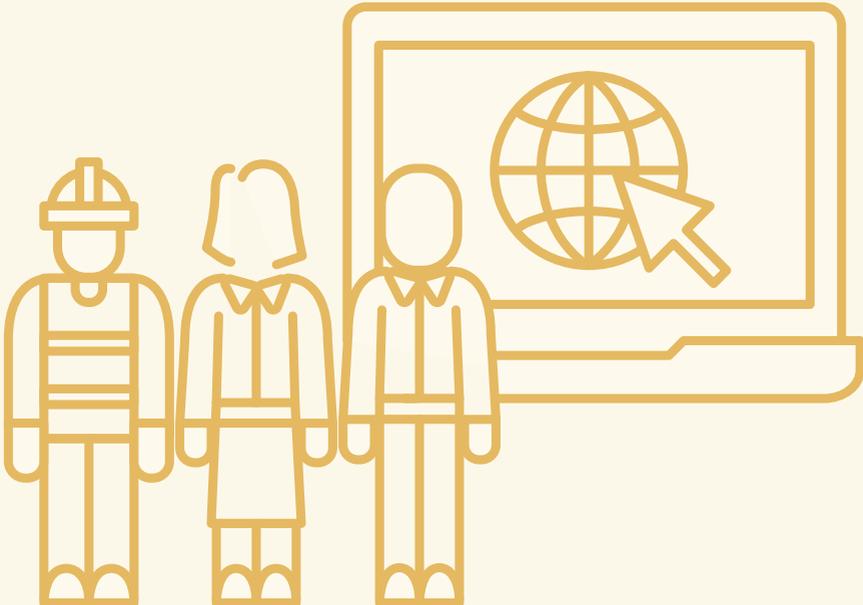


A GUIDE TO EMPLOYMENT CLAIMS

The Employment Claims Tribunals (ECT) provide employees and employers with a speedy, low-cost forum to resolve their salary-related and wrongful dismissal disputes.



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CHAPTER 1

OVERVIEW

Before you file a claim at the ECT, you must first submit a mediation request at the Tripartite Alliance for Dispute Management (TADM). See www.tadm.sg

Submit a mediation request at TADM



If mediation is successful

Settlement agreement is signed.

WITHIN 4 WEEKS

Register the settlement agreement online on the Community Justice and Tribunals System (CJTS) at <https://cjts.judiciary.gov.sg/home/>



If mediation is unsuccessful

A claim referral certificate (CRC) is issued.

WITHIN 4 WEEKS

File a claim online at the ECT

File claims, make applications, pay fees and monitor the case online at <https://cjts.judiciary.gov.sg/home/>

Claimant serves the claim and Notice of Case Management Conference on Respondent.

On filing a claim, a Notice of Case Management Conference is issued within 7 working days.



Respondent can file a response or file a counterclaim.*

*A response must be filed and served within 7 working days after the claim is served on the respondent. A counterclaim can only be filed if it is supported by a CRC issued by TADM in respect of the counterclaim.

Respondent serves the response and/or counterclaim on Claimant.

e-Negotiation & e-Mediation**

Parties have a chance to settle their dispute online on the CJTS without coming to Court.

**Upon request

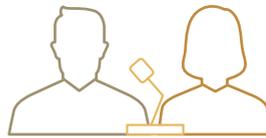
Case Management Conference (CMC)

Parties must appear before the Registrar for a CMC. If they are unable to resolve their dispute at the CMC, the Registrar will fix the case for a Hearing.



Case Resolved

If parties settle their dispute amicably, the case concludes with a Consent Order being issued.



Hearing

Parties must appear before the Tribunal Magistrate and present their case. At the end of the Hearing, an Order will be made.

The ECT is constituted as part of the State Courts. ECT Orders are enforceable in the same manner as orders of a District Court. Lawyers are not allowed to represent any of the parties in proceedings before the ECT.

CHAPTER 2

ELIGIBILITY

Can I file a claim at the ECT?

You can file a claim if you are an employee or an employer with a dispute relating to salary or if you are an employee who has been wrongfully dismissed. The types of claims that can be filed at the ECT are:

- > Statutory salary-related claims by employees covered under the Employment Act, Retirement & Re-employment Act and Child Development & Co-Savings Act
- > Contractual salary-related claims by all employees, except:
 - domestic workers
 - public servants and seafarers
- > Claims for salary in lieu of notice of termination by employers
- > Wrongful dismissal claims by:
 - Employees not employed in a managerial or executive position regardless of whether they have been dismissed with or without notice or payment of salary in lieu of notice;
 - Employees employed in a managerial or executive position who have been dismissed without notice or payment of salary in lieu of notice;
 - Employees employed in a managerial or executive position who have been dismissed with notice or payment of salary in lieu of notice provided that they have served the employer for at least 6 months in any position (whether or not in a managerial or executive position); and
 - Female employees who are given a notice of dismissal at any time during her pregnancy (as certified by a medical practitioner before the notice of dismissal is given), where the female employee has served the employer for a period of 3 months or more immediately preceding the day the notice is given.*

*Refer to section 84(1) of the Employment Act

For example

THE ECT HEARS

- > Salary-related claims, such as:
 - Salary
 - Overtime pay
 - Public holiday pay
 - Bonus, commissions
 - Retrenchment benefits
 - Annual wage supplement
- > Wrongful dismissal claims

THE ECT DOES NOT HEAR CLAIMS FOR

- > Workmen's compensation
- > Transfer of employment

Please refer to the Employment Claims Act 2016 for the full list of claims which the ECT can hear.

