” means the Medical Board appointed under section 57(1);

“medical treatment” includes dental treatment;

“occupational disease” means any condition specified in the first column of the Second Schedule;

“order of compensation” means any of the following orders:

(a) a notice of computation that, under section 44(5), has the effect of an order of compensation;

(b) a notice of assessment that, under section 48(3), has the effect of an order of compensation;

(c) an order made under section 51(2)(a) to give effect to a settlement agreement;

(d) an order of refusal of compensation made at a pre-hearing conference under section 52(d);

(e) an order of compensation or refusal of compensation made under section 54(1)(c); 5

“premises” has the meaning given by the Workplace Safety and Health Act (Cap. 354A);

“relative”, in relation to a claimant, means any of the following:

(a) a spouse of the claimant; 10

(b) a child (including any adopted child, illegitimate child or stepchild) of the claimant;

(c) a parent (including any adoptive parent or step-parent) of the claimant;

(d) the claimant’s sibling (including any stepsibling or half sibling); 15

(e) the claimant’s grandparent or grandchild;

“repealed Act” means the Work Injury Compensation Act (Cap. 354) repealed by this Act;

“work injury”, in relation to an individual, means personal injury that is caused to the individual by an accident arising out of and in the course of the individual’s employment; 20

“Workers’ Fund” means the Workers’ Fund established, maintained and applied in accordance with regulations made under the repealed Act, and continued by this Act; 25

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

Meanings of “employee” and “employer”

3.—(1) In this Act —

“employee” means an individual who has entered into or works under a contract of service with an employer and — 30

(a) includes every employee of the Government in a class or description declared by the President to be employees for the purposes of this Act; but

(b) does not include any class of individuals specified in the Third Schedule;

“employer” means any person (*A*) who employs an individual (*B*) under a contract of service and includes —

(a) the Government, if *B* belongs to a class or description of employees of the Government declared to be employees for the purposes of this Act under paragraph (*a*) of the definition of “employee”;

(b) the legal personal representative of *A*, if *A* is deceased;

(c) a duly authorised agent or manager of *A*;

(d) the person who owns or is carrying on, or for the time being is responsible for the management of, the profession, business, trade or work in which *B* is engaged; and

(e) where *B* is 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.

(2) Where an employer temporarily lends or lets on hire the services of an employee to another person, the employer is deemed, for the purposes of this Act, to continue to be the employer of the employee whilst the employee is working for that other person.

(3) Despite a claimant working for an employer under a contract of service that was illegal at the time when the accident causing the injury happened, the Commissioner or the court may, having regard to all the circumstances of the case, deal with the case, or direct the employer’s insurer to deal with the case, as if the claimant had at that time been working under a valid contract of service with the employer.

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

Meaning of incapacity

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4.—(1) An individual has temporary incapacity where the individual sustains one or more injuries that —

(a) result in incapacity for a limited period of time; and

(b) reduce the individual's earning capacity in any employment in which the individual was engaged at the time of the accident resulting in the incapacity.

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(2) An individual has permanent incapacity where the individual sustains one or more injuries that —

(a) result in residual incapacity that has stabilised and is unlikely to change after the date of assessment of the incapacity; or

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(b) are specified in the Fourth Schedule.

(3) An individual has current incapacity where the individual sustains one or more injuries that result in residual incapacity that is unlikely to change significantly after the date of assessment of the incapacity.

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(4) Subsection (3) does not apply to any incapacity or death resulting from any disease mentioned in section 10(1).

(5) Where an individual has sustained one or more injuries resulting in permanent incapacity or current incapacity, the individual has —

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(a) partial incapacity to the extent of the aggregate percentage mentioned in sub-paragraph (ii) if —

(i) the incapacity reduces the individual's earning capacity in every employment that the individual was capable of undertaking at the time of the accident resulting in the incapacity; and

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(ii) the aggregate percentage of the loss of earning capacity in respect of such injury or combination of injuries is less than 100%; or

(b) total incapacity if —

(i) the incapacity incapacitates the individual for any employment that the individual was capable of undertaking at the time of the accident resulting in the incapacity; and

(ii) the aggregate percentage of the loss of earning capacity in respect of such injury or combination of injuries is 100% or more.

Purpose of Act

5. The purpose of this Act is to ensure that employees receive compensation for work injuries in a fair and expeditious manner, by providing for —

(a) the efficient operation of work injury compensation processes and related insurance arrangements; and

(b) the timely and effective resolution of disputes concerning such compensation.

Assistant Commissioners, investigation officers and authorised persons

6.—(1) The Commissioner may appoint such number of —

(a) public officers as Assistant Commissioners (Work Injury Compensation) and investigation officers; and

(b) other individuals as authorised persons,

as may be necessary to assist the Commissioner in the administration of this Act.

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

(3) Every authorised person appointed under subsection (1)(b) is taken to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising any power conferred or performing any duty imposed on the authorised person by or under this Act.

PART 2

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COMPENSATION FOR WORK INJURY

Division 1 — Liability to pay compensation

Employer’s liability to compensate for work injury

7.—(1) Where personal injury is caused to an employee by an accident arising out of and in the course of the employee’s employment with an employer, that employer is liable to pay compensation under this Act. 10

(2) An employer is not liable to pay compensation in respect of —

(a) any injury to an employee resulting from an accident if it is proven that the injury to the employee is directly attributable to the employee being at the time of the accident under the influence of alcohol or a drug; 15

(b) deliberate self-injury or the deliberate aggravation of an accidental injury by an employee; or

(c) any injury to an employee suffered in a fight or an assault on one or more persons unless — 20

(i) the employee did not assault any other person in the fight or, if the employee did assault any person, it was done in the exercise of the right of private defence in accordance with sections 97 to 106A of the Penal Code; or 25

(ii) the employee was, at the time when the injury was suffered —

(A) breaking up or preventing the fight or assault; or 30

(B) in the course of safeguarding life or any property of any person or maintaining law and order,

under any instruction or with the consent, whether express or implied, of the employee's employer.

(3) 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 medicinal product —

(i) specified for the purposes of section 29 of the Medicines Act (Cap. 176) that was not supplied in accordance with a prescription by an appropriate practitioner under that Act for the employee's consumption or use; or

(ii) under the law of the jurisdiction where the accident happened that was not supplied in accordance with a prescription in accordance with that law for the employee's consumption or use.

(4) For the purposes of this Act, an accident arising in the course of an employee's employment is deemed, in the absence of evidence to the contrary, to have arisen out of that employment.

Certain accidents deemed to be in course of employment

8.—(1) An accident is deemed to arise out of and in the course of the employee's employment if —

(a) the accident happens to the employee while the employee is (with the express or implied permission of the employer) travelling as a passenger by any means of transport to or from the employee's workplace; and

(b) at the time of the accident, the means of transport mentioned in paragraph (a) —

(i) is operated by or on behalf of the employer, or by some other person who operates the means of

transport pursuant to arrangements made with the employer; and

(ii) is not operated in the ordinary course of a public transport service.

(2) An accident is deemed to arise out of and in the course of an employee's employment if the accident happens to the employee — 5

(a) in or about the employee's workplace; and

(b) while the employee is taking steps, on an actual or supposed emergency at the workplace —

(i) to rescue or protect any person who is, or is thought to be or possibly to be, injured or imperilled; or 10

(ii) to avert or minimise damage to or loss of property.

(3) Despite an accident happening to the employee while the employee is acting —

(a) in contravention of any written law or other regulations applicable to the employment, or of any orders given by or on behalf of the employer; or 15

(b) without instructions from the employer,

the accident is deemed to arise out of and in the course of the employee's employment if — 20

(c) the accident would have been taken to have arisen out of and in the course of the employee's employment, had the employee not been acting as mentioned in paragraph (a) or (b); and

(d) that act was done for the purposes of and in connection with the employer's trade or business. 25

Accidents outside Singapore

9. This Act extends to an accident that happens to an employee outside Singapore, where the employee is —

(a) ordinarily resident in Singapore; and 30

- (b) employed by an employer in Singapore but is required in the course of the employee's employment to work outside Singapore.

Employer's liability to compensate for diseases

5 **10.**—(1) Subject to subsections (2), (3), (4) and (5) and section 11, where incapacity or death of an employee results from a disease contracted in the circumstances mentioned in paragraph (a), (b) or (c), compensation is payable as if the disease were a work injury and this Act applies accordingly:

10 (a) the employee, while employed in any occupation specified in the second column of the Second Schedule, contracts an occupational disease specified for that occupation;

15 (b) the employee, after ceasing to be employed in an occupation specified in the second column of the Second Schedule, contracts an occupational disease specified for that occupation within the limitation period for that disease;

(c) the employee contracts, on or after 1 June 2012, a disease that —

20 (i) is not specified in the first column of the Second Schedule; and

 (ii) is directly attributable to an exposure to a chemical or biological agent and the exposure arises out of and in the course of the employee's employment.

25 (2) When an employee —

(a) enters into a contract of service with any employer to work in any occupation specified in the second column of the Second Schedule; or

(b) is, with the employee's consent, transferred by the employer to such an occupation,

the employee must, if requested to do so by the employer, submit to examination by a health professional paid for by the employer.

(3) No compensation is payable by an employer under this section in respect of the incapacity or death of an employee resulting from — 5

(a) an occupational disease specified in the first column of the Second Schedule for an occupation if —

(i) the employee is, on or after 1 June 2012, employed in that occupation by the employer; 10

(ii) the employee contracts the occupational disease on or after 1 June 2012; and

(iii) the employee's incapacity commences or death happens, after the end of the limitation period for that occupational disease; or 15

(b) a disease mentioned in subsection (1)(c), if the employee's incapacity commences or death happens more than one year after the employee ceases to be exposed to the chemical or biological agent mentioned in subsection (1)(c). 20

(4) Subsection (3) does not apply to the death of an employee where the death is preceded, whether immediately or not, by any period of incapacity in respect of which compensation is payable under subsection (1).

(5) In this section, the limitation period for an occupational disease specified for an occupation is the period specified in the third column of the Second Schedule for that disease, starting on the day after the employee who contracts that occupational disease had ceased to be employed in that occupation. 25

Date of accident and apportionment of liability for compensation for disease 30

11.—(1) For the purposes of calculating the employee's AME for the computation of compensation payable by an employer under

section 10(1)(a), (b) or (c), the date of the accident is taken to be the earliest of the following dates:

- (a) the last day of the employee's employment with the employer mentioned in section 10(1)(a), (b) or (c), as the case may be;
- (b) the date of commencement of the incapacity of the employee;
- (c) the date of the employee's death.

(2) For all other purposes of this Act in relation to compensation payable under section 10(1)(a), (b) or (c), the date of the accident is taken to be —

- (a) the earlier of —
 - (i) the date of commencement of the incapacity of the employee; or
 - (ii) the date on which a health professional certifies that, in the health professional's opinion, the employee is suffering from the disease mentioned in section 10(1); or
- (b) if there has been no previous period of incapacity — the date of the employee's death.

(3) If an employee contracts a disease mentioned in section 10(1) by a gradual process, so that 2 or more employers are severally liable to pay compensation under that section in respect of the employee's incapacity or death —

- (a) the aggregate amount of the compensation payable by those employers must not exceed the amount that would have been payable if those employers were a single employer; and
- (b) if all of the employers do not come to an agreement on the apportionment of liability — each employer is liable for such proportion of the compensation payable as the Commissioner may direct.

Compensation for disease limited to work injuries

12. Except as provided in sections 7, 8, 9, 10 and 11, no compensation is payable to an employee in respect of any disease unless the disease is directly attributable to a specific work injury.

Liability of principal

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13.—(1) Where any person (called in this section the principal) contracts, in the course of or for the purpose of the principal's trade or business, with any other person (called in this section the contractor) —

- (a) for the execution by the contractor of the whole or any part of any work; or
- (b) for the supply of labour to carry out any work, undertaken by the principal,

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the Commissioner may direct the principal to fulfil the obligations of the employer under this Act in relation to any employee of the contractor employed in the execution of the work, subject to any modification that may be prescribed for the application of any provision of this Act to the principal.

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(2) Where the Commissioner makes a direction against the principal under subsection (1), the principal is liable to pay the employee any compensation payable under this Act as if that employee had been immediately employed by the principal, except that the amount of compensation is to be calculated with reference to the earnings of the employee under the contractor.

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

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(4) The Commissioner's direction under this section against a principal does not bar subsequent proceedings under this Act against the employee's employer to recover so much of the compensation as may remain unpaid.

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- (5) This section applies only if the accident occurs at a place —
- (a) where the principal has undertaken to execute work; or
 - (b) that is under the principal's control or management.

*Division 2 — Computation, payment and
protection of compensation*

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Computation of compensation

14. The compensation under this Act in respect of any work injury is to be computed in accordance with the First Schedule.

Assessment of permanent incapacity or current incapacity

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15.—(1) For the purposes of determining the permanent incapacity or current incapacity of an employee resulting from the employee's work injury, an accepted medical report is evidence of the employee's —

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(a) permanent total incapacity or permanent partial incapacity, assessed by the health professional who made the report at any time after the date of the accident that caused the work injury; or

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(b) current total incapacity or current partial incapacity, at the time of the assessment by the health professional who made the report, assessed at the earliest opportunity but not earlier than 6 months after the date of the accident that caused the work injury.

(2) Subsection (1)(b) does not apply to any incapacity resulting from the diseases mentioned in section 10(1).

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Compensation for medical treatment

16.—(1) An employer is liable to pay compensation in accordance with paragraph 5 of the First Schedule for the following medical treatment received by an employee for a work injury:

(a) medical treatment —

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(i) by a health professional or at an approved medical institution; and

- (ii) that is certified by any attending health professional to be necessary;
- (b) where the employee is an employee mentioned in section 9, medical treatment by a health professional —
 - (i) received outside Singapore for a work injury sustained in an accident that occurs outside Singapore; and
 - (ii) that, in the opinion of the Commissioner, is required immediately due to the nature of the work injury suffered.

(2) The compensation payable under subsection (1)(a) for medical treatment received at an approved medical institution by the employee must be paid directly to the proprietor of the approved medical institution, after deducting any amount previously paid by or on behalf of the employee to the proprietor of the approved medical institution for the medical treatment.

(3) The proprietor of an approved medical institution is entitled to recover the compensation (less the deductions) mentioned in subsection (2) directly from the employer.

(4) Where the cost of any medical treatment that the employer is liable to pay under subsection (1) is paid by the employee or by any other person on behalf of the employee, the employee or that other person is entitled to recover the cost from the employer.

(5) Where any person has paid any compensation under this section in respect of a claimant's work injury as the claimant's employer or employer's insurer (called in this section the payer) or any ex gratia payment has been made under section 70 in respect of such compensation, the Commissioner may order the claimant to reimburse the payer or the Commissioner (as the case may be) for such payment if —

- (a) the claim in respect of that work injury is withdrawn, and is not resumed, under section 41;
- (b) an order of refusal of compensation has been made or has taken effect, in respect of that work injury; or

(c) the payment was made on the basis of any error or any false or misleading information.

(6) Subsection (5) applies to the payer only if —

5 (a) the payer applies to the Commissioner for the reimbursement within the prescribed time and in the form and manner required by the Commissioner; and

(b) the claimant has been given a reasonable opportunity to make representations to the Commissioner.

10 (7) Where the payer is the claimant's employer, the Commissioner must not, under subsection (5), order the reimbursement of any payment that the employer is obliged to pay under the Employment of Foreign Manpower Act (Cap. 91A).

(8) Any reimbursement ordered under subsection (5) is recoverable directly from the claimant.

15 **Compensation for temporary incapacity**

17.—(1) Where any work injury results in the temporary incapacity of an employee, the compensation the employer is liable under this Act to pay to the employee is a periodical payment that is —

(a) an amount specified in the First Schedule; and

20 (b) payable not later than the same day as earnings would have been payable to the employee under the contract of service under which the employee was employed at the time of the accident, except that the interval between periodical payments must not exceed one month.

25 (2) The Commissioner may review any periodical payment for temporary incapacity, on the application of the employee, the employer or the employer's insurer, if accompanied by a certificate of a health professional that there has been a change in the condition of the employee.

30 (3) Subject to the provisions of this Act, the Commissioner may, on a review under subsection (2), direct any periodical payment to the employee for temporary incapacity to be continued, increased, decreased or ended.

(4) Any periodical payments for temporary incapacity may be commuted into a lump sum, of an amount agreed between the employer liable to make the periodical payments and the employee, after —

- (a) the periodical payments have continued for not less than 6 months; and 5
- (b) the Commissioner consents.

(5) Where any person has paid any compensation under this section in respect of a claimant's work injury as the claimant's employer or employer's insurer (called in this section the payer) or any ex gratia payment has been made under section 70 in respect of such compensation, the Commissioner may order the claimant to refund such payment if — 10

- (a) the claim in respect of that work injury is withdrawn, and is not resumed, under section 41; 15
- (b) an order of refusal of compensation has been made or has taken effect, in respect of that work injury; or
- (c) the payment was made on the basis of any error or any false or misleading information.

(6) Subsection (5) applies to the payer only if — 20

- (a) the payer applies to the Commissioner for the refund within the prescribed time and in the form and manner required by the Commissioner; and
- (b) the claimant has been given a reasonable opportunity to make representations to the Commissioner. 25

(7) Any refund ordered under subsection (5) is recoverable directly from the claimant.

