

Circuit Breaker Measures in Singapore – Effect on workplaces

Background

The Singapore government has recently introduced ‘circuit breaker’ measures in order to slow the community spread of Covid-19 in Singapore. These measures took effect from 7 April 2020 and are slated to end on 1 June 2020.

Among others, these measures dictate that all physical workplace premises must close except for those providing essential services and in selected economic sectors which are critical for Singapore local and global supply chain (“Essential Services”). This article shall examine the effect of these measures on workplaces in Singapore.

What are Essential Services?

Entities which carries out business activities which constitute Essential Services shall be allowed to operate from its workplace. A comprehensive list of Essential Service can be found on the Singapore GoBusiness website¹ and includes healthcare, transport services, energy providers, companies in the waste, water environment-related industries, food and beverages outlets, food and food ingredients suppliers, companies in the banking and finance industry (including financial institutions), telecommunication service providers (include postal service, cybersecurity and ride hailing, food delivery and online payments platforms).

What should employers know/ do during the circuit breaker period?

- **Notification requirements for cost-saving measures²**

Employers that implement cost-saving measures during the circuit breaker must notify MOM if the cost-saving measures result in more than 25% reduction in the salaries of their employees and the employer has at least 10 employees.

- **Infectious Diseases (Workplace Measures to Prevent Spread of Covid-19) Regulations 2020³**

Entities who carry out Essential Services would have to ensure compliance with the Infectious Diseases (Workplace Measures to Prevent Spread of Covid-19) Regulations 2020. (“Regulations”) The regulations are in force from 2 to 30 April 2020.

Employers, who are in breach of any part of the Regulations without reasonable excuse, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding S\$10,000 or to imprisonment for a term not exceeding 6 months or to both.

¹ <https://covid.gobusiness.gov.sg/essentialservices/>

² <https://www.mom.gov.sg/employment-practices/retrenchment/mandatory-notifications-on-cost-saving-measures>

³ [https://www.scal.com.sg/resources/ck/files/Govt%20Circular/Infectious%20Diseases%20\(Workplace%20Measures%20to%20Prevent%20Spread%20of%20COVID-19\)%20Regulations%202020.pdf](https://www.scal.com.sg/resources/ck/files/Govt%20Circular/Infectious%20Diseases%20(Workplace%20Measures%20to%20Prevent%20Spread%20of%20COVID-19)%20Regulations%202020.pdf)

Key elements of the Regulations are as follows:

1. Employers must implement telecommuting unless it is not reasonably practicable to do so.
2. Where employees/ contractors/ subcontractors are required to work at the office or other such workplaces, employers must implement the following safe distancing measures
 - a. Workers should be placed in two or more groups to avoid or minimise physical interaction between workers in different groups;
 - b. Workers should not all arrive at and leave the workplace at the same time;
 - c. Any worker who exhibits any symptoms or is physically unwell must report immediately to the employer; and
 - d. The employer must ensure that there is a distance of at least one metre between any two individuals in the workplace. The one-metre distance is applicable for seating arrangements at workstations, in meeting rooms, and in a queue or area (e.g., pantry or waiting area).
3. Employer must communicate to all their workers the arrangements, steps or other measures implemented under the Regulations which apply to them
4. The occupier of a workplace must take the following measures
 - a. Allow natural ventilation of the workplace during working place;
 - b. take the body temperature of every individual entering the workplace, in order to determine whether the individual is febrile and to visually ascertain whether the individual displays any specified symptom;
 - c. obtain and keep the contact particulars of every individual (other than a worker who ordinarily works in the workplace), before allowing the individual to enter the workplace, so as to facilitate contact tracing measures;
5. Employers must cancel or postpone organised activities involving face-to-face interactions, except the following:
 - a. If the activity is critical to the operations of the organization;
 - b. Professional or vocational training or tests or certification events for professional or vocational purposes; or
 - c. Educational activity for workers by an educational institution.
 - d. While the Regulations do not identify what activities are deemed “critical to the operations of the organization”, various Singapore government agencies have advised that non-critical events, such as welfare activities or celebratory festivities, be deferred.
6. Employers must not require or permit employees who are subject to movement control measures to enter the workplace.
7. Employees who display any symptoms must not enter any workplace and must comply with the employer’s instructions regarding COVID-19 measures, where practical.

- **Ministry of Manpower’s guidelines for employers on salary and leave arrangements⁴**

Local Employees

The tripartite partners strongly urged employers to tap on the enhanced JSS pay-out for April 2020 (75% of 1 month of wages) to pay for the salaries of local employees and the employer share of CPF contributions during the circuit breaker period.

For local employees who continue to work full-time during circuit breaker, may it be those who are working in essential services, or those in non-essential services who are telecommuting from home, must be paid their prevailing salaries including the employer’s contributions to CPF.

For local employees who are not working full time during circuit breaker, employers should minimally adopt the salary arrangements in the table below for these employees.

	Gross monthly salary of local employee	
	Up to \$4,600	More than \$4,600
Employer assigns work to employee to complete at home	Continue to pay their prevailing salaries, including employer’s CPF contributions.	Use all the enhanced JSS pay-out (75% of 1 month of wages) to provide for a baseline pay to employees including the employer’s share of the CPF contributions; and Provide for work done on a pro rata basis – for example, if the employee works half-load (i.e. at 50%), the employer should pay the employee 50% of his monthly salary in addition to the abovementioned baseline pay, subject to a cap of his prevailing salary.
Employer does not assign work to employee	Use all the enhanced JSS pay-out (75% of 1 month of wages) to provide for a baseline pay to the employee including employer’s CPF contributions.	

If the employee’s salary is still below his monthly salary before the circuit breaker, even after implementing the salary arrangement in the above table, the employer should, as far as possible, consider the following measures to make up for the shortfall:

1. Send the employee for training courses approved for Absentee Payroll Funding⁴ so that salary paid to the employee during training would be mostly supported by the Government;
2. Apply for Flexible Work Schedule (FWS) which allows “time banking” of additional salary payments to offset overtime payments in the future;
3. Grant additional paid leave to the employee; or
4. Allow the employee to consume his existing leave entitlements.

Where possible, employers should also allow and support their local employees to take on a second job in companies or public agencies that could continue to operate during circuit breaker to make up for the employees loss of income and mitigate the negative impact on their livelihood.

⁴ <https://www.mom.gov.sg/covid-19/advisory-on-salary-and-leave>

Foreign Employees

In view of the waiver of the March 2020 Foreign Worker Levy (FWL), as well as the one-off FWL rebate of \$750, employers should provide salary support, including payment for upkeep and well-being of their more vulnerable foreign employees during this period.

Foreign employees who continue to work full-time during circuit breaker must be paid their prevailing salaries. For foreign employees who could not work during circuit breaker, their employers must continue to be responsible for their maintenance and upkeep and work out mutually agreed salary and leave arrangements with the unions and employees. For example, employers could ask their foreign employees to consume their leave entitlements.

Should you have any queries as to how this update may affect you or your organisation or require further information, please do not hesitate to email us.



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This article is intended to discuss the effect of circuit-breaker measures on workplaces, and it is not intended to be comprehensive nor should it be construed as legal advice. This article is updated as of 21 April 2020.

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