How much can I claim for?

\$20,000 OR **\$30,000***

A claimant whose claim exceeds the applicable claim limit may abandon the excess amount for the claim to be heard in the ECT.

*For claimants who have gone through the Tripartite Mediation Framework or mediations assisted by unions recognised under the Industrial Relations Act.

Note:

You may claim up to the above amount for each of the following types of claims:

- 1) Salary-related claims; and 2) Wrongful dismissal claims

When do I file an ECT claim?

You must file a claim with the ECT within 4 weeks after the date of issue of the CRC from TADM.

What are the filing fees?

Claim Amount (S\$)	Fees (S\$)
10,000 and below	30
More than 10,000	60

Payable for claims and responses separately.

CHAPTER 3

COMMUNITY JUSTICE AND TRIBUNALS SYSTEM (CJTS)

The CJTS is a 24/7 online filing and case management system for ECT cases.

Key Features



Convenience

Parties can access their ECT cases online **with their desktops, laptops or mobile devices** from anywhere with an internet connection. A party will be able to submit documents, view documents submitted by the other party, pay filing fees, select a preferred court date within a given period, and monitor case developments online.



e-Notifications

Parties will be notified of their case developments and hearing dates via SMS and email notifications where available.



e-Negotiation

After a claim is filed and e-negotiation is initiated by the respondent, the parties can actively engage and negotiate an amicable settlement with each other online without going to Court. On the e-negotiation platform on the CJTS, each party has **5 rounds of offers** to make in the negotiation. If a settlement is reached, the parties may apply online for a Consent Order without having to go to Court.

Example of e-Negotiation

My former staff has filed a salary claim of \$2,000 against my company. Let me try and e-negotiate with her before the CMC date. I have 5 rounds to do this. Let's see how it goes...



Claimant

I worked for 2 months, the lowest I can go is \$1,800.

Hi, I read your claim. I can offer you 1 month of salary at \$1,000.

How about the 3 weeks' no-pay leave you took in February? And you have our company phone!

How about I return the phone and you pay me \$1,500?

Could you consider \$1,300, and you keep the phone?

Ok, we have a deal.



Respondent



e-Mediation

With e-mediation, the parties may resolve their dispute online with the help of a court mediator without having to go to Court. If both parties agree to e-mediate, the ECT will schedule an e-mediation session with the parties and a court mediator. If a settlement is reached, the parties may apply online for a Consent Order without needing to go to Court.

Online Applications



Online Applications

All applications relating to ECT proceedings must be made on the CJTS. Access a variety of applications by clicking on "Online Applications".

CHAPTER 4

FILING A CLAIM ON THE CJTS

- 1 Go to <https://cjts.judiciary.gov.sg/home/>

- 2 Login using your Singpass (for individuals or business entities). If you are not eligible for Singpass, you may apply for a CJTS Pass by clicking “**Register for CJTS Pass**”.

- 3 Update “**My Profile**” with your personal particulars.

- 4 Click “**Online Applications**” then “**ECT**”, then choose the e-service **Claim Form**.

- 5 Key in your pre-filing ID or proceed to do your pre-filing assessment to obtain the pre-filing ID.

- 6 Complete the questions in the pre-filing assessment, and click “**Submit**”.

- 7 Fill in your claim.
 - > Enter your details under “**Claimant**” and the details of the party you are claiming against under “**Respondent**”. The respondent is the party that you are filing a claim against.
 - > Upload your CRC and other supporting documents in PDF.Click “**Submit**”, then “**Confirm to Proceed**”.

- 8 Pay the filing fees. Applications will be processed only after the filing fees are made. Payment may be made:
 - > **Online:** Credit Card/eNETS
 - > **Offline:** Click “**Pay Later**” and then “**Generate Payment Advice**”. Bring the payment advice to the State Courts and pay by cash, NETS, NETS FlashPay or credit cards at the payment kiosks located on Level 2, 4 and 7; or via PayNow by scanning the QR code printed on the payment advice.

9 Choose a CMC date and time.

10 Click “**Save Respondent Copy**”. Print the respondent’s copy of the Notice of CMC to serve on the respondent within 7 working days after the date of filing the claim.

A claim must not be served on any person or entity outside Singapore.

What documents should I prepare?

You should prepare the following documents to be uploaded into the CJTS:

> **Identification documents**

For company representatives: Latest ACRA business profile, and letter of authorisation.

> **CRC** from TADM.

> **All supporting evidence.** All evidence submitted must be in the English language, otherwise, a certified translation into English must be provided.