Payment or deposit by employer's insurer

18.—(1) The Commissioner may direct an employer's insurer to pay, on behalf of the employer, any amount in respect of the compensation under section 16 or 17 or any amount under an order of compensation, not exceeding the amount of the employer's liability for that compensation that is insured by the employer's insurer. 30

(2) Subject to subsection (3), where an employer's insurer is required under subsection (1) or section 28 or 47 to pay any amount in respect of the employer's liability for an employee's claim, the employer's insurer must pay the amount in the following manner within the prescribed time:

(a) unless paragraph (b), (c), (d) or (e) applies, to the employee;

(b) unless paragraph (c), (d) or (e) applies, to the public trustee if —

(i) the compensation is in respect of permanent incapacity or current incapacity resulting from the employee's work injury; and

(ii) the employee is below 18 years of age;

(c) where the employee has died — to the executor or administrator of the employee's estate, if the employer's insurer has been informed that an executor or administrator has been appointed;

(d) where the employee lacks capacity in relation to the employee's property and affairs —

(i) to a donee of a lasting power of attorney (if any) granted under the Mental Capacity Act on whom the employee has conferred authority to receive such payment; or

(ii) to a deputy (if any) who is appointed or deemed to be appointed for the employee under the Mental Capacity Act and is conferred power to receive such payment;

(e) where the Commissioner so directs under section 20 — to any relative of the employee in accordance with the direction.

(3) Where the Commissioner directs the employer's insurer to deposit any amount mentioned in subsection (2) with the Commissioner under section 21, the employer's insurer must comply with the direction in such manner and within such time as the Commissioner may specify.

5

Payment or deposit by employer

19.—(1) An employer who is liable to pay compensation under section 16 or 17 or any amount under an order of compensation in respect of an employee's work injury must, unless the compensation is paid or deposited by the employer's insurer under section 18 or deposited with the Commissioner under subsection (2), pay the compensation within the prescribed time —

10

(a) to the employee; or

(b) where the Commissioner so directs under section 20 — to any relative of the employee in accordance with the direction.

15

(2) Unless the Commissioner directs otherwise under section 20, an employer must deposit the following payments with the Commissioner, in such manner and within such time as the Commissioner may specify:

20

(a) any compensation payable under this Act by the employer in respect of an employee's work injury if —

(i) the employee has died; or

(ii) the employee lacks capacity in relation to the employee's property and affairs;

25

(b) any compensation payable under this Act by the employer in respect of any permanent incapacity or current incapacity resulting from an employee's work injury, if the employee is below 18 years of age;

(c) any compensation payable under this Act that the Commissioner directs the employer to deposit under section 21.

30

Direction to pay relative

20.—(1) Where the Commissioner is satisfied that compensation cannot be paid by an employer's insurer in accordance with section 18(2)(a), (b), (c) or (d) or by the employer to the employee under section 19(1)(a), the Commissioner may direct the employer's insurer or the employer (as the case may be) to make the payment —

(a) to one or more of the employee's relatives; and

(b) in the proportion the Commissioner specifies.

(2) The Commissioner may vary any direction made under this section if the Commissioner is satisfied, after such inquiry as the Commissioner considers necessary, that the direction ought to be varied by reason of any change in the circumstances of any relative of the employee, or for any other sufficient cause.

(3) The Commissioner must not make any direction or any variation under this section that prejudices any person, unless that person has been given a reasonable opportunity to make representations to the Commissioner.

Deposit with Commissioner

21.—(1) The Commissioner may direct an employer or the employer's insurer to deposit with the Commissioner any compensation in respect of an employee's work injury that is payable under this Act, in such manner and within such time as the Commissioner may specify.

(2) The Commissioner may make payment from any amount deposited with the Commissioner that is payable to an employee in all or any of the following ways:

(a) to the employee directly or, if the employee is below 18 years of age, to the public trustee;

(b) where the employee has died, in one or both of the following ways:

(i) pay the funeral expenses of the employee, not exceeding the amount prescribed in regulations

made under section 82, to the person by whom those expenses are incurred;

- (ii) pay the remainder of the compensation or interest (in whole or in part) to the executor or administrator of the employee's estate, if the Commissioner has been informed that an executor or administrator has been appointed; 5
- (c) where the employee lacks capacity in relation to the employee's property and affairs —
- (i) to a donee of a lasting power of attorney (if any) granted by the employee under the Mental Capacity Act on whom the employee has conferred authority to receive such payment; or 10
 - (ii) to a deputy (if any) who is appointed or deemed to be appointed for the employee under the Mental Capacity Act and is conferred power to receive such payment; 15
- (d) to one or more of the employee's relatives (if found) and in such proportion, as the Commissioner thinks fit, where the Commissioner is satisfied that any of the following circumstances exist: 20
- (i) payment cannot be made by the employer's insurer in accordance with section 18(2)(a), (b), (c) or (d) or by the employer under section 19(1)(a);
 - (ii) the employee has died and the Commissioner has not been informed that an executor or administrator of the employee's estate has been appointed; 25
 - (iii) the employee lacks capacity in relation to the employee's property and affairs and no donee or deputy can be appointed to receive such payment for the employee; 30
- (e) pay into the Workers' Fund —
- (i) an amount not exceeding the amount of any ex gratia payment made under section 70 in respect of the

employee entitled to the compensation or interest so deposited; and

- (ii) any remaining amount that cannot be paid under paragraph (a), (b), (c) or (d), if the Commissioner is satisfied, after such inquiry as the Commissioner considers necessary, that there is no reasonable likelihood that any relative of the employee can be found.

(3) Where any payment is made to any relative of the employee under subsection (2)(d), or under a direction made under section 20, the Commissioner may direct that relative to invest, apply or otherwise deal with the amount paid for the benefit of that employee in such manner and for such period as the Commissioner may specify.

(4) This section does not limit section 69.

Discharge for payment

22.—(1) The receipt by any person who is paid in accordance with section 18(2), 19(1) or 21(2)(a), (b), (c) or (d) of the amount paid is a sufficient discharge for the compensation and interest paid.

(2) The receipt by the Commissioner for any amount deposited under section 18(3), 19(2) or 59 is a sufficient discharge for the compensation and interest up to the amount so deposited.

(3) Any payment of compensation or interest made in contravention of section 18(2), 19(1) or 21(2)(a), (b), (c) or (d) is deemed not to be a discharge for the compensation or interest paid.

(4) This section does not affect the right of any person to make a claim against any other person who has been paid under section 18(2), 19(1) or 21(2) for the amount paid.

(5) This section applies despite —

- (a) any written law relating to the administration or distribution of estates of deceased persons;
- (b) the Mental Capacity Act; and
- (c) the Insurance Act.

No contracting out, etc.

23.—(1) Subject to sections 51 and 52(c), any contract or agreement by which an employee relinquishes any right of compensation from the employer for work injury is void insofar as it purports to remove or reduce the liability of any person to pay compensation under this Act. 5

(2) Subject to the provisions of this Act, the payment of compensation under this Act or an accrued right to such payment is not —

(a) assignable or transferable, or liable to be attached, sequestered or levied upon; or 10

(b) subject to any set-off,

for or in respect of any debt or claim.

PART 3

WORK INJURY COMPENSATION INSURANCE 15

Division 1 — Insurance obligations

Employer must be insured against liabilities under Act

24.—(1) Every employer must insure and maintain insurance under one or more approved policies with one or more designated insurers against all liabilities that the employer may incur under this Act in respect of every employee of the employer. 20

(2) Subsection (1) —

(a) does not apply in respect of the excluded classes of employees prescribed for the purposes of this paragraph; and 25

(b) applies subject to any minimum prescribed amount for which an employer must be insured in respect of any of the employer's liabilities under this Act.

Offences by employer in relation to insurance

25.—(1) An employer who contravenes section 24(1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) A person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

(a) an offence under subsection (1); or

(b) an offence under section 35(1)(b) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section.

(3) It is not a defence to a charge for an offence under subsection (1) that the employer did not know —

(a) the number of employees employed by the employer, or the extent of the employer's liability, that the employer must be insured against; or

(b) that any insurance policy entered into or maintained was not an approved policy or that the insurer was not a designated insurer,

unless the employer had taken all reasonable steps to ascertain those matters.

(4) An employer who, for the purpose of defraying or partly defraying the cost of insurance required under section 24, makes any deduction from the earnings of an employee of the employer, shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or

- (b) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) A person is a repeat offender in relation to an offence under subsection (4) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (4); or
- (b) an offence under section 35(1)(a) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section.

Approved policy

26.—(1) An approved policy —

- (a) must contain all the compulsory terms prescribed for the class of liabilities insured against (called in this section the compulsory terms); and
- (b) must not contain any term or condition or endorsement that derogates or purports to derogate from any obligation imposed on the insurer by the compulsory terms of the approved policy.

(2) The Minister may prescribe different sets of compulsory terms for different classes of approved policies, employers or employees, and the compulsory terms may also require approved policies to cover any other liability of the employer to pay compensation under common law or any other written law for an employee's work injury.

(3) Any insurer that issues to an employer any insurance policy that purports to insure the whole or part of the employer's liability for compensation under this Act —

- (a) is liable to pay that compensation as if the insurance policy contains all the compulsory terms applicable to the class of approved policy purported to be provided; and
- (b) to the extent that any term or condition of, or endorsement to, the insurance policy derogates from any obligation

imposed on the insurer by the compulsory terms, that term or condition or endorsement is void.

5 (4) Subsection (3) does not impose any obligation or liability on the insurer to pay any amount in excess of the minimum amount (if any) prescribed for the purposes of section 24(2)(b) that applies to the employer.

10 (5) Where an insurer is liable to pay compensation pursuant to subsection (3), the references to the employer's insurer in sections 3(3), 16, 17, 18, 19, 21, 27, 35, 40, 43, 48, 49, 50(1)(b), 51, 52, 54, 58, 63 and 82 apply as if they include references to that insurer.

Insurer not to object on ground of double insurance

15 **27.**—(1) In any proceedings under Part 4, an employer's insurer is not entitled to raise any objection or defence to a claim on the ground that there is in force another insurance policy issued by another insurer covering the same liability under this Act in respect of the claim as the insurance policy issued by the employer's insurer.

(2) Nothing in subsection (1) affects any other law —

- 20 (a) on double insurance and contribution; or
(b) that prohibits an insurer from disproving liability, in whole or in part, in respect of any accident.

Insurer's obligation if employer bankrupt, etc.

25 **28.**—(1) Despite any written law relating to bankruptcy or the winding up of companies, where an employer has entered into a contract with any insurer in respect of any liability under this Act to any employee, the rights of the employer under the contract against the insurer in respect of that liability are transferred to and vest in the employee in any of the following events:

- 30 (a) the employer becomes bankrupt or makes a composition or scheme of arrangement with the employer's creditors;

- (b) where the employer is a company —
- (i) proceedings are commenced to wind up the company;
 - (ii) a receiver or manager of the company's business or undertaking is duly appointed; or 5
 - (iii) possession of any property comprised in or subject to a floating charge securing debentures issued by the company is taken by, or on behalf of, the holders of the debentures.
- (2) On a transfer to an employee under subsection (1), the insurer has — 10
- (a) the same rights and remedies in relation to the employee as if the insurer were the employer; and
 - (b) the same liabilities in relation to the employee as if the insurer were the employer, but this does not impose on the insurer any greater liability to the employee than the insurer's liability to the employer under the contract. 15
- (3) If the insurer's liability to the employee under subsection (2)(b) is less than the liability of the employer to the employee, the employee may, as the case may be — 20
- (a) prove for the balance in the employer's bankruptcy or liquidation; or
 - (b) recover the balance from the receiver or manager of the employer's business or undertaking.
- (4) Where the employer's liability is to pay periodical payments for temporary incapacity — 25
- (a) the amount payable in respect of the compensation, for the purposes of this section, is the lump sum into which the employer's liability to pay the periodical payments for temporary incapacity could, if commutable, be commuted under section 17(4); and 30
 - (b) a certificate of the Commissioner as to the amount of the lump sum is conclusive proof of that amount.

(5) This section and section 29 do not apply where a company is wound up voluntarily only for the purpose of reconstruction or of amalgamation with another company.

Application of section 28 where insurance contract void or voidable

29.—(1) Subsections (2), (3), (4) and (5) apply where the contract mentioned in section 28(1) is void or voidable by reason of the employer's non-compliance with any terms or conditions of the contract, other than a requirement to pay premiums.

(2) Section 28(1) applies as if the contract mentioned in that provision were not void or voidable only if the employee gives notice to the insurer of the matters mentioned in paragraph (a) as soon as practicable after the employee becomes aware of all of the following:

(a) the employee's work injury or incapacity arising from an accident;

(b) that the employer is insured by that insurer;

(c) that any of the events mentioned in section 28(1)(a) or (b) has occurred.

(3) Where, despite the contract mentioned in section 28(1) being void or voidable, the insurer pays any amount to the employee in respect of the employer's liability to pay compensation under this Act, the insurer is entitled to —

(a) prove for the relevant amount in the employer's bankruptcy or liquidation; or

(b) recover the relevant amount from the receiver or manager of the employer's business or undertaking.

(4) The relevant amount mentioned in subsection (3) is the amount paid, excluding (where the contract is void or voidable only in part) the amount that the insurer is still liable to pay under any part of the contract that is not void or voidable.

(5) The relevant amount mentioned in subsection (3) is to be paid to the insurer in priority as if it were an amount due in respect of work injury compensation under this Act in accordance with the provision

mentioned in paragraph (a), (b) or (c), if the employer's liability to pay the compensation accrued before the date specified in that paragraph:

- (a) section 352 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) — the date of the bankruptcy order; 5
- (b) section 203 of the Insolvency, Restructuring and Dissolution Act 2018 —
 - (i) the date of the commencement of the winding up of the company; or 10
 - (ii) 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;
- (c) section 86 of the Insolvency, Restructuring and Dissolution Act 2018 — the date of the appointment of the receiver or manager or the date of possession being taken as mentioned in that section, as the case may be. 15

Offences relating to provision of insurance

30.—(1) A person other than a person mentioned in subsection (2) who offers, or enters into a contract, to provide insurance in respect of the liability of any employer to pay compensation under this Act shall be guilty of an offence and shall be liable — 20

- (a) on the first conviction — to a fine not exceeding \$80,000 for each insurance policy to which the conviction under this subsection applies; and 25
- (b) on a second or subsequent conviction — to a fine not exceeding \$160,000 for each insurance policy to which the conviction under this subsection applies.

(2) Only the following persons may offer or enter into a contract (as the case may be) to provide the insurance mentioned in subsection (1): 30

(a) a designated insurer who is not suspended under section 31(8)(b) or 34(1)(a);

(b) an insurance intermediary in respect of the insurance which is provided or to be provided by a designated insurer mentioned in paragraph (a).

(3) A person (whether or not a designated insurer) who offers, or enters into a contract, to provide any insurance in respect of the liability of any employer to pay compensation under this Act, which is not an approved policy, shall be guilty of an offence and shall be liable —

(a) on the first conviction — to a fine not exceeding \$80,000 for each insurance policy offered or provided in contravention of this subsection; and

(b) on a second or subsequent conviction — to a fine not exceeding \$160,000 for each insurance policy offered or provided in contravention of this subsection.

(4) It is not a defence to a charge for an offence under subsection (1) or (3) that the person did not know that the contract of insurance offered or entered into —

(a) was in respect of the liability of any employer to pay compensation under this Act; or

(b) was not an approved policy.

(5) To avoid doubt, this section does not prohibit the making of an offer or contract to provide —

(a) healthcare insurance, accident insurance or other insurance which does not insure or purport to insure the employer's liabilities under this Act; or

(b) any insurance that insures only liability in excess of the employer's liability to pay compensation under this Act.

(6) In this section, unless the context otherwise requires, a reference to offering to provide insurance in respect of any liability under this Act includes a reference to —

- (a) holding out as providing such insurance, whether to specific persons or to the public or any section of the public; and
- (b) making an offer to, or inviting an offer from, specific persons or the public or any section of the public to provide such insurance.

5

Division 2 — Designated insurer

Designation by Commissioner

31.—(1) The Commissioner may designate any licensed insurer, within the meaning of the Insurance Act, that satisfies the prescribed requirements to be a designated insurer.

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(2) The Commissioner may, from time to time, impose conditions on any designated insurer, including a condition requiring the designated insurer to comply with specified standards of performance relating to the processing of claims under this Act.

15

(3) The Commissioner may, from time to time, modify or add to the conditions imposed on a designated insurer.

(4) The Commissioner must, before modifying or adding to any conditions imposed on a designated insurer, give notice to the designated insurer concerned —

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- (a) stating the modification or addition that the Commissioner intends to make; and
- (b) specifying the time within which the designated insurer may make written representations to the Commissioner with respect to the proposed modification or addition.

25

(5) Where a designated insurer makes any representations under subsection (4)(b), the Commissioner must consider the representations and notify the designated insurer of the Commissioner's decision.

(6) Unless earlier cancelled under subsection (8)(a) or section 34, a person's designation as a designated insurer expires at the end of the period (if any) specified by the Commissioner in the designation.

30

(7) A designated insurer may apply, in the form and manner required by the Commissioner, for cancellation of the designation.

(8) Where a designated insurer applies under subsection (7), the Commissioner may do one or more of the following:

- 5 (a) cancel the designation with effect from a date specified by the Commissioner;
- (b) suspend the designation of the designated insurer for a period before the cancellation takes effect as specified by the Commissioner;
- 10 (c) give a direction to the designated insurer not to enter into, renew or extend any approved policy;
- (d) require the designated insurer to take such action as the Commissioner requires to ensure that reasonable provision has been or will be made for any liability in respect of any
- 15 approved policy before cancelling the designation.

(9) When deciding any matter under subsection (8), the Commissioner must consider whether proper arrangements have been made to ensure that the designated insurer's obligation to comply with every condition, direction and requirement mentioned in section 32(1) in respect of the following are met:

- 20 (a) every approved policy and every insurance policy issued by that insurer that purports to insure an employer's liability to pay compensation under this Act;
- (b) any payment insured, or purportedly insured, under such
- 25 an insurance policy.

(10) The following persons may, within the prescribed time, appeal to the Minister whose decision is final:

- (a) any licensed insurer that the Commissioner has refused to designate as a designated insurer;
- 30 (b) any designated insurer that is aggrieved by any modification or addition of conditions imposed by the Commissioner;

- (c) any designated insurer that is aggrieved by the Commissioner's decision on any matter under subsection (8).

(11) A decision of the Commissioner under subsection (5) or (8) takes effect despite any pending appeal to the Minister against the decision. 5

Obligations of designated insurer

32.—(1) A designated insurer must comply with every —

- (a) condition imposed on the designated insurer under section 31; 10
- (b) direction of the Commissioner given to the designated insurer under this Act; and
- (c) requirement under this Act that applies to the designated insurer.

(2) Despite the suspension of a person's designation as a designated insurer, the designated insurer must continue to comply with every condition, direction and requirement mentioned in subsection (1) in respect of the following unless the Commissioner directs otherwise: 15

- (a) every approved policy and every insurance policy that purports to insure an employer's liability to pay compensation under this Act, issued by that insurer before that suspension; 20
- (b) any payment insured, or purportedly insured, under such an insurance policy.

(3) The expiry, suspension or cancellation of the designation of a designated insurer does not prejudice the enforcement of any right or claim in relation to the matters mentioned in subsection (2)(a) and (b) — 25

- (a) by any person against the insurer; and
- (b) by the insurer against any person. 30

Collection and disclosure of information by Commissioner

33.—(1) For the purposes of this Act, the Commissioner may —

(a) direct any designated insurer to submit to the Commissioner any information or returns to facilitate the administration of this Part and Part 4, which may include the following:

(i) details of each approved policy (including the premium payable and any endorsements) provided by the designated insurer to an employer;

(ii) the details and status of the processing of claims for compensation under this Act, and the settlement of claims under common law for damages relating to work injuries, for each employee of an employer insured under any approved policy provided by the designated insurer;

(iii) the details and status mentioned in sub-paragraphs (i) and (ii) relating to —

(A) any approved policy mentioned in section 23 of the repealed Act provided by the designated insurer before the date of commencement of this section; or

(B) any insurance policy mentioned in section 26(3) provided by the designated insurer whether before, on or after the date the designated insurer is designated as a designated insurer;

(b) require such information or returns to be submitted through an electronic system or in any other form and manner, and within the time, specified by the Commissioner; and

(c) disclose or publish to any designated insurer —

(i) any information or returns obtained under paragraph (a) as the Commissioner thinks necessary for the purposes of this Act; and

(ii) the following information derived from any information under the control of the Ministry of Manpower:

(A) workforce data, including size and aggregated payroll for all, or any class of, employees of each employer insured under an approved policy;

(B) work injury claims data for all, or any class of, employees of each employer insured under an approved policy.

(2) Section 2(3) of the Public Sector (Governance) Act 2018 (Act 5 of 2018) applies in determining the information under the control of the Ministry of Manpower mentioned in subsection (1)(c)(ii).

(3) No liability shall lie against the Government, the Commissioner or any public officer or individual appointed under section 6(1) for any loss or damage suffered by any person by reason of any error or omission in any information or returns disclosed or published, in good faith and with reasonable care, under subsection (1)(c).

Cancellation or suspension of designation and financial penalty

34.—(1) Where a designated insurer fails to comply with section 32(1), the Commissioner may do all or any of the following:

(a) cancel or suspend the designation of the designated insurer for a period specified by the Commissioner;

(b) order the designated insurer to pay a financial penalty of an amount not exceeding \$30,000 for each such failure that is not an offence under this Act;

(c) give a direction to the designated insurer not to enter into, renew or extend any approved policy for a specified period.

(2) The Commissioner must, before taking any action under subsection (1), give notice to the designated insurer concerned —

(a) stating the action that the Commissioner intends to take; and

(b) specifying the time within which the designated insurer may make written representations to the Commissioner with respect to the proposed action.

5 (3) Where a designated insurer makes any representations under subsection (2)(b), the Commissioner must consider the representations and notify the designated insurer of the Commissioner's decision.

(4) The order under subsection (1)(b) must specify the date by which the financial penalty is to be paid.

10 (5) A person who fails to pay any financial penalty imposed under this section by the date specified under subsection (4) is liable to pay interest on the amount unpaid at the same rate as for a judgment debt.

15 (6) Any financial penalty or interest payable under this section is recoverable by the Commissioner, or any person duly authorised by the Commissioner, as a debt due to the Government.

(7) The Commissioner may waive or remit the whole or any part of any financial penalty imposed, or interest due, under this section.

(8) Any financial penalty or interest collected under this section must be paid into the Consolidated Fund.

20 (9) In any proceedings for the recovery of any financial penalty or interest due on any financial penalty, a certificate of the Commissioner certifying the amount mentioned in paragraph (a) or (b) is prima facie evidence of, as the case may be —

(a) the amount of the financial penalty; or

25 (b) the amount of interest due on the financial penalty.

(10) A designated insurer who is aggrieved by a decision of the Commissioner under subsection (1) may, within the prescribed time, appeal to the Minister whose decision is final.

PART 4

COMPENSATION PROCESS

*Division 1 — Overview***Deemed claim when employer has notice of accident**

35.—(1) A claim for compensation under this Act is deemed to be made by an employee when the employer first has notice of an accident giving rise to the employee's work injury. 5

(2) An employer has notice of an accident for the purposes of this Act when either of the following events occurs:

(a) the employee informs any of the following persons of the date and place of the accident and the cause of the injury: 10

(i) the employer;

(ii) the foreman or any other person under whose supervision the employee was employed at the time of the accident; 15

(iii) any person designated for the purpose by the employer;

(b) the employer has knowledge of the accident by any other means.

(3) Every employer must, within the prescribed time after the employer first has notice of an accident giving rise to work injury to any employee of the employer, give notice of the accident to — 20

(a) the Commissioner in the form and manner specified by the Commissioner; and

(b) the employer's insurer in writing. 25

(4) An employee must, as soon as possible after sustaining a work injury in an accident, notify the employer or any of the other persons mentioned in subsection (2)(a).

(5) The employee's claim under this Act is deemed to be withdrawn if the employer does not have notice of the employee's accident at the end of whichever period specified in paragraph (a), (b) or (c) that ends last: 30

- (a) one year after the date of the employee's accident;
- (b) if the employee dies within the period mentioned in paragraph (a), one year after the date of the employee's death;
- 5 (c) any period ending on a later date specified under subsection (6).

(6) Subject to subsection (7), the Commissioner may specify a period for the purposes of subsection (5)(c) only if the Commissioner is satisfied that the delay was caused by mistake, absence from
10 Singapore or other reasonable cause.

(7) The Commissioner must not specify a period for the purposes of subsection (5)(c) if the Commissioner is satisfied that the delay was caused by an action for damages being instituted by or on behalf of the employee in any court for compensation in respect of that
15 accident.

(8) An employer who fails to give notice of an accident to the Commissioner in accordance with subsection (3)(a) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000; or
- 20 (b) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) A person is a repeat offender in relation to an offence under subsection (8) if the person who is convicted of an offence under that
25 subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (8); or
- (b) an offence under regulation 3(5) of the Work Injury Compensation Regulations (Cap. 354, Rg 1), whether the
30 conviction was before, on or after the date of commencement of this section.

Processing of claim by employer's insurer or Commissioner

36.—(1) Except where a claim for compensation under this Act is processed by the Commissioner, the employer's insurer must process the claim in accordance with Division 2 of this Part.

(2) The Commissioner must process a claim for compensation under this Act in respect of an employee's work injury in accordance with Division 3 of this Part if the Commissioner —

(a) is satisfied that there is no employer's insurer insuring the employer's liability in respect of the employee's work injury under this Act; or

(b) decides to process the claim in any particular case, including under section 45(b) or 50(2)(b).

Duties in relation to medical examinations

37.—(1) Where an employee is injured by an accident arising out of and in the course of the employee's employment with an employer, the employer must offer the employee a medical examination by a health professional before the expiry of the 5th day after the employer first has notice of the accident.

(2) An employee must, if required by the employer or the Commissioner to undergo one or more medical examinations for the purpose of processing the employee's claim under this Act, submit to the medical examinations.

(3) The medical examinations mentioned in subsection (1) or (2) must be provided to the employee —

(a) free of charge, at the employer's expense; and

(b) in accordance with regulations made under section 82 (if any).

(4) The employee's right to compensation under this Act is suspended if —

(a) the employee fails to submit to a medical examination reasonably required by the employer or the Commissioner under subsection (2) — until the employee submits to such medical examination; or

(b) the employee cannot be contacted to attend a medical examination because the employee has not informed the employer about his or her contact details or change in contact details — until the employee so informs the employer and submits to such medical examination.

(5) Where a right to compensation is suspended under subsection (4), no compensation is payable in respect of the period of suspension.

(6) The Commissioner may lift the suspension under subsection (4) and direct the payment of any compensation that was withheld during that period if —

(a) the employee undergoes or has undergone any other medical examination approved by the Commissioner;

(b) the employee dies without submitting to the medical examination required of him or her; or

(c) the Commissioner is satisfied that there was reasonable cause for the employee's failure to submit to the medical examination.

(7) If the employee's failure to submit to a medical examination required by the Commissioner under subsection (2) continues beyond 3 months after the date fixed for the medical examination, no compensation is payable in respect of the employee's work injury unless —

(a) the work injury results in the death of the employee; or

(b) the Commissioner is satisfied that there was reasonable cause for the employee's failure to do so.

Refusal of medical treatment

38. Where an employee refuses treatment by a health professional or fails to carry out or deliberately disregards the instructions of a health professional for the employee's treatment, the Commissioner may direct as follows:

- (a) where the employee is receiving any periodical payment of compensation for temporary incapacity under section 17 —
- (i) that those payments be suspended until the employee undergoes such treatment or complies with such instructions; and 5
 - (ii) where the Commissioner is satisfied that the duration of the employee's incapacity has been prolonged by such refusal, failure or disregard — that those payments also be restricted to such period, calculated from the date of the accident, as the incapacity of the employee might reasonably have been expected to have lasted, had the employee undergone such treatment and complied with such instructions; 10 15
- (b) where the employee has been assessed to have suffered permanent incapacity or current incapacity and the Commissioner is satisfied that the incapacity has been aggravated by such refusal, failure or disregard — that compensation be paid to the employee appropriate to such incapacity as the employee might reasonably have been expected to have suffered if the employee had undergone such treatment and complied with such instructions. 20

Claim for permanent incapacity or current incapacity

39.—(1) Any employee who has made a deemed claim for a work injury under section 35 and who wishes to claim compensation for permanent incapacity or current incapacity arising from that work injury must make the claim, not later than one year after the date of the accident, for permanent incapacity or current incapacity. 25

(2) Subsection (1) does not apply where the employer's insurer or the Commissioner notifies the employee that the employee is being assessed for permanent incapacity or current incapacity. 30

(3) A claim mentioned in subsection (1) must be —

(a) made in the form and manner required by the Commissioner; and

(b) accompanied by a written statement from a health professional certifying that, in the health professional's opinion, the employee's injury could give rise to permanent incapacity.

(4) Subject to subsection (2), compensation for permanent incapacity or current incapacity is not payable to an employee who fails to make a claim in accordance with subsections (1) and (3).

Employer must cooperate with employer's insurer

40.—(1) In any proceedings in respect of an employer's liability to pay compensation under this Act, the employer must provide all reasonable assistance to the employer's insurer to enable the employer's insurer to conduct the proceedings or the defence in such proceedings.

(2) If the employer fails to comply with subsection (1), the employer is liable to indemnify the employer's insurer for the amount paid or deposited by the employer's insurer under section 18 as a result of the proceedings.

Withdrawal and resumption of claim

41.—(1) An employee may withdraw the employee's claim under this Act by giving a notice of withdrawal, in the manner required by the Commissioner, before any order of compensation is made or takes effect.

(2) Despite having given a notice of withdrawal under subsection (1) or a deemed withdrawal under section 35(5), an employee may resume the claim for compensation for work injury arising from an accident —

(a) not later than one year after the date of the accident — by giving a notice of resumption of the claim to the employer's insurer or the Commissioner, as the case may be; or

- (b) more than one year after the date of the accident — if the Commissioner approves the employee’s application, made in the manner required by the Commissioner, to resume the claim.

(3) Subject to subsection (4), the Commissioner may approve the resumption of the claim under subsection (2)(b) only if the Commissioner is satisfied that the delay was caused by mistake, absence from Singapore or other reasonable cause. 5

(4) The Commissioner must not give the approval mentioned in subsection (2)(b) if the Commissioner is satisfied that the delay was caused by an action for damages being instituted by or on behalf of the employee in any court for compensation in respect of that accident. 10

No compensation if claim withdrawn

42. Compensation is not payable to an employee while the employee’s claim — 15

- (a) is deemed to be withdrawn under section 35(5); or
 (b) is withdrawn under section 41(1).

Representative of claimant, employee, employer, employer’s insurer, etc.

43.—(1) Where this Act requires or permits any direction, notice, document or information to be given to or by a claimant, an employee, an employer, an employer’s insurer or a principal (*A*), the direction, notice, document or information may be given to or by *A*’s representative. 20 25

- (2) Where *A* is required or permitted by or under this Act to —
- (a) attend a pre-hearing conference or hearing (other than an appearance for examination as a witness);
- (b) make, withdraw or resume any claim or make or withdraw any objection; or 30

- (c) make any decision or do any act in relation to the processing of compensation, settlement or determination of any claim under this Act,

the attendance, decision or act may be made or done by *A*'s representative.

(3) For the purposes of subsection (1) or (2), *A*'s representative is any of the following:

- (a) an advocate and solicitor duly authorised to act on behalf of *A*;

- (b) where *A* lacks capacity within the meaning of the Mental Capacity Act —

- (i) any donee of a lasting power of attorney which is granted by *A* under the Mental Capacity Act on whom *A* has conferred authority to manage *A*'s property and affairs, or matters relating to compensation under this Act;

- (ii) any deputy who is appointed or deemed to be appointed for *A* under the Mental Capacity Act and is conferred power to manage *A*'s property and affairs, or matters relating to compensation under this Act; or

- (iii) if *A* is a claimant or an employee, any relative of *A*, with the leave of the Commissioner;

- (c) where *A* is dead —

- (i) the executor or administrator of *A*'s estate; or
 (ii) with the leave of the Commissioner, any relative of *A*, whether or not grant of representation of the estate has been obtained;

- (d) where *A* is an employer or a principal —

- (i) a person in *A*'s permanent and exclusive employment authorised by *A*; or
 (ii) the employer's insurer in respect of *A*;

- (e) where *A* is an employer's insurer, any representative authorised by *A*;
 - (f) with the leave of the Commissioner, any other person authorised in writing by *A* to act on *A*'s behalf.
- (4) Where the Government is a party to any proceedings under this Act, the following persons are representatives of the Government: 5
- (a) the head of the department by, in or under which the employee was employed;
 - (b) any officer of that department, authorised in writing by the head of that department; 10
 - (c) the Attorney-General or any person authorised by the Attorney-General.

Division 2 — Processing by employer's insurer

Insurer's process

- 44.**—(1) The employer's insurer must process the employer's liability to pay compensation in accordance with this Act expeditiously — 15
- (a) on receipt of a notice of an accident from the employer under section 35(3)(b);
 - (b) on receipt of a notice of resumption of the claim under section 41(2)(a); or 20
 - (c) on the Commissioner's direction.
- (2) If the employer's insurer is of the view that the employer's insurance policy with the employer's insurer does not insure the employer's liability to the claimant in respect of the accident, the employer's insurer must notify the Commissioner and the employer within the prescribed time. 25
- (3) If the Commissioner is not notified in accordance with subsection (2), the employer's insurer must process the claim and serve a notice of computation on the claimant and the employer, stating — 30

(a) the amount of compensation payable in respect of the claim, computed in accordance with the First Schedule; or

(b) that compensation is refused because —

(i) the accident to which the claim relates did not arise out of or in the course of the claimant's employment with the employer; or

(ii) the claimant was not an employee within the meaning of this Act.

(4) Regulations made under section 82 may prescribe the circumstances in which the employer's insurer need not serve a notice of computation under subsection (3).

(5) Subject to section 46(5), a notice of computation under subsection (3) that is served on the claimant and the employer is deemed to have been agreed upon by them, and has the effect of an order of compensation —

(a) where no notice of objection under section 46 is received by the Commissioner within a period of 14 days after the date of service of the notice of computation — on the 15th day after the date of service of the notice of computation; or

(b) where all notices of objection so received by the Commissioner are withdrawn within a period of 28 days after the date of service of the notice of computation — on the 29th day after the date of service of the notice of computation.

(6) For the purposes of subsection (5) and section 46(2), where an employer's insurer issues a notice of computation, the date the notice of computation is issued is deemed to be the date of service of the notice of computation on the employer's insurer.

Directions by Commissioner on designated insurer's denial of coverage

45. Where an employer's insurer gives notice to the Commissioner under section 44(2) denying, in whole or in part, that the employer's liability under this Act in relation to the accident is insured by the employer's insurer, the Commissioner may do any of the following: 5

- (a) direct the employer to give notice of the accident to another designated insurer with whom the employer has an approved policy;
- (b) give notice that the Commissioner will process the claim under Division 3 of this Part, and direct the employer's insurer or the employer or both to do anything to facilitate the processing of the claim by the Commissioner; 10
- (c) direct the employer's insurer to continue to process the claim under this Division and issue a notice of computation in accordance with section 44(3). 15

Objection to notice of computation

46.—(1) Where any of the following persons is aggrieved by a notice of computation issued under section 44(3) in relation to a claim, that person may give the Commissioner a notice of objection: 20

- (a) the claimant;
- (b) the employer or any other person named in the notice of computation as being liable to pay any compensation under the claim;
- (c) the employer's insurer who issued the notice of computation. 25

(2) A notice of objection under subsection (1) must state precisely the grounds of objection and must be given —

- (a) before the expiry of —
 - (i) 14 days after the date of service of the notice of computation; or 30

(ii) if the Commissioner is satisfied that the notice of objection was delayed by any error or fraud, other than by the person giving the notice of objection — 90 days after the period mentioned in sub-paragraph (i) expires; and

(b) in the form and manner required by the Commissioner.

(3) Any change to the computation of compensation due to the Medical Board's assessment of incapacity is not an error for the purposes of subsection (2)(a)(ii).

(4) A person who has given a notice of objection may withdraw the objection by a notice given in the manner required by the Commissioner.

(5) If a notice of objection in respect of a notice of computation is accepted under subsection (2)(a)(ii) after the notice of computation has the effect of an order of compensation under section 44(5) —

(a) that order of compensation ceases to have effect, unless it has been enforced under section 60; and

(b) if the notice of objection is withdrawn before the Commissioner makes an order of compensation, the order of compensation mentioned in paragraph (a) is deemed to have effect under section 44(5) starting on the date of the withdrawal.

Payment of compensation by employer's insurer

47. Where the employer is liable to pay an amount of compensation stated in a notice of computation that, under section 44(5), has the effect of an order of compensation, the employer's insurer must, in accordance with section 18, pay or deposit that amount, up to the amount insured under that employer's insurance policy with the employer's insurer.

*Division 3 — Processing by Commissioner***Assessment or reassessment by Commissioner**

48.—(1) Where the Commissioner processes a claim, the Commissioner must serve a notice of assessment on the employer, the employer's insurer (if any) and the claimant, stating — 5

- (a) the amount of compensation payable in respect of the claim, computed in accordance with the First Schedule; or
- (b) that compensation is refused, if the Commissioner is of the view that —
 - (i) the accident to which the claim relates did not arise out of or in the course of the claimant's employment with the employer; or 10
 - (ii) the claimant was not an employee within the meaning of this Act.

(2) Regulations made under section 82 may prescribe the circumstances in which the Commissioner need not serve a notice of assessment under subsection (1). 15

(3) Subject to section 49(5), a notice of assessment under subsection (1) that is served on the persons mentioned in that subsection is deemed to have been agreed upon by the persons served, and has the effect of an order of compensation — 20

- (a) where no notice of objection under section 49 is received by the Commissioner within a period of 14 days after the date of service of the notice of assessment — on the 15th day after the date of service of the notice of assessment; or 25
- (b) where all notices of objection so received by the Commissioner are withdrawn within a period of 28 days after the date of service of the notice of assessment — on the 29th day after the date of service of the notice of assessment. 30

(4) In any case of incapacity or death arising from an occupational disease, the Commissioner may reassess the compensation under section 10 at any time within 3 years after the date of the notice of

computation or the notice of assessment in respect of the occupational disease, if the Commissioner is satisfied that —

- (a) there has been an aggravation of the result of the occupational disease after the date of the notice of computation or notice of assessment; and
- (b) the amount of compensation originally computed or assessed is substantially inadequate.

(5) The Commissioner must, where a reassessment under subsection (4) has been made, issue a notice of assessment of additional compensation payable by the employer and serve the notice on the persons mentioned in subsection (1).

(6) Unless otherwise prescribed, this section and section 49 apply to a notice of assessment of additional compensation under subsection (5) as they apply to a notice of assessment under subsection (1).

Objection to notice of assessment

49.—(1) Where any of the following persons is aggrieved by a notice of assessment issued by the Commissioner under section 48(1), or a notice of assessment of additional compensation issued by the Commissioner under section 48(5), in relation to a claim, that person may give the Commissioner a notice of objection:

- (a) the claimant;
- (b) the employer or any other person named in the notice of assessment as being liable to pay any compensation under the claim;
- (c) the employer's insurer (if any).

(2) A notice of objection under subsection (1) must state precisely the grounds of objection and must be given —

- (a) before the expiry of —
 - (i) 14 days after the date of service of the notice of assessment; or

(ii) if the Commissioner is satisfied that the notice of objection was delayed by any error or fraud, other than by the person giving the notice of objection — 90 days after the period mentioned in sub-paragraph (i) expires; and

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(b) in the form and manner required by the Commissioner.

(3) Any change to an assessment of compensation due to the Medical Board's assessment of incapacity is not an error for the purposes of subsection (2)(a)(ii).

(4) A person who has given a notice of objection may withdraw the objection by a notice given in the manner required by the Commissioner.

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(5) If a notice of objection in respect of a notice of assessment is accepted under subsection (2)(a)(ii) after the notice of assessment has the effect of an order of compensation under section 48(3) —

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(a) that order of compensation ceases to have effect, unless it has been enforced under section 60; and

(b) if the notice of objection is withdrawn before the Commissioner makes an order of compensation, the order of compensation mentioned in paragraph (a) is deemed to have effect under section 48(3) starting on the date of the withdrawal.

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Division 4 — Resolution of disputes by Commissioner and appeal to High Court

Directions by Commissioner

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50.—(1) Where the Commissioner has notice of an accident giving rise to any work injury, the Commissioner may direct the claimant, the employer, an insurer, the principal (if any) or any other person in connection with the claim to do anything to facilitate the compensation process under this Part, including any of the following:

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(a) to attend a pre-hearing conference mentioned in section 52 or a hearing under section 55;

(b) to provide any information or document to the employer's insurer or the Commissioner.

(2) Where any person fails to comply with a direction under subsection (1) or section 52(a) or (b), without limiting the powers of the Commissioner, the Commissioner may do any of the following:

(a) stop the compensation process;

(b) where the compensation is being processed by the employer's insurer, decide to process the compensation instead under section 36(2)(b);

(c) draw any adverse inference against that person, and issue a notice of assessment or make an order of compensation, as the case may be.

(3) Any direction made under subsection (1) or section 52(a) or (b) may be set aside or varied by the Commissioner on such terms as the Commissioner may specify.

(4) A person commits an offence if the person, without lawful excuse, fails to comply with a direction under subsection (1)(b) or section 52(a) and shall be liable —

(a) on the first conviction — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) on a second or subsequent conviction — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Settlement of compensation

51.—(1) Where a claimant and the employer or the employer's insurer settle a claim for compensation under this Act, the claimant and the employer or employer's insurer (as the case may be) may —

(a) enter into a settlement agreement, stating the amount of compensation payable, whether as a lump sum or a periodical payment; and

(b) apply for the settlement agreement to be recorded by the Commissioner as an order under subsection (2)(a).

(2) The Commissioner may —

- (a) record the terms of the settlement and make any order to give effect to the settlement; or
- (b) refuse to record the settlement and make a direction under section 50(1).

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(3) Where a party to a settlement agreement recorded in an order under subsection (2)(a) applies, within the prescribed period and in the form and manner required by the Commissioner, to set aside the order, the Commissioner may —

(a) set aside the order if —

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- (i) the Commissioner is satisfied that the order should be set aside due to any error or fraud, other than by the applicant; and
- (ii) there is no pending appeal under section 58 against the order; and

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(b) make any direction under section 50(1) in respect of the claim.

Pre-hearing conference

52. At a pre-hearing conference, the Commissioner may consider any matter, including the possibility of settlement of all or any of the matters in dispute for the hearing, and may do one or more of the following:

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- (a) direct any person attending the pre-hearing conference to provide any information and document to the Commissioner;
- (b) make any direction for the fair and expeditious determination of any matter for hearing;
- (c) where the claimant, the employer or the employer's insurer agree to a settlement of some or all of the matters for the hearing, record the terms of the settlement and make an order under section 51(2)(a);

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(d) make an order of refusal of compensation in respect of a claim, if the Commissioner is of the view that —

(i) the accident to which the claim relates did not arise out of or in the course of the claimant's employment with the employer; or

(ii) the claimant was not an employee within the meaning of this Act.

Failure to appear of one or more persons

53.—(1) If one or more of the persons directed under section 50(1)(a) to attend a pre-hearing conference or a hearing fails to attend, the Commissioner may make a decision concerning the claim and make any order under section 54 as the Commissioner thinks just.

(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 the Commissioner thinks just, unless an appeal under section 58 is pending against the order.

(3) Without limiting subsection (1), where any person who is required to attend a pre-hearing conference or a hearing fails to attend the pre-hearing conference or hearing, the Commissioner may adjourn the pre-hearing conference or hearing, as the case may be.

Powers of Commissioner

54.—(1) The Commissioner has the power to do any of the following in determining the compensation payable under this Act:

(a) if any matter relating to medical evidence arises —

(i) obtain an accepted medical report on the matter; or

(ii) if an accepted medical report was used as evidence of the matter in making the notice of computation or notice of assessment objected to, refer the notice of objection to the Medical Board;

(b) if a notice of objection has been given under section 46 or 49, review the notice of computation or notice of assessment objected to, with or without conducting a hearing;

(c) make an order for the payment of compensation or refusal of compensation, as the Commissioner thinks just. 5

(2) In a review under subsection (1)(b), the Commissioner must disregard any ground of objection that is not contained in a notice of objection given in accordance with section 46(2) or 49(2), as the case may be. 10

(3) When making an order under subsection (1)(c), the Commissioner may also, subject to regulations made under section 82, order costs of and incidental to any proceedings before the Commissioner.

(4) When making an order under subsection (1)(c), the Commissioner may also order the claimant to refund or to reimburse any overpayment of the following payments if the Commissioner is satisfied that the overpayment was made on the basis of any error or any false or misleading information: 15

(a) any amount paid by any person as the claimant's employer or the employer's insurer as compensation payable in respect of a work injury under this Act; 20

(b) any ex gratia payment made under section 70 in respect of such compensation.

Hearing by Commissioner 25

55.—(1) Where the Commissioner holds a hearing for the purposes of this Act, the Commissioner has all the powers of a District Judge to summon and examine witnesses and administer oaths or affirmations and to compel the production of documents and material objects.

(2) The evidence of every witness must be recorded in writing or in any other suitable form of recording that can reduce the evidence to a readable form. 30

(3) Evidence recorded in writing or, if it is not recorded in writing, the transcript of the evidence recorded, must be signed by the Commissioner, and forms part of the record of the proceedings.

5 (4) The evidence of any witness may be recorded as a brief memorandum of the substance of the evidence, except that the evidence of any medical witness must be recorded as nearly as may be word for word.

10 (5) Every person who gives evidence before the Commissioner is bound to answer truthfully all questions put to that person by the Commissioner.

Experts to assist Commissioner

15 **56.** To assist the Commissioner in relation to any matter under this Act, the Commissioner may appoint one or more persons possessing special knowledge of any matter to advise the Commissioner on the matter.

Medical Board

57.—(1) The Minister may appoint a Medical Board to assist the Commissioner in matters relating to medical evidence for the purpose of determining the amount of compensation payable under this Act.

20 (2) Where a matter is referred to the Medical Board under section 54(1)(a) in relation to a claim, the Medical Board or a panel appointed under subsection (3) in relation to the matter —

(a) may require the claimant to submit to a medical examination by the Medical Board or the panel; and

25 (b) must submit a medical report on the claimant to the Commissioner.

(3) The Medical Board may appoint one or more panels consisting of 2 or more health professionals to carry out its functions under subsection (2).

30 (4) Subject to regulations made under section 82, the Medical Board and each panel may regulate its procedure in such manner as the Medical Board or panel (as the case may be) thinks fit.

(5) For the purpose of making an order under section 54(1)(c) in relation to the claim mentioned in subsection (2), the Commissioner must treat the medical report submitted under subsection (2)(b) in relation to the claim as conclusive evidence of the matters relating to medical evidence certified by that medical report. 5

Appeal to High Court

58.—(1) Subject to subsection (5), any person aggrieved by an order of compensation (called in this section the order appealed against) may appeal to the High Court if —

- (a) the appeal involves a substantial question of law; and 10
- (b) the order is for refusal of compensation or for payment of compensation of an amount of compensation of \$1,000 or more.

(2) The procedure governing an appeal to the High Court under subsection (1) is as provided for in the Rules of Court. 15

(3) The decision of the High Court in an appeal under subsection (1) is final.

(4) Despite any appeal under subsection (1) —

- (a) the employer or the employer's insurer, if directed under section 21(1) to deposit with the Commissioner the amount of compensation stated in the order appealed against, must do so; and 20
- (b) the deposit is to be held by the Commissioner pending the outcome of the appeal.

(5) No appeal under this section lies against the following orders: 25

- (a) a notice of computation that, under section 44(5), has the effect of an order of compensation;
- (b) a notice of assessment that, under section 48(3), has the effect of an order of compensation;
- (c) an order made under section 51(2)(a) to give effect to a settlement agreement that has not been set aside under section 51(3). 30

Division 5 — Enforcement of orders and offences

Interest on compensation not paid or deposited in time

5 **59.**—(1) Where any person fails to pay or deposit compensation in accordance with section 18, 19 or 58(4)(a) (as the case may be) within the time required by or under this Act, interest is payable at the prescribed rate.

(2) The total amount of interest payable under subsection (1) must not exceed 50% of the amount of compensation that the person has failed to pay or deposit within the required time.

10 (3) Interest under this section must be deposited with the Commissioner within such time as the Commissioner may specify.

(4) The Commissioner may waive or remit the whole or any part of the interest payable under this section.

Enforcement of orders

15 **60.**—(1) An order of compensation is to be enforced by a District Court in the same manner as a judgment of that Court and all necessary process may be served by that Court on behalf of the Commissioner.

20 (2) Any sale of immovable property for the purposes of the enforcement may only be ordered by the High Court.

Offence for failing to pay or deposit compensation, etc., and recovery on conviction

25 **61.**—(1) A person who fails to pay the whole or any part of the compensation payable by that person in accordance with this Act (including section 18(2) or 19(1)), or to do so within the time required by or under this Act, shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; or

30 (b) if the person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) A person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

(a) an offence under subsection (1); or 5

(b) an offence under section 35(2)(a) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section.

(3) A person who fails to deposit with the Commissioner the whole or any part of the interest payable by that person under section 59, or to do so within the time required under that section, shall be guilty of an offence and shall be liable on conviction — 10

(a) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) if the person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both. 15

(4) A person is a repeat offender in relation to an offence under subsection (3) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of — 20

(a) an offence under subsection (3); or

(b) an offence under section 35(2)(b) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section. 25

(5) A person who fails to deposit with the Commissioner the whole or any part of an amount that the person is directed to deposit under section 21, or to do so within the time required under that section, shall be guilty of an offence and shall be liable —

(a) on the first conviction — to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; and 30

(b) on a second or subsequent conviction — to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both.

5 (6) On the application of the Commissioner, the court before which any person is convicted of an offence under subsection (1), (3) or (5) for failing to pay or deposit any amount may, in addition to imposing the penalty prescribed for the offence, order that person to pay the amount directly to the person to whom the amount is due or deposit (as the case may be) the amount that remains unpaid or undeposited
10 by that person.

(7) Where a court has ordered any amount to be paid or deposited under subsection (6), section 360 of the Criminal Procedure Code (Cap. 68) applies as if the amount were a sum of money ordered to be paid by way of compensation under section 359 of that Code.

15 **Offence of false or misleading information to obtain or avoid compensation**

62.—(1) A person who —

(a) makes any statement; or

20 (b) provides, or causes to be provided, any document or information,

that the person knows or ought reasonably to know is false or misleading in any material particular or is misleading by reason of the omission of any material particular, to the Commissioner or an investigation officer for the purposes of this Act shall be guilty of an
25 offence and shall be liable on conviction —

(c) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or

30 (d) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) A person is a repeat offender in relation to an offence under subsection (1)(a) or (b) if the person who is convicted of an offence under subsection (1)(a) or (b) has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (1)(a) or (b); or
- (b) an offence under section 35(2)(c) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section.

(3) A person who dishonestly — 5

- (a) obtains compensation under this Act or causes another person to obtain such compensation; or
- (b) avoids or causes another person to avoid the whole or part of that person's, or that other person's, liability to pay compensation under this Act, 10

by making any statement, or providing (or causing to be provided) any document or information, which that person knows or ought reasonably to know is false or misleading in any material particular or is misleading by reason of the omission of any material particular, shall be guilty of an offence and shall be liable on conviction — 15

- (c) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (d) if the person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both. 20

(4) A person is a repeat offender in relation to an offence under subsection (3)(a) or (b) if the person who is convicted of —

- (a) an offence under subsection (3)(a) has been convicted on at least one other earlier occasion of —
 - (i) an offence under subsection (3)(a) or (b); or 25
 - (ii) an offence under section 35(2)(f) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section; or
- (b) an offence under subsection (3)(b) has been convicted on at least one other earlier occasion of an offence under subsection (3)(a) or (b). 30

Division 6 — Action for damages and indemnity

Limitation of right of action for damages

63.—(1) This Act does not confer any right to compensation on an employee in respect of the employee's injury if —

- 5 (a) an action in any court has been instituted by or on behalf of the employee for damages in respect of that injury against his or her employer; or
- (b) damages have been recovered in any court in respect of the employee's injury from his or her employer.

10 (2) Subject to subsections (3) and (5), no action for damages may be maintained in any court by or on behalf of an employee against the employer in respect of any injury caused by an accident arising out of and in the course of the employee's employment if —

- 15 (a) the employee has recovered damages in respect of the employee's injury in any court from any other person;
- (b) an order is made under section 51(2)(a) to give effect to a settlement agreement in respect of compensation under this Act for that injury;
- 20 (c) a notice of computation, or a notice of assessment, for that injury has, under section 44(5) or 48(3), the effect of an order of compensation;
- 25 (d) the employee does not withdraw his or her claim in respect of compensation under this Act for that injury within 28 days after the date of service of the notice of computation or notice of assessment (as the case may be) or the claim, if so withdrawn, does not remain withdrawn; or
- (e) an order for the payment of compensation for that injury is made under section 54(1)(c).

30 (3) An employee may institute an action in any court against his or her employer for damages in respect of an injury where —

- (a) a notice of computation or notice of assessment, as the case may be, for compensation in respect of that injury is served

on the employee, and the employee makes no objection to the notice;

- (b) on review of the notice of computation or notice of assessment, the Commissioner makes an order under section 54(1)(c) for compensation in respect of that injury that is of a lesser amount than the amount stated in the notice; 5
 - (c) within a period of 28 days after the date of service of the order mentioned in paragraph (b) on the employee, the employee — 10
 - (i) notifies the Commissioner, the employer and the employer's insurer (if any), in writing that the employee does not accept the compensation so ordered; and
 - (ii) has not received or retained any part of such compensation earlier paid (if any) by, or on behalf of, the employer; and 15
 - (d) no appeal under section 58 is made against the order mentioned in paragraph (b).
- (4) The order mentioned in subsection (3)(b) becomes void when the employee institutes the action mentioned in subsection (3). 20
- (5) Nothing in this Act prevents an injured individual from instituting an action in any court to recover damages independently of this Act for an injury in respect of which —
- (a) an order of refusal of compensation has been made or has taken effect; or 25
 - (b) an appeal to the High Court under section 58 has failed because —
 - (i) the injury did not arise out of and in the course of the injured individual's employment; or 30
 - (ii) the injured individual is not an employee within the meaning of this Act.

(6) If —

(a) an action is instituted by or for an employee within one year after the date of the accident in any court to recover damages independently of this Act for injury caused by any accident; and

(b) it is determined in the action or on appeal that the injury is one for which the employer is not liable, but that the employer would have been liable to pay compensation under this Act,

the court must —

(c) dismiss the action; and

(d) if the employee so chooses, proceed to assess the compensation payable under this Act (despite subsection (1)) and may deduct from the compensation all or any part of the costs which, in the judgment of the court, are caused by the employee instituting the action instead of proceeding under this Act.

(7) Where the court assesses the compensation under subsection (6)(d), the court must give a certificate of —

(a) the compensation awarded; and

(b) the direction given, if any, as to the deduction of costs.

(8) A certificate mentioned in subsection (7) has the same effect as a judgment of the court.

Remedies against both employer and third party

64.—(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 (called in this section the third party) to pay damages in respect of the injury —

(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 the employee is not entitled to recover both damages and compensation; and

(b) where the employee has recovered compensation under this Act, the following persons are entitled to be indemnified by the third party:

(i) the person by whom the compensation was paid;

(ii) the employer who has indemnified a principal who paid the compensation under section 13(3).

(2) Subsection (3) applies where the right to recover damages from any third party, in respect of any injury caused to an employee by an accident arising out of and in the course of the employee's employment, is reduced by virtue of any wilful act or negligence of the employer or employee.

(3) The right to be indemnified by the third party under subsection (1)(b) is limited to a right to be indemnified in respect of part 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.

PART 5

APPLICATION OF ACT TO SEAFARERS

Application of Act to seafarer

65.—(1) This Act applies to any seafarer, subject to any modification that may be prescribed for the application of any provision of this Act to the seafarer.

(2) Where a seafarer is injured in an accident occurring on a Singapore ship, this Act applies whether the ship is within or outside Singapore at the time of the accident.

(3) In this Part, unless the context otherwise requires —

“crew”, “master” and “Singapore ship” have the meanings given by the Merchant Shipping Act (Cap. 179);

“seafarer” means any person who —

(a) is an employee within the meaning of this Act; and

(b) is employed as part of the crew of any Singapore ship.

Depositions admissible under Merchant Shipping Act

5 **66.**—(1) Where an injured seafarer is discharged or left behind in any territory in the Commonwealth or in a foreign country, depositions about the circumstances and nature of the injury may be taken by —

(a) any judge or magistrate in that territory; or

(b) a consular officer in the foreign country.

10 (2) Where any deposition is taken in accordance with subsection (1) and transmitted to the Minister by the person who took the deposition, the deposition or certified copies thereof are admissible in evidence in any proceedings for compensation under this Act, as provided by sections 184 and 186 of the Merchant Shipping Act, and those
15 sections apply accordingly.

Effect of other laws relating to shipping

20 **67.**—(1) No periodical payment for temporary incapacity is 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 (other than the Merchant Shipping (Maritime Labour Convention) Act 2014 (Act 6 of 2014)), liable to defray the expenses of maintenance of the injured seafarer.

25 (2) Where a seafarer has received payment under section 35 of the Merchant Shipping (Maritime Labour Convention) Act 2014 for the cost of medical treatment in respect of any work injury within the meaning of this Act, the amount of compensation payable to the seafarer under section 16(1) for the cost of medical treatment in respect of that work injury is to be reduced by the amount so received.

30 (3) Where a seafarer has received payment under section 36 of the Merchant Shipping (Maritime Labour Convention) Act 2014 for loss of earnings in respect of any work injury within the meaning of this Act, the amount of compensation payable to the seafarer under section 17(1) for any temporary incapacity resulting from that work injury is to be reduced by the amount so received.

(4) Section 24 does not apply in respect of a seafarer in respect of whom there is in force a contract of insurance or other financial security under section 34 of the Merchant Shipping (Maritime Labour Convention) Act 2014 covering the liabilities of the ship owner in respect of the seafarer under that Act.

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PART 6

POWERS FOR EXECUTION OF ACT

Powers of Commissioner and investigation officers

68.—(1) For the purposes of the execution of this Act, the Commissioner and any investigation officer have the following powers:

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- (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 an 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 mentioned in paragraphs (a) and (b);
- (d) where the Commissioner, or an investigation officer, is a health professional, 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 a 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;

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(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 take into custody any article in the workplace which is relevant to the carrying out of the provisions of this Act.

(2) For the purposes of the execution of this Act, the Commissioner or an investigation officer may —

(a) examine orally any person who appears to be acquainted with any facts and circumstances relevant to the carrying out of the provisions of this Act, and reduce to writing any statement made by that person;

(b) require any person who appears to be acquainted with any facts and circumstances relevant to the carrying out of the provisions of this Act to attend at such time and place as may be specified in a notice served on the person; and

(c) 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 to the Commissioner or investigation officer.

(3) A person examined under subsection (2)(a) must state truly the facts and circumstances relevant to the carrying out of the provisions of this Act with which the person is acquainted, except only that the person may decline to make any statement that would tend to incriminate the person or expose the person to penalty.

(4) A statement made under subsection (2)(a) by any person must be read to the person and, after correction, if necessary, be signed by the person.

(5) If any person fails to attend as required by a notice under subsection (2)(b), the Commissioner or investigation officer may report the failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

(6) A person who wilfully —

- (a) obstructs or delays the Commissioner or an investigation officer in the exercise of his or her powers under this section;
- (b) fails to produce any document which that person is required to produce under subsection (2)(c);
- (c) withholds any information that the person is required to give under subsection (2)(a); or
- (d) conceals or prevents any person from appearing before the Commissioner or an investigation officer,

shall be guilty of an offence and shall be liable on conviction —

- (e) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (f) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(7) A person is a repeat offender in relation to an offence under subsection (6) if the person who is convicted of an offence under subsection (6)(a), (b), (c) or (d) has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (6)(a), (b), (c) or (d); or
- (b) an offence under section 35(2)(e) of the repealed Act, whether the conviction was before, on or after the date of commencement of this section.

Reciprocal arrangements for payment of work injury compensation

69.—(1) This section applies where there is an arrangement between the Government and the government of any other State by which the sums mentioned in paragraphs (a) and (b) may, at the request of the authority by which the sums are awarded, be transferred to and administered by a competent authority in the territory administered by that government (called in this section the

other territory) or by the Commissioner in Singapore, as the case may be:

- (a) sums awarded under the law relating to work injury compensation in Singapore to persons resident or becoming resident in the other territory;
- (b) sums awarded under the law relating to work injury compensation in the other territory to persons resident or becoming resident in Singapore.

(2) Where there is an arrangement mentioned in subsection (1), money in the hands of the Commissioner is to be transferred, and money received by the Commissioner is to be administered, in such manner as may be prescribed.

Ex gratia payments from Workers' Fund

70. The Commissioner may make ex gratia payments from the Workers' Fund, of an amount not exceeding the compensation that the employee is entitled to under this Act, to any person to whom money deposited with the Commissioner may be paid in accordance with section 21.

Protection from personal liability

71. No liability shall lie personally against —

- (a) the Commissioner;
- (b) an Assistant Commissioner;
- (c) an investigation officer;
- (d) a health professional making an assessment or preparing a medical report in respect of any claimant under this Act; or
- (e) a person appointed as a member of the Medical Board or a panel under section 57,

who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

PART 7

GENERAL PROVISIONS ON OFFENCES

Offences by corporations

72.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that — 5

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind, 10
is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation; or 15

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who — 20

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or 25

- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; and

(b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

- (b) the person's reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

73.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that — 5

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

- (b) the employee or agent had that state of mind, 10

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is — 15

- (i) an officer of the unincorporated association or a member of its governing body;

- (ii) a partner in the partnership; or

- (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and 20

- (b) who — 25

- (i) consented or connived, or conspired with others, to effect the commission of the offence;

- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or 30

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is that unincorporated association or partnership, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, 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, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

5

When Magistrate may try offence

74. For the purpose of section 151 of the Criminal Procedure Code, on receiving a complaint in writing and signed by the Commissioner, the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of that Code.

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Jurisdiction of court

75. Despite the Criminal Procedure Code, a District Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

Composition of offences

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76.—(1) The Commissioner, or an Assistant Commissioner so authorised by the Commissioner, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

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

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(3) All sums collected under this section must be paid into the Consolidated Fund.

Government not liable to prosecution

77. To avoid doubt, nothing in this Act renders the Government liable to prosecution for an offence.

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PART 8

MISCELLANEOUS

Immunity from liability for disclosure of information

5 **78.**—(1) A person required under this Act to provide information to
a designated insurer or the Commissioner for the purposes of
processing a claim under this Act does not commit any offence under
any written law or any breach of confidence, or incur any civil
liability, merely by disclosing any information, in good faith and with
reasonable care, in accordance with any direction of the
10 Commissioner under this Act or any requirement under this Act.

(2) A designated insurer does not commit any offence under any
written law or any breach of confidence, or incur any civil liability,
merely by disclosing any information, in good faith and with
reasonable care, in accordance with any direction of the
15 Commissioner under this Act or any requirement under this Act.

Exemptions

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

20 (2) If a person fails to comply with a condition of an exemption, the
exemption does not, while the non-compliance continues, operate in
that person's favour.

(3) If, by virtue of subsection (2), a person is guilty of an offence
under a provision of this Act from which the person was exempted by
25 an exemption, the person may be proceeded against for that offence.

Service of documents

80.—(1) Any notice or document required or authorised to be
served under this Act may be served in any manner prescribed under
this Act.

30 (2) Where a notice or document mentioned in subsection (1) is
available on an electronic system specified by the Commissioner that
any person in a class prescribed under this Act has the right and
means to access, the notice or document may also be served on that

person by the Commissioner or a designated insurer (as the case may be) notifying the person that the notice or document is available on that electronic system.

(3) The notice or document is deemed to be served under subsection (2) when the person receives the Commissioner's or designated insurer's notification that the notice or document is available on the electronic system. 5

(4) This section does not apply to service in proceedings in any court.

Amendment of Schedules

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

(2) The Minister may, in any order made under subsection (1), make such saving or transitional provisions as may be necessary or expedient. 15

Regulations

82.—(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.

(2) Without limiting subsection (1), the Minister may make regulations for or with respect to all or any of the following matters: 20

(a) the limitations subject to which persons appointed to exercise powers and perform duties conferred and imposed on the Commissioner may exercise and perform such powers and duties; 25

(b) the intervals at which and conditions subject to which a claimant may be required to submit himself or herself for examination by a health professional under this Act;

(c) the manner in which money deposited with the Commissioner may be invested; 30

(d) the procedure in respect of any proceedings or any matter or thing to be done under this Act;

- (e) the fees to be paid in respect of any matter or thing done or document issued under this Act, including fees in relation to the approval of insurance policies and the designation of designated insurers;
- 5 (f) the procedure for application for designation as a designated insurer and for appeals to the Minister by designated insurers against a decision of the Commissioner;
- 10 (g) the transfer outside Singapore of money in the hands of the Commissioner or the receipt and administration by the Commissioner of any money from outside Singapore applicable for the benefit of any person;
- (h) the maintenance and application of the Workers' Fund;
- 15 (i) the procedure to be followed when a health professional who has examined a claimant certifies that medical treatment in an approved medical institution is necessary under section 16 and the payment of the cost of medical treatment;
- 20 (j) require an employer to display the certificate of insurance issued by the employer's insurer for the approved policy or policies applicable to the employer;
- (k) the period within which any compensation has to be paid by any person liable to pay the compensation under this Act;
- 25 (l) the application of any provision of this Act, with the modifications specified in the regulations, to a principal against whom a direction under section 13(1) is made;
- (m) the application of any provision of this Act, with the modifications specified in the regulations, to a seafarer;
- 30 (n) any matter as may be necessary or expedient to be prescribed for carrying out the provisions of this Act.

(3) The regulations made under this section may provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both.

Consequential and related amendments to other Acts

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83.—(1) Section 89(7) of the Employment Act (Cap. 91, 2009 Ed.) is amended by deleting the words “Third Schedule to the Work Injury Compensation Act (Cap. 354)” and substituting the words “First Schedule to the Work Injury Compensation Act 2019 or paragraph 4 of the Third Schedule to the Work Injury Compensation Act repealed by that Act”.

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(2) The Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) is amended —

(a) by deleting the words “Work Injury Compensation Act (Cap. 354)” in section 203(1)(f) and substituting the words “Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act”; and

15

(b) by deleting the words “Work Injury Compensation Act” in sections 296(1)(e) and 352(1)(e) and substituting in each case the words “Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act”.

20

(3) The Merchant Shipping (Maritime Labour Convention) Act 2014 (Act 6 of 2014) is amended —

(a) by deleting paragraph (b) of section 34(3) and substituting the following paragraph:

25

“(b) the Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act; and”;

(b) by deleting the words “section 14(2) of the Work Injury Compensation Act (Cap. 354)” in section 39(1) and substituting the words “section 16(1) of the Work Injury Compensation Act 2019, or section 14(2) of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019,”;

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(c) by deleting the words “section 14A of the Work Injury Compensation Act” in section 39(2) and substituting the words “section 17 of the Work Injury Compensation Act 2019, or section 14A of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019,”;

(d) by deleting the words “section 33 of the Work Injury Compensation Act,” in section 39(3) and substituting the words “section 63 of the Work Injury Compensation Act 2019, or section 33 of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019,”; and

(e) by deleting item 5 of the First Schedule and substituting the following item:

“5. Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act.”.

(4) Section 10(6) of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189, 2000 Ed.) is amended by deleting the words “section 19(1) and (2) of the Work Injury Compensation Act (Cap. 354)” in paragraph (b) and substituting the words “section 28(1), (2) and (3) of the Work Injury Compensation Act 2019, or section 19(1), (1A) and (2) of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019,”.

(5) The Pensions Regulations in the First Schedule to the Pensions Act (Cap. 225, 2004 Ed.) are amended —

(a) by deleting the words “Work Injury Compensation Act (Cap. 354)” in regulation 20(6)(a) and substituting the words “Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act (called in these Regulations the relevant Work Injury Compensation Act)”;

(b) by deleting the words “Work Injury Compensation Act (Cap. 354)” in regulations 20(7) and (14) and 23(1)(a) and

(7)(a) and substituting in each case the words “relevant Work Injury Compensation Act”;

(c) by deleting the words “Work Injury Compensation Act” in regulations 20(8) and 23(2)(a), (3)(b)(i) and (9)(a) and substituting in each case the words “relevant Work Injury Compensation Act”;

(d) by deleting sub-paragraph (d) of regulation 21(2) and substituting the following sub-paragraph:

“(d) paragraph (1) does not apply in the case of the death of an officer if —

(i) any dependant of the officer (within the meaning of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019) is entitled to compensation under the repealed Work Injury Compensation Act; or

(ii) any relative of the officer (within the meaning of the Work Injury Compensation Act 2019) is entitled to compensation under that Act.”;

(e) by deleting sub-paragraph (d) of regulation 22(6) and substituting the following sub-paragraph:

“(d) this regulation does not apply in the case of the death of an officer if —

(i) any dependant of the officer (within the meaning of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019) is entitled to compensation under the repealed Work Injury Compensation Act; or

(ii) any relative of the officer (within the meaning of the Work Injury Compensation Act 2019) is entitled to compensation under that Act.”; and

(f) by deleting the words “permanent partial disablement under the Work Injury Compensation Act” in regulation 23(10) and substituting the words “permanent partial incapacity under the relevant Work Injury Compensation Act”.

(6) Section 1(6) of the Third Parties (Rights against Insurers) Act (Cap. 395, 1994 Ed.) is amended —

(a) by deleting the words “section 19(1) and (2) of the Work Injury Compensation Act” in paragraph (b) and substituting the words “section 28(1), (2) and (3) of the Work Injury Compensation Act 2019, or section 19(1), (1A) and (2) of the Work Injury Compensation Act repealed by the Work Injury Compensation Act 2019,”; and

(b) by deleting the marginal reference “Cap. 354.”.

(7) Section 20(1) of the Trade Unions Act (Cap. 333, 2004 Ed.) is amended by deleting sub-paragraph (i) of paragraph (b) and substituting the following sub-paragraph:

“(i) where the Minister so directs, into the Workers’ Fund as defined in the Work Injury Compensation Act 2019; or”.

(8) The following provisions are amended by deleting the words “Work Injury Compensation Act (Cap. 354)” and substituting in each case the words “Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act”:

(a) sections 56I(1)(d) and 90(1)(d) of the Bankruptcy Act (Cap. 20, 2009 Ed.);

(b) section 71(1)(a) of the Building Maintenance and Strata Management Act (Cap. 30C, 2008 Ed.);

(c) section 328(1)(d) of the Companies Act (Cap. 50, 2006 Ed.);

(d) paragraph (b) of the definition of “compulsory insurance policy” in section 2(1) of the Deposit Insurance and Policy Owners’ Protection Schemes Act (Cap. 77B, 2012 Ed.);

(e) section 63(2) of the Jurong Town Corporation Act (Cap. 150, 1998 Ed.);

(f) item 7 of Part I of the First Schedule to the Legal Aid and Advice Act (Cap. 160, 2014 Ed.);

- (g) paragraph 76(1)(d) of the Fifth Schedule to the Limited Liability Partnerships Act (Cap. 163A, 2006 Ed.);
- (h) item 11 of the Schedule to the Pension Fund Act (Cap. 224A, 2014 Ed.);
- (i) section 27B(1) of the Workplace Safety and Health Act (Cap. 354A, 2009 Ed.).

(9) The following provisions are amended by deleting the words “Work Injury Compensation Act” and substituting in each case the words “Work Injury Compensation Act 2019 or the Work Injury Compensation Act repealed by that Act”, and by deleting the marginal reference “Cap. 354.”:

- (a) section 32(1)(a) of the HUDC Housing Estates Act (Cap. 131, 1985 Ed.);
- (b) section 38(1) and (2) of the Institute of Technical Education Act (Cap. 141A, 1993 Ed.);
- (c) section 75(2) of the Merchant Shipping Act (Cap. 179, 1996 Ed.);
- (d) section 6(1)(a) of the Personal Injuries (Emergency Provisions) Act (Cap. 228, 1985 Ed.).

Repeal and saving and transitional provisions

84.—(1) The Work Injury Compensation Act is repealed.

(2) Despite subsection (1), the repealed Act continues to apply, as if this Act had not been enacted, to any personal injury caused by an accident to an employee, or disease contracted by an employee, if the date of the accident for that personal injury or disease is before the date of commencement of this section.

(3) Where, immediately before the date of commencement of this section, an employer is insured under an approved policy mentioned in section 23 of the repealed Act (called in this subsection the existing policy) —

- (a) subject to paragraph (c)(ii), Part 3 does not apply to that employer, the existing policy and the insurer in respect of that existing policy until the earlier of the following:

- (i) the existing policy expires or is due for renewal;
- (ii) one year after the date of commencement of this section;

5 (b) section 23 of the repealed Act and the Work Injury Compensation Insurance Regulations (Cap. 354, Rg 3) continue to apply to that employer, the existing policy and the insurer in respect of that existing policy until the earlier of the following:

- 10 (i) the existing policy in question has expired or is due for renewal;
- (ii) one year after the date of commencement of this section; and

(c) if an accident occurs on or after the date of commencement of this section for which the employer may be liable —

- 15 (i) a claim for compensation in respect of any injury resulting from that accident is to be processed by the Commissioner under section 36(2); and
- (ii) the references to the employer's insurer in sections 3(3), 16, 17, 18, 19, 21, 27, 35, 40, 43, 48, 20 49, 50(1)(b), 51, 52, 54, 58, 63 and 82 apply as if they include references to that insurer of the existing policy.

(4) If, on the date of commencement of section 29 —

25 (a) section 352 of the Insolvency, Restructuring and Dissolution Act 2018 is not yet in force, the reference to section 352 of the Insolvency, Restructuring and Dissolution Act 2018 in section 29(5)(a) is to be read as a reference to section 90 of the Bankruptcy Act (Cap. 20) until section 352 of the Insolvency, Restructuring and
30 Dissolution Act 2018 comes into force;

(b) section 203 of the Insolvency, Restructuring and Dissolution Act 2018 is not yet in force, the reference to section 203 of the Insolvency, Restructuring and Dissolution Act 2018 in section 29(5)(b) is to be read as

a reference to section 328 of the Companies Act (Cap. 50) until section 203 of the Insolvency, Restructuring and Dissolution Act 2018 comes into force; and

(c) section 86 of the Insolvency, Restructuring and Dissolution Act 2018 is not yet in force, the reference to section 86 of the Insolvency, Restructuring and Dissolution Act 2018 in section 29(5)(c) is to be read as a reference to section 226 of the Companies Act until section 86 of the Insolvency, Restructuring and Dissolution Act 2018 comes into force. 5

(5) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 10

(6) Nothing in this section affects section 16 of the Interpretation Act (Cap. 1). 15

FIRST SCHEDULE

Sections 2, 14, 16(1), 17(1), 44(3) and 81

AMOUNT OF COMPENSATION 20

1.—(1) Where death results from a work injury, the amount of compensation payable must be paid in a lump sum, obtained by multiplying the AME of the deceased employee by the appropriate factor in the second column of Table A according to the age on the next birthday of the deceased employee at the time of the accident as specified in the first column of Table A: 25

TABLE A

<i>First column</i>	<i>Second column</i>	
<i>Age</i>	<i>Multiplying factor</i>	
14 and below	136	
15	135	30
16	135	
17	134	
18	134	

FIRST SCHEDULE — *continued*

	<i>First column</i>	<i>Second column</i>
	<i>Age</i>	<i>Multiplying factor</i>
	19	133
5	20	132
	21	132
	22	131
	23	130
	24	129
10	25	128
	26	127
	27	127
	28	125
	29	124
15	30	123
	31	122
	32	121
	33	120
	34	118
20	35	117
	36	115
	37	114
	38	112
	39	110
25	40	108
	41	107
	42	106
	43	105
	44	104
30	45	103

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	
<i>Age</i>	<i>Multiplying factor</i>	
46	102	
47	101	5
48	100	
49	98	
50	96	
51	94	
52	92	10
53	90	
54	88	
55	86	
56	84	
57	82	15
58	80	
59	78	
60	75	
61	72	
62	68	20
63	63	
64	58	
65	53	
66 and above	48.	

(2) The compensation payable under this paragraph is in no case to be more than \$225,000 or less than \$76,000. 25

2. Where an employee has permanent total incapacity or current total incapacity resulting from a work injury, the amount of compensation calculated in accordance with the formula $C + 0.25C$ must be paid in a lump sum, where C is —

(a) subject to sub-paragraphs (b) and (c), an amount obtained by multiplying the AME of the employee by the appropriate factor in 30

FIRST SCHEDULE — *continued*

the second column of Table B according to the age on the next birthday of the employee at the time of the accident as specified in the first column of Table B:

5

TABLE B

	<i>First column</i>	<i>Second column</i>
	<i>Age</i>	<i>Multiplying factor</i>
	14 and below	181
	15	180
10	16	179
	17	178
	18	178
	19	177
	20	176
15	21	175
	22	174
	23	173
	24	172
	25	170
20	26	169
	27	168
	28	167
	29	165
	30	164
25	31	162
	32	160
	33	159
	34	157
	35	155
30	36	153

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	
<i>Age</i>	<i>Multiplying factor</i>	
37	151	
38	149	5
39	146	
40	144	
41	142	
42	140	
43	138	10
44	136	
45	134	
46	132	
47	130	
48	128	15
49	126	
50	124	
51	122	
52	120	
53	118	20
54	116	
55	114	
56	111	
57	108	
58	105	25
59	102	
60	99	
61	96	
62	92	
63	87	30

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
64	82
5 65	77
66 and above	72;

(b) if the amount obtained under sub-paragraph (a) is less than \$97,000 — \$97,000; and

10 (c) if the amount obtained under sub-paragraph (a) is more than \$289,000 — \$289,000.

3.—(1) Where an employee has permanent partial incapacity or current partial incapacity resulting from a work injury, the amount of compensation is to be —

15 (a) in the case of an injury specified in the Fourth 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

20 (b) in the case of an injury not specified in the Fourth 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 caused by the injury (assuming it is permanent) in every employment which the employee was capable of undertaking at the time of the accident resulting in the incapacity.

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

30 4.—(1) Subject to sub-paragraph (2), where temporary incapacity results from a work injury, the employee is entitled (for each day within a period of one year starting on the date of the accident that caused the work injury that the employee is on hospitalisation leave, medical leave or light duties granted due to the work injury) to periodical payments based on any one of the following amounts, as the case may be:

35 (a) for the first 60 days of hospitalisation leave — the employee's AME;

(b) for any subsequent days of hospitalisation leave — two-thirds of the employee's AME;

FIRST SCHEDULE — *continued*

- (c) for the first 14 days of medical leave and light duties —
- (i) when the employee is on medical leave — the employee's AME; and
 - (ii) when the employee is on light duties — the shortfall (if any) in the employee's actual wages for that period below the employee's AME; 5
- (d) for any subsequent days of medical leave or light duties —
- (i) when the employee is on medical leave — two-thirds of the employee's AME; and 10
 - (ii) when the employee is on light duties — the shortfall (if any) in the employee's actual wages for that period below two-thirds of the employee's AME.
- (2) No payment under sub-paragraph (1) is to be deducted from the lump sum payable under paragraph 2 or 3 in respect of any permanent incapacity or current incapacity which follows any period of temporary incapacity. 15
- (3) If the temporary incapacity of the employee ceases before the date on which any payment under sub-paragraph (1) falls due, the employee must 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 health professional of an approved medical institution to be ill enough to need to be hospitalised but the employee is not hospitalised for any reason whatsoever, the employee is deemed to be hospitalised. 20
- (5) In this paragraph —
- (a) an employee's actual wages during a period are the remuneration paid to the employee for that period and — 25
 - (i) includes the following:
 - (A) overtime payments;
 - (B) travelling allowances and payments for travelling concessions; 30
 - (C) allowances for food or housing;
 - (D) contributions towards any pension or provident fund for the employee's contribution or employer's contribution under the Central Provident Fund Act (Cap. 36); but

FIRST SCHEDULE — *continued*

- (ii) excludes payments to the employee to cover any special expenses incurred by the employee by reason of the nature of the employee's employment;
 - 5 (b) where an employee's employment is terminated after the accident causing the work injury, the employee's entitlement under sub-paragraph (1) also applies when the employee is on hospitalisation leave or medical leave that is granted after such termination;
 - 10 (c) an employee's entitlement under sub-paragraph (1) for light duties applies during any period when the employee is certified by a health professional (while the employee is in the employer's employment) to be fit only for light duties —
 - 15 (i) even if the employee's employment is terminated while the employee is on light duties; but
 - (ii) excluding any period when the employee is absent without leave; and
 - (d) an employee is not taken to be on hospitalisation leave, medical leave or light duties on —
 - 20 (i) any day when the employee takes a rest day or paid leave under the Employment Act or the Child Development Co-Savings Act (Cap. 38A); or
 - 25 (ii) where the employee's employment has been terminated — the employee's days off as determined by the Commissioner, having regard to the employee's normal work pattern before the accident.
- 5.—(1) Any compensation payable by an employer for the medical treatment received by an employee in relation to the employee's work injury is the lower of the following amounts:
- 30 (a) the cost of medical treatment received by the employee within a period of one year after the date of the accident causing the injury;
 - (b) \$45,000 per accident per employee.
- (2) To avoid doubt, the cost of medical treatment includes, but is not limited to —
- 35 (a) the charges in connection with an emergency medical transport for the conveyance of an injured employee to receive medical treatment;
 - (b) the fees for medical reports required for the purposes of this Act;

FIRST SCHEDULE — *continued*

- (c) the charges for physiotherapy and occupational and speech therapy;
- (d) the charges for case management, psychotherapy for the treatment of post-traumatic stress disorder, functional capacity evaluation and worksite assessment, required for the purposes of rehabilitating and enabling an injured employee to return to work; 5
- (e) the cost of medicines, artificial limbs and surgical appliances; and
- (f) the charges and fees for medical examination and consultation related to medical treatment.
- 6.—(1) Where an employee has been continuously employed by the same employer for more than one whole calendar month immediately before the date of the accident, the employee's AME is computed according to the formula $\frac{A}{P}$, where — 10
- (a) A is the actual earnings of the employee during the computation period; 15
- (b) the computation period is the period of whole calendar months that the employee was employed immediately preceding the accident (up to a maximum of 12 such months if the employee was employed for more than 12 such months); and
- (c) P is the number of whole calendar months in the computation period mentioned in paragraph (b). 20
- (2) Where an employee has been employed by the same employer for one whole calendar month or less immediately before the date of the accident, the employee's AME is computed according to the formula $\frac{D \times W \times 52}{12}$, where —
- (a) D is the employee's average earnings per working day; 25
- (b) W is the average number of working days of the employee in a week, including any day on which the employee is required to work but the employer has no work for the employee; and
- (c) working day includes any day when the employee —
- (i) actually worked; 30
- (ii) was absent from work with pay granted by the employer; or
- (iii) was absent from work without prior leave from the employer, reasonable excuse or informing or attempting to inform the employer of the excuse for such absence.
- (3) The Commissioner may disregard any calendar month or adjust the amount of the earnings of the employee in any period if the Commissioner is of the view 35

FIRST SCHEDULE — *continued*

that the earnings for that calendar month or period (as the case may be) do not accurately reflect the employee's AME.

5 (4) A period of employment is taken to be continuous despite the employee's absence from work as mentioned in sub-paragraph (2)(c)(ii) or (iii).

(5) Where the employer knows that the employee is employed under any contract of service by one or more other employers at the time of the accident, the employee's actual earnings include the employee's actual earnings from those other employers during the computation period.

10 (6) Where reliable evidence of the actual earnings of the employee during the computation period does not exist or cannot be adduced without undue delay or expense, the Commissioner may compute the employee's earnings at the date of the accident having regard to any of the following:

15 (a) evidence of the earnings of employees employed on similar work in the same locality at or about the date of the accident;

(b) a multiple (determined by the Commissioner) of the employee's basic rate of pay (within the meaning given by section 2(1) of the Employment Act) at or about the date of the accident.

SECOND SCHEDULE

20 Sections 2, 10(1), (2), (3) and (5) and
81

OCCUPATIONAL DISEASES

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>
	<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
25	1. Anthrax	Any occupation involving exposure to animals infected with the anthrax spores or bacteria, tissues or products of infected animals, or any material or substance containing the anthrax spores or bacteria.	12 months
30	2. Asbestosis	Any occupation involving exposure to asbestos fibre.	3 years
35	3. Barotrauma	Any occupation involving exposure to compressed air.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>	
4. Byssinosis	Any occupation involving exposure to raw cotton fibre.	12 months	5
5. Cataracts due to infra-red, ultraviolet or X-ray radiation	Any occupation involving frequent or prolonged exposure to infra-red, ultraviolet or X-ray radiation.	12 months	
6. Compressed Air Illness or its sequelae, including dysbaric osteonecrosis	Any occupation involving exposure to compressed air.	12 months	10
7. Diseases caused by ionising radiation	Any occupation involving exposure to ionising particles from radioisotopes or irradiation apparatus.	12 months	15
8. Diseases caused by excessive heat	Any occupation involving exposure to excessive heat.	12 months	
9. Glanders	Any occupation involving exposure to animals infected with the <i>Burkholderia mallei</i> bacterium, tissues of infected animals, or any material or substance containing the <i>Burkholderia mallei</i> bacterium.	12 months	20
10. Leptospirosis or its sequelae	Any occupation involving exposure to animals infected or environment contaminated with the <i>Leptospira</i> bacteria, or any material or substance containing the <i>Leptospira</i> bacteria.	12 months	30
11. Liver Angiosarcoma	Any occupation involving exposure to vinyl chloride monomer or arsenic.	12 months	35
12. Mesothelioma	Any occupation involving exposure to asbestos fibre.	12 months	

SECOND SCHEDULE — *continued*

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>
	<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
5	13. Musculoskeletal disorders of the upper limb	Any occupation involving exposure to occupational risk factors involving repetitive motion, forceful exertion, awkward postures or vibration, affecting the upper limbs.	12 months
10	14. Noise-Induced Deafness	Any occupation involving prolonged exposure to excessive noise.	12 months
15	15. Occupational Asthma	Any occupation involving exposure to any chemical or other agent which is known to irritate or sensitise the respiratory system.	12 months
20	16. Occupational skin cancers	Any occupation involving exposure to polycyclic hydrocarbons, tar, pitch, bitumen, mineral oil (including paraffin), soot or arsenicals, or any compound, product, or residue of any of these substances, or to ultraviolet radiation.	12 months
25			
30	17. Occupational skin diseases	Any occupation involving exposure to any skin irritant or sensitiser or any other agent which is known to damage skin.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>	
18. Poisoning by —	Any occupation involving exposure to —		5
(a) Arsenic	arsenic or any of its compounds, or any mixture or solution containing arsenic or any of its compounds;	12 months	
(b) Benzene or a homologue of benzene	benzene or any of its homologues, or any mixture or solution containing benzene or any of its homologues;	12 months	10
(c) Cadmium	cadmium or any of its compounds, or any mixture or solution containing cadmium or any of its compounds;	12 months	15
(d) Carbamates	carbamate, or any mixture or solution containing any carbamate;	12 months	20
(e) Carbon disulphide	carbon disulphide or any of its compounds, or any mixture or solution containing carbon disulphide or any of its compounds;	12 months	25
(f) Carbon dioxide gas	excessive levels of carbon dioxide;	12 months	
(g) Carbon monoxide gas	excessive levels of carbon monoxide;	12 months	30
(h) Cyanide	cyanide, or any mixture or solution containing any cyanide;	12 months	

SECOND SCHEDULE — *continued*

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>
	<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
5	(i) Halogen derivatives of hydrocarbon compounds	any halogen derivative of hydrocarbon compounds or any mixture or solution containing any halogen derivative of hydrocarbon compounds;	12 months
10	(j) Hydrogen sulphide	hydrogen sulphide;	12 months
	(k) Lead	lead, or any of its compounds, or any mixture or solution containing lead or any of its compounds;	12 months
15	(l) Manganese	manganese or any of its compounds, or any mixture or solution containing manganese or any of its compounds;	12 months
20	(m) Mercury	mercury or any of its compounds, or any mixture or solution containing mercury or any of its compounds;	12 months
25	(n) Oxides of nitrogen	excessive levels of oxides of nitrogen;	12 months
	(o) Organophosphates	organophosphates; or	12 months
	(p) Phosphorus	phosphorus or any of its compounds, or any mixture or solution containing phosphorus.	12 months
30	19. Silicosis	Any occupation involving exposure to silica dust.	3 years

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>	
20. Toxic hepatitis	Any process involving exposure to tetrachloroethane, nitro-derivatives or amino-derivatives of benzene or vinyl chloride monomer.	12 months	5
21. Tuberculosis	Any occupation involving —		10
	(a) close and frequent contact with a source of tuberculosis infection, e.g. in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing; or	12 months	15
	(b) exposure to any material which is a source of tuberculosis infection, e.g. in a laboratory.	12 months	20
22. Ulceration of the corneal surface of the eye	Any occupation involving exposure to tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.	12 months	25
			30

THIRD SCHEDULE

Sections 3(1) and 81

CLASSES OF INDIVIDUALS NOT COVERED

1. Any member of the Singapore Armed Forces.
- 5 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 an individual employed in or in connection with the domestic services of any private premises.

FOURTH SCHEDULE

10

Sections 4(2) and 81, and
paragraph 3(1) of First Schedule

INJURIES DEEMED TO RESULT IN PERMANENT INCAPACITY

15	<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
20	4. Total loss of sight, including the loss of sight to such extent as to render the employee unable to perform any work for which eyesight is essential	100
	5. Total paralysis	100
	6. Injuries resulting in being permanently bedridden	100
25	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
30	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

FOURTH SCHEDULE — *continued*

<i>Injury</i>	<i>Percentage of loss of earning capacity</i>	
14. Loss of 4 fingers	60	
15. Loss of thumb —		5
(a) both phalanges	30	
(b) one phalanx	20	
16. Loss of index finger —		
(a) 3 phalanges	14	
(b) 2 phalanges	11	10
(c) one phalanx	9	
17. Loss of middle finger —		
(a) 3 phalanges	12	
(b) 2 phalanges	9	
(c) one phalanx	7	15
18. Loss of ring finger —		
(a) 3 phalanges	7	
(b) 2 phalanges	6	
(c) one phalanx	5	
19. Loss of little finger —		20
(a) 3 phalanges	7	
(b) 2 phalanges	6	
(c) one phalanx	5	
20. Loss of metacarpals —		
(a) first or second (<i>additional</i>)	8	25
(b) third, fourth or fifth (<i>additional</i>)	3	
21. Loss of leg —		
(a) at or above knee	75	
(b) below knee	65	
22. Loss of foot	55	30

FOURTH SCHEDULE — *continued*

	<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
	23. Loss of toes —	
5	(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
10	24. Loss of sight of one eye	50
	25. Loss of hearing, one ear	30
	26. Total loss of hearing	60

Note:

- 15 1. Total permanent loss of the use of a member is to be treated as loss of that member.
2. Where there is loss of 2 or more parts of the hand, the percentage is not to be more than the loss of the whole hand.
- 20 3. Loss of remaining arm, leg or eye if one has already been lost, is to 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.

EXPLANATORY STATEMENT

This Bill repeals and re-enacts with amendments the Work Injury Compensation Act (Cap. 354) for the following main purposes:

- (a) to provide a more expeditious process for employees to receive compensation for injuries suffered arising out of and in the course of their employment, by providing for —
 - (i) a deemed claim by an employee once an employer has notice of an accident, without requiring an actual claim to be made;
 - (ii) processing of the compensation to be done by the employer's insurer in most cases, except in cases where there is no

designated insurer, no approved policy or the Commissioner for Labour (the Commissioner) decides to process the compensation; and

- (iii) enhancing the powers of the Commissioner to facilitate the processing of work injury compensation and to resolve disputes relating to the work injury compensation;
- (b) to ensure that work injury compensation insurance meets the minimum standards set by compulsory terms and that designated insurers comply with requirements as to the processing of compensation and underwriting of liability;
- (c) to ensure that employers maintain full insurance coverage for their liabilities under the Bill.

The Bill also makes consequential and related amendments to certain other Acts.

PART 1

PRELIMINARY

Part 1 introduces the fundamental concepts used in the Bill and provides for the appointment of Assistant Commissioners, investigation officers and authorised persons.

Clause 1 relates to the short title and commencement.

Clauses 2, 3 and 4 define certain terms used in the Bill.

Clause 2 defines new terms such as “designated insurer” and “approved policy” which give effect to the intent to designate only certain licensed insurers that will be allowed to provide work injury compensation insurance. Other new terms relate to the processing of compensation, such as “claimant”, “health professional”, “relative” and “work injury”, and the computation of compensation, such as “average monthly earnings”.

Clause 3 sets out the definitions relating to an “employee” and “employer”. The definitions are re-enacted with amendments that align them more closely with those in the Employment Act.

Clause 4 sets out the definitions relating to incapacity suffered by an individual as a result of a work injury. Clause 4(3) introduces a new concept called “current incapacity”, which refers to the residual incapacity that is unlikely to change significantly after the assessment by a health professional. An accepted medical report assessing an employee’s current incapacity at the earliest opportunity but not earlier than 6 months after the date of the accident may be taken as evidence of current incapacity (clause 15). Compensation can be paid on the basis of

permanent incapacity or current incapacity computed in accordance with the First Schedule to the Bill.

Clause 5 sets out the purpose of the Bill, which will guide the exercise of powers under the Bill.

Clause 6 provides for the appointment of Assistant Commissioners (Work Injury Compensation), investigation officers and authorised persons, and for the Commissioner to delegate powers and duties to them. An authorised person (if a non-public officer) is taken to be a public servant when exercising powers and performing duties as such.

PART 2

COMPENSATION FOR WORK INJURY

Part 2 sets out the basis of liability to compensate under the Bill, and the rules for the computation of compensation, and provides for the payment and protection of the compensation amounts.

Clause 7 sets out the liability of the employer to pay compensation to an employee who suffers personal injury caused by an accident arising out of and in the course of the employee's employment with the employer, and sets out certain exclusions.

Clause 8 describes the circumstances under which an accident is deemed to have arisen out of and in the course of employment, in particular —

- (a) the accident happens while the employee is on his or her way to or from work;
- (b) the accident happens while the employee is responding to an emergency at the employee's workplace; and
- (c) the accident happens while the employee is acting in contravention of any written law, against instructions of the employer or without instruction.

Clause 9 extends the Bill to accidents occurring outside Singapore where the employee is ordinarily resident in Singapore, and is employed by an employer in Singapore but is required to work outside Singapore in the course of employment.

Clause 10 sets out the employer's liability to compensate an employee for occupational diseases (being the diseases specified in the Second Schedule) or diseases that arise from exposure to any chemical or biological agent, and provides the limitation period for compensation for such diseases.

Clause 11 provides for the notional date of accident in relation to compensation for occupational diseases and other diseases under clause 10, and for the apportionment of liability if more than one employer is liable.

Clause 12 limits compensation to diseases attributable to a specific work injury, except as provided in clauses 7, 8, 9, 10 and 11.

Clause 13 provides for the liability of a principal for the work injury suffered by an employee of a contractor of that principal, in lieu of the employee's employer.

Clause 14 requires the computation of compensation (which includes compensation for incapacity, the cost of medical treatment and lost earnings during the period of medical leave, hospitalisation leave and light duties) to be in accordance with the First Schedule.

Clause 15 provides that an employee's medical report by a health professional in the form and manner specified by the Commissioner may be relied on as evidence of the employee's permanent incapacity or current incapacity, either of which may be a basis for the computation of compensation.

Clause 16 provides for the employer's liability to pay compensation for medical treatment received by the employee. If the medical treatment is received at an approved medical institution, the compensation should be paid directly to the proprietor of that approved medical institution. Clause 16(5) allows the Commissioner to order the claimant to reimburse the employer or employer's insurer for such compensation in certain circumstances subsequently indicating that the compensation was not payable.

Clause 17 provides for the employer's liability to pay compensation for temporary incapacity, which is in the form of periodic payments in accordance with the First Schedule. If the periodic payments have been made for 6 months and the temporary incapacity continues, the periodic payments may be commuted into a lump sum with the agreement of the employer and employee, and with the consent of the Commissioner. Clause 17(5) provides for a refund by the claimant, in circumstances similar to clause 16(5).

Clause 18 provides for the Commissioner to direct the employer's insurer to make payment on behalf of the employer for the employer's liabilities under the Bill. The clause also sets out the recipients of the compensation on behalf of the employee under certain circumstances.

Clause 19 requires the employer to make the payment of the compensation to the employee or, on the Commissioner's direction, to a relative of the employee, or to deposit the amount with the Commissioner in certain circumstances (such as where the employee has died, lacks capacity or is below 18 years of age) or if so directed by the Commissioner.

Clause 20 allows the Commissioner to direct the employer or the employer's insurer to pay compensation to one or more of the employee's relatives in the proportion specified by the Commissioner, where payment cannot be made to the employee or any other representative of the employee.

Clause 21 empowers the Commissioner to direct that the amount of compensation be deposited with the Commissioner, instead of being paid to the employee or employee's representative. The Commissioner will then make the payment of compensation to the appropriate payee under the Bill, and may pay funeral expenses out of that amount, or pay into the Workers' Fund an amount that was earlier paid out (under clause 70) in respect of the employee's entitlement to the compensation or interest so deposited, or the remainder of the amount where no other payee can be found.

Clause 22 provides that the receipt of the amount of compensation by any person lawfully paid under clause 18, 19 or 21 is a sufficient discharge for the compensation and interest paid.

Clause 23 renders any contract or agreement by which an employee relinquishes his or her right to compensation under the Bill void to the extent that it does so. Likewise, the employee's right to any such compensation cannot be assigned or transferred and is not liable to be attached, sequestered, levied upon or subject to any set-off.

PART 3

WORK INJURY COMPENSATION INSURANCE

Part 3 introduces obligations on the employer and employer's insurer in respect of work injury compensation insurance.

Clause 24 obliges an employer to insure and maintain insurance for all liabilities for work injury compensation in respect of every employee of the employer, except for any excluded class of employees. The insurance policies must be approved policies with one or more designated insurers. A minimum coverage may also be prescribed.

Clause 25 provides the penalties for the offences for contravention of clause 24.

Clause 26 requires an approved policy to contain all the prescribed compulsory terms, and prohibits derogation from the compulsory terms. An insurance policy that purports to insure against the employer's liability under the Bill will be taken to underwrite such liability, despite any term or condition or endorsement that purports to derogate from the compulsory terms. In such a case, the compulsory terms will be read into the insurance policy. Claims where the employer's insurance policy does not conform to the compulsory terms will be processed by the Commissioner under clause 36(2).

Clause 27 prevents any objection or defence by an insurer on the ground that there is another insurance policy with another insurer covering the same liability.

Clause 28 provides that if the employer becomes bankrupt or is wound up or is facing certain events that could lead to bankruptcy or winding up, the employer's rights vis-à-vis the employer's insurer are transferred to the employee. This means that the employee may claim directly against the insurer, instead of against the employer, in respect of the compensation payable under the Bill.

Clause 29 provides for the insurance contract between the employer and the employer's insurer to survive in the event the contract becomes void or voidable by reason of the employer's non-compliance with certain terms or conditions of the contract. Any amount of compensation paid by the insurer on behalf of the employer may be proved as a debt in the employer's bankruptcy, winding up or receivership as if it were an amount due in respect of work injury compensation under the Bill.

Clause 30 sets out offences in relation to the provision of work injury compensation insurance by a non-designated insurer or a designated insurer.

Clause 31 empowers the Commissioner to designate insurers as designated insurers, with conditions. Where a designated insurer applies to cancel its designation, the Commissioner may, amongst other things, suspend the designation for a specified period before the cancellation takes effect and direct the insurer not to enter into, renew or extend any approved policy.

Clause 32 requires the designated insurer to comply with conditions of its designation, directions of the Commissioner and requirements of the Bill. The suspension of designation does not affect the validity of any existing insurance contract and the designated insurer must continue to process claims under existing approved policies.

Clause 33 allows the Commissioner to obtain information from the designated insurer, including specific information relating to any approved policy or any claim for compensation, approved policies under the repealed Act and insurance policies mentioned in clause 26(3). The Commissioner may also disclose to a designated insurer such information, as well as information obtained pursuant to the Commissioner's statutory powers and information that would otherwise be confidential information.

Clause 34 sets out the consequences of failing to comply with clause 32, which may be cancellation or suspension of the designation, or a financial penalty of up to \$30,000 for each such failure.

PART 4

COMPENSATION PROCESS

Part 4 sets out how the compensation process starts, how the process is carried out by the employer's insurer or by the Commissioner, how disputes are resolved, how appeals may be made and how orders of compensation may be enforced.

Clause 35 provides for a deemed claim when the employer has notice of an accident. The employer has notice of an accident either when an employee informs the employer or certain persons related to the employer of the accident, or when the employer has knowledge of the accident by any other means. The claim is deemed to be withdrawn if the employer does not have notice of the accident within a specified period. The Commissioner may specify a period for the giving of notice of the accident that ends later only if satisfied that the delay was caused by mistake, absence from Singapore or other reasonable cause (except any delay caused by instituting an action for damages by or on behalf of the employee in respect of the accident). The employer must give notice of the accident to the Commissioner and the employer's insurer within the prescribed time. Failure to give such notice to the Commissioner is an offence.

Clause 36 requires the employer's insurer to process the claim for compensation payable by the employer under the Bill, except where it is processed by the Commissioner. The Commissioner must process the claim for compensation where there is no designated insurer or no approved policy or if the Commissioner decides to do so.

Clause 37 requires the employer to offer the employee a medical examination before the expiry of the 5th day after the employer first has notice of an accident. The employer or the Commissioner may require an employee to submit to medical examinations for the assessment of the employee's injuries, and the employee's right to compensation may be suspended for failure to so submit. The Commissioner may direct the payment of the suspended compensation in certain circumstances.

Clause 38 provides that an employee's right to compensation may be affected by refusing medical treatment or failing to comply with instructions for medical treatment.

Clause 39 provides that an employee, who has made a deemed claim and wishes to make a claim for permanent incapacity or current incapacity, must make the claim for permanent incapacity or current incapacity in the form and manner specified by the Commissioner and not later than one year after the date of the accident. No request is required if the employer's insurer or the Commissioner has given notice to the employee that the insurer or the Commissioner is already assessing the employee's injury for such incapacity.

Clause 40 requires the employer to provide all reasonable assistance to the employer's insurer to enable the insurer to conduct proceedings under the Bill and the defence in such proceedings. The employer is liable to indemnify the employer's insurer for failure to do so.

Clause 41 allows an employee to withdraw a claim under the Bill by a notice of withdrawal given before there is any order of compensation in respect of the compensation. The employee may resume a claim by giving a notice of

resumption of claim before the expiry of one year after the date of the accident. The Commissioner may approve the resumption of the claim on a later date only if satisfied that the delay was caused by mistake, absence from Singapore or other reasonable cause, but not if the delay was caused by instituting an action for damages.

Clause 42 provides that compensation is not payable to an employee while the claim is withdrawn or deemed to be withdrawn.

Clause 43 provides for representatives who may appear before the Commissioner or make any decision, do any act or give or receive any notice for or on behalf of a person under the Bill.

Clause 44 requires the employer's insurer to expeditiously process the employer's liability to pay compensation in accordance with the Bill on receipt of notice of an accident or on the Commissioner's direction.

The employer's insurer must notify the Commissioner and the employer within the prescribed time if it is of the view that the insurance policy does not insure the employer's liability in respect of the accident. In that case, the Commissioner may make any direction under clause 45.

In any other case, the employer's insurer must serve a notice of computation on the claimant stating the amount of compensation computed in accordance with the First Schedule (which may be nil) or that compensation is refused because the injury does not arise out of or in the course of the claimant's employment or the claimant is not an employee within the meaning of the Bill. A notice of computation is deemed to have been agreed to by the parties and has the effect of an order of compensation if there is no notice of objection within the time provided. There is no appeal against a notice of computation when it has the effect of an order of compensation in this manner (clause 58(5)).

Clause 45 sets out the directions that the Commissioner may make where an employer's insurer gives notice denying, in whole or in part, that it has insured the employer's liability.

Clause 46 provides for a notice of objection to be given by persons aggrieved by a notice of computation issued by the employer's insurer.

Clause 47 requires the employer's insurer to pay or deposit, on behalf of the employer, the amount of the employer's liability to pay compensation stated in a notice of computation that has the effect of an order of compensation, up to the amount insured under the insurance policy with the employer's insurer, in accordance with clause 18. The employer's insurer must do so after issuing a notice of computation, without the need for any direction from the Commissioner.

Clause 48 requires the Commissioner, where the Commissioner processes the claim, to serve a notice of assessment stating —

- (a) the amount of compensation payable; or
- (b) if the Commissioner is of the view that the accident does not arise out of or in the course of the claimant's employment or the claimant is not an employee within the meaning of the Bill, that compensation is refused.

A notice of assessment is deemed to have been agreed to by the parties and has the effect of an order of compensation if there is no notice of objection within the time provided. There is no appeal against a notice of assessment when it has the effect of an order of compensation (clause 58(5)).

The Commissioner may also increase the compensation arising from any disease under clause 10 within 3 years after the notice of computation or notice of assessment for that compensation, and must then issue a notice of assessment of additional compensation.

Clause 49 provides for a notice of objection to be given by persons aggrieved by a notice of assessment or a notice of assessment of additional compensation issued by the Commissioner.

Clause 50 empowers the Commissioner to make, set aside or vary directions to facilitate the compensation process, including directions to attend a pre-hearing conference or hearing or for the provision of information or documents to the employer's insurer or the Commissioner. Failure to comply with a direction to provide information or documents to the employer's insurer or the Commissioner is an offence. The Commissioner may draw any adverse inference against a person who fails to comply with directions under the clause or clause 52(a) or (b).

Clause 51 allows a claimant to enter a settlement agreement with the employer or the employer's insurer in respect of compensation payable under the Bill and to apply for the settlement agreement to be recorded by the Commissioner as an order of compensation. If the Commissioner refuses to record the settlement, the Commissioner may make a direction under clause 50. However, the order of compensation recording the settlement agreement may be set aside for error or fraud.

Clause 52 allows the Commissioner to call for a pre-hearing conference and sets out the directions and orders that the Commissioner may make at such a conference.

Clause 53 provides for the Commissioner's powers where a person required to attend a pre-hearing conference under clause 52 or a hearing under clause 55 fails to attend.

Clause 54 provides for the Commissioner's powers in determining the compensation payable under the Bill, including the power (when making an order of compensation or refusal of compensation) to order the refund or reimbursement

of any previous overpayment made on the basis of any error or false or misleading information.

Clause 55 relates to the conduct of hearings for the purposes of the Bill.

Clause 56 provides for the appointment of experts to advise the Commissioner in relation to any matter under the Bill.

Clause 57 provides for the appointment of the Medical Board. Where the Commissioner refers any matter relating to medical evidence to the Medical Board in relation to a claim, the Commissioner must treat the report of the Medical Board or a panel established to make a determination in relation thereto as conclusive evidence of that matter in making an order of compensation.

Clause 58 provides for appeals to the High Court by any person aggrieved by an order of compensation, except that there is no appeal from an order recording a settlement agreement under clause 51(2)(a) or a notice of computation or a notice of assessment that has the effect of an order of compensation.

Clause 59 imposes interest for late payment or deposit of compensation and requires interest to be deposited with the Commissioner. The amount deposited may be paid out under clause 21(2).

Clause 60 provides for orders of compensation to be enforced by the District Court in the same manner as a judgment of that Court.

Clause 61 creates an offence for the failure to pay or deposit compensation or interest in accordance with the Bill or within the time required under the Bill. The court may, in addition to imposing the penalty for the offence, order the person convicted of an offence under the clause to pay, or to deposit with the Commissioner, the outstanding amount. The amount so ordered is recoverable in accordance with section 360 of the Criminal Procedure Code.

Clause 62 creates an offence for knowingly providing false or misleading information, and another offence for doing so to obtain, or to avoid paying, compensation under the Bill.

Clause 63 limits the right of compensation under the Bill if the employee has instituted an action for damages or recovered damages for injury in respect of the same injury in any court. The clause also prevents an employee from maintaining an action for damages in any court in certain circumstances, including where the processing of compensation for the injury is ongoing under the Bill.

Clause 64 provides that where a third party is also liable for damages in respect of an employee's injuries, the employee may either claim against the third party for damages or the person liable for compensation under the Bill, but not both. Where the employee has recovered compensation under the Bill, the person who paid the compensation or an indemnity under clause 13(3) to the principal is entitled to be indemnified by the third party. The indemnity from the third party is

also reduced in such proportion as the court may consider appropriate to the degree to which the injury was attributable by the third party's act, default or negligence.

PART 5

APPLICATION OF ACT TO SEAFARERS

Part 5 relates to the application of the Bill to seafarers.

Clause 65 provides that the Bill applies to a seafarer, with certain prescribed modifications, and defines "seafarer", "crew", "master" and "Singapore ship". Where a seafarer is injured in an accident on a Singapore ship, the Bill applies even if the ship is outside Singapore when the accident happens.

Clause 66 provides for depositions or certified copies to be taken and used in evidence in proceedings for compensation where an injured seafarer is discharged or left in another territory.

Clause 67 makes provision to avoid double payment in relation to compensation paid under certain laws relating to shipping.

PART 6

POWERS FOR EXECUTION OF ACT

Part 6 relates to powers for the execution of the Bill.

Clause 68 sets out the powers of inspection, investigation, etc., of the Commissioner and investigation officers. The clause creates offences in relation to the wilful obstruction of such investigations and the exercise of the related powers.

Clause 69 provides for reciprocal arrangements for payment of work injury compensation with the governments of other States.

Clause 70 allows the Commissioner to make ex gratia payments from the Workers' Fund to any person to whom compensation may be paid under the Bill, in accordance with clause 21.

Clause 71 provides immunity from personal liability for certain persons who do or omit to do anything, in good faith and with reasonable care, in the execution or purported execution of the Bill.

PART 7

GENERAL PROVISIONS ON OFFENCES

Part 7 contains general provisions on offences.

Clauses 72 and 73 are standard provisions regarding the liability of officers of corporations, unincorporated associations and partnerships which have committed an offence under the Bill.

Clause 74 provides for the issue of a summons or warrant by a Magistrate on a complaint by the Commissioner.

Clause 75 provides that the District Court has the jurisdiction to try any offence, and the power to impose the full punishment in respect of any offence, under the Bill.

Clause 76 provides for the composition of offences under the Bill.

Clause 77 clarifies that the Government is not liable to prosecution for any offence under the Bill.

PART 8 MISCELLANEOUS

Part 8 makes miscellaneous provisions in relation to the Bill.

Clause 78 provides that persons who, in good faith and with reasonable care, provide or disclose information to a designated insurer or the Commissioner in accordance with a requirement under the Bill (such as under clause 33, 50 or 52) do not commit any offence under any written law or any breach of confidence, or incur any civil liability.

Clause 79 allows any class or description of persons to be exempted (with or without conditions) from all or any of the provisions of the Bill, by order in the *Gazette*. The exemption ceases to operate in the person's favour during any non-compliance with a condition of the exemption and, if the person is guilty of an offence as a result, the person may be proceeded against for the offence.

Clause 80 provides for the service of notices or documents under the Bill in the manner prescribed under the Bill. The clause also allows such a notice or document that is available on an electronic system, which a person has the right and means to access, to be served on the person by notifying that person that the notice or document is available on the electronic system, and the person is deemed to be served when such notification is received. If the notification is sent as an electronic communication, section 13 of the Electronic Transactions Act (Cap. 88) applies. For example, if the notification about the notice is sent by short message service (SMS), the notice is served when the person receives the SMS and can retrieve the notice. The clause does not apply to service in proceedings in any court.

Clause 81 allows the Minister to add to or amend any of the Schedules by order in the *Gazette*, and to make such saving and transitional provisions as may be necessary.

Clause 82 allows for regulations to be made for the purposes of the Bill.

Clause 83 makes consequential and related amendments to certain other Acts.

Clause 84 repeals the Work Injury Compensation Act (called the repealed Act) and makes related saving and transitional provisions. The repealed Act (which includes subsidiary legislation made under the repealed Act) will continue to apply, as if the Work Injury Compensation Act 2019 had not been enacted, to any personal injury caused by an accident to an employee, or disease contracted by the employee, if the date of the accident for the personal injury or disease is before the date of commencement of the Work Injury Compensation Act 2019 (called the commencement date). Where, immediately before the commencement date, an employer is insured under an approved policy in conformity with section 23 of the repealed Act (called an existing policy) —

- (a) Part 3 of the Bill does not apply in respect of that existing policy until the existing policy expires or is due for renewal, or one year after the commencement date, whichever is earlier (called the transition date);
- (b) section 23 of the repealed Act and the Work Injury Compensation Insurance Regulations (Cap. 354, Rg 3) continue to apply until the transition date; and
- (c) if an accident occurs on or after the commencement date, the compensation in respect of any injury resulting from the accident is to be processed by the Commissioner pursuant to clause 36(2), and certain clauses of the Bill apply to the insurer of an existing policy as they apply to the employer's insurer.

The First Schedule provides for the amount of compensation payable for permanent incapacity, current incapacity and temporary incapacity, as well as medical treatment.

The Second Schedule lists the conditions that are occupational diseases and the limitation period from the relevant exposures.

The Third Schedule lists the classes of individuals who are not considered to be employees and therefore are not covered by the Bill.

The Fourth Schedule lists the injuries deemed to result in permanent incapacity.

EXPENDITURE OF PUBLIC MONEY

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

TABLE OF DERIVATIONS

<i>Work Injury Compensation Bill 2019</i>		<i>Derivations</i>	
<i>Section Heading</i>	<i>Clause</i>	<i>Work Injury Compensation Act (Cap. 354) (as modified)</i>	<i>Others (as modified)</i>
		<i>Section</i>	
PRELIMINARY	PART 1		
Short title and commencement	1		
General Interpretation	2		
Meaning of “employee” and “employer”	3	2	
Meaning of incapacity	4	2	
Purpose of Act	5	New	
Assistant Commissioners, investigation officers and authorised persons	6	2B	
COMPENSATION FOR WORK INJURY	PART 2		
<i>Liability to pay compensation</i>	<i>Division 1</i>		
Employer’s liability to compensate for work injury	7	3(1), (5), (5A) and (6)	
Certain accidents deemed to be in course of employment	8	3(2), (3) and (4)	
Accidents outside Singapore	9	2(4)	
Employer’s liability to compensate for diseases	10	4(1) to (3A)	
Date of accident and apportionment of liability for compensation for disease	11	4(4), (5) and (6)	
Compensation for disease limited to work injuries	12	5	
Liability of principal	13	17	
<i>Computation, payment and protection of compensation</i>	<i>Division 2</i>		
Computation of compensation	14	7	

<i>Work Injury Compensation Bill 2019</i>		<i>Derivations</i>	
<i>Section Heading</i>	<i>Clause</i>	<i>Work Injury Compensation Act (Cap. 354) (as modified)</i>	<i>Others (as modified)</i>
		<i>Section</i>	
Assessment of permanent incapacity or current incapacity	15	New	
Compensation for medical treatment	16	14	
Compensation for temporary incapacity	17	14A, 15 and 16	
Payment or deposit by employer's insurer	18	6, 9 and 22	
Payment or deposit by employer	19	6, 9 and 22	
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Deposit with Commissioner	21	6, 9 and 22	
Discharge for payment	22	9(2)	
No contracting out, etc.	23	10 and 21	
WORK INJURY COMPENSATION INSURANCE	PART 3		
<i>Insurance obligations</i>	<i>Division 1</i>		
Employer must be insured against liabilities under Act	24	23(1) and (2)	
Offences by employer in relation to insurance	25	35(1)	
Approved policy	26	23(4) and (5)	
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Insurer's obligation if employer bankrupt, etc.	28	19(1), (1A), (2), (5) and (7)	
Application of section 28 where insurance contract void or voidable	29	19(3), (3A), (4) and (6)	
Offences relating to provision of insurance	30	New	
<i>Designated insurer</i>	<i>Division 2</i>		

<i>Work Injury Compensation Bill 2019</i>		<i>Derivations</i>	
<i>Section Heading</i>	<i>Clause</i>	<i>Work Injury Compensation Act (Cap. 354) (as modified)</i>	<i>Others (as modified)</i>
		<i>Section</i>	
Designation by Commissioner	31	New	
Obligations of designated insurer	32	New	
Collection and disclosure of information by Commissioner	33	New	
Cancellation or suspension of designation and financial penalty	34	New	
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<i>Overview</i>	<i>Division 1</i>		
Deemed claim when employer has notice of accident	35	11 and 12	Work Injury Compensation Regulations (Cap. 354, Rg 1)
Processing of claim by employer's insurer or Commissioner	36	New	
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Refusal of medical treatment	38	13(7)	
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<i>Work Injury Compensation Bill 2019</i>		<i>Derivations</i>	
<i>Section Heading</i>	<i>Clause</i>	<i>Work Injury Compensation Act (Cap. 354) (as modified)</i>	<i>Others (as modified)</i>
		<i>Section</i>	
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Payment of compensation by employer's insurer	47	32(1)	
<i>Processing by Commissioner</i>	<i>Division 3</i>		
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<i>Resolution of disputes by Commissioner and appeal to High Court</i>	<i>Division 4</i>		
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Settlement of compensation	51	25B(5)	
Pre-hearing conference	52	25B	
Failure to appear of one or more persons	53	25C	
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<i>Work Injury Compensation Bill 2019</i>		<i>Derivations</i>	
<i>Section Heading</i>	<i>Clause</i>	<i>Work Injury Compensation Act (Cap. 354) (as modified)</i>	<i>Others (as modified)</i>
		<i>Section</i>	
Enforcement of orders	60	28	
Offence for failing to pay or deposit compensation, etc., and recovery on conviction	61	35(2)(a) and (b), and 40	
Offence of false or misleading information to obtain or avoid compensation	62	35(2)(c) and (f)	
<i>Action for damages and indemnity</i>	<i>Division 6</i>		
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Powers of Commissioner and investigation officers	68	30A and 35(2)(c) and (e)	
Reciprocal arrangements for payment of work injury compensation	69	34	
Ex gratia payments from Workers' Fund	70	New	Work Injury Compensation (Workers' Fund) Regulations (Cap. 354, Rg 2)
Protection from personal liability	71	New	
GENERAL PROVISIONS ON OFFENCES	PART 7		

<i>Work Injury Compensation Bill 2019</i>		<i>Derivations</i>	
<i>Section Heading</i>	<i>Clause</i>	<i>Work Injury Compensation Act (Cap. 354) (as modified)</i>	<i>Others (as modified)</i>
		<i>Section</i>	
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