Scan the QR code or click the link to access CJTS directly.

go.gov.sg/cjts



CHAPTER 5

AFTER A CLAIM IS FILED

Service of documents in the ECT

A claim, response, counterclaim or other document must be served on the other party. Service is done by any of the following modes:



Personal Delivery

Delivering the documents personally to the other party.



Others

By any means (including by facsimile transmission or email) as directed by the ECT.



Registered Post

Sending the documents by registered post to the party's last known residential address, registered address or address of that person's principal place of business as notified to ACRA, in an envelope addressed to the person.



Submitting through the CJTS

Submitting the documents through the CJTS, if the other party is a party to proceedings, and has been notified by the Registrar of the right to access the CJTS to view the documents served.

After service of the document, parties must file a **declaration of service (DOS)** with proof of such service (e.g. Singpost registered post slip). A DOS must be filed before the first CMC. File the DOS in the CJTS by clicking on **"Online Applications"**, then **"ECT"**, and choosing the e-service **Declaration of Service**.

The DOS must include the:

- > Date and time when the notice was served on the respondent.
- > Name of the person who served the notice. If the notice is served by a courier company, the particulars of the courier company are to be stated.
- > Mode in which the notice is served (for example, Personal Delivery or Registered Post).
- > Detailed outcome of serving the notice.

If you are unable to serve the notice by one of the above ways, proceed to attend the CMC. At the CMC, the Registrar may direct you to serve the notice by other means (for example, by facsimile transmission or email).

I am a respondent. What do I do?

1 Login to the CJTS

If a claim has been filed against you, you may login to the CJTS (see Steps 1 to 3 of Filing a Claim on the CJTS) and key in your **one-time reference number** as found in the **Notice of Case Management Conference** served on you. You will be able to see the case details online, view the submitted documents, file applications and monitor the case developments.

2 e-Negotiation & e-Mediation

On the CJTS, you may initiate e-negotiation or e-mediation with a view to resolving the dispute with the claimant without going to Court.

3 File a Response

If you are disputing the claim, you must file and serve a response within 7 days after being served with the claim. A response sets out your defence to the claim and may be filed online on the CJTS. Simply click "**Online Applications**", "**ECT**" and choose the e-service **Response**. Make sure you upload all the supporting documents for the response. A fee of \$30 to \$60, depending on the value of the claim, is payable upon filing of the response. After filing the response, serve a copy of the response (together with all the supporting documents) on the claimant and file a DOS online before the 1st CMC (See: Service section).

4 File a Counterclaim

If you have a **counterclaim** against the claimant that is supported by a CRC issued by TADM, you may file a counterclaim against the claimant. Login to the CJTS, and click "**Online Applications**", "**ECT**" and choose the e-service **Counterclaim** and follow the instructions.

Case Management Conferences (CMC)

A CMC is a meeting between all the parties involved in the case and the Registrar. The Registrar will manage the case and give the parties an opportunity to resolve their dispute amicably. If the parties reach a settlement during the CMC, the Registrar will make a Consent Order to reflect the terms agreed upon by the parties. If the parties are not able to resolve their claim at the CMC(s), the case will be fixed for a Hearing. If either party is absent at the CMC without a reasonable excuse, the Registrar may continue with the CMC and issue an order against the absent party.

The Hearing

An ECT Hearing takes place in private before a Tribunal Magistrate. The Tribunal Magistrate will direct the flow and manner of the proceedings as he/she sees fit. During the Hearing, each party will have a chance to present his/her case. At the end of the Hearing, the Tribunal Magistrate may make one or more of the following orders:

- > An order to pay money
- > An order dismissing the whole/part of a claim
- > An order to pay costs
- > An order to reinstate the employee to his/her former employment and to pay loss of wages
- > An order to award compensation for wrongful dismissal to the employee

The Tribunal Magistrate can make an order even if a party is absent from the hearing. In making an order, the Tribunal Magistrate will take into account all the facts of the case, including whether:

- > Any party failed without reasonable excuse to attend any mediation
- > Any party failed without reasonable excuse to attend any proceeding before the Tribunal Magistrate

A copy of the order of the Tribunal Magistrate will be available in the CJTS.

Other processes

Applications

A party may make certain applications at the CMC and/or hearing stage, for the decision of the Registrar or Tribunal. For example, he/she may apply to:

- > Extend time
- > Amend a claim, response or counterclaim
- > Withdraw a claim, response or counterclaim
- > Request a representative
- > Set aside an order of the Tribunal or the Registrar which was made in his/her absence.

All applications may be made via the CJTS.

Appeals

A party may file an appeal against the decision made at the CMC by the Registrar, to a Tribunal. A party may also appeal against the decision of a Tribunal to the General Division of the High Court. To do so, the party must first apply to the District Court for leave¹ to appeal on any ground involving a question of law or that the claim was outside the jurisdiction of the Tribunal.

Enforcement

A party may enforce the ECT order as an order of the District Court, if the other party does not comply with the ECT order. Enforcement proceedings are part of the civil justice process.

¹ "Leave" will be known as "Permission" for claims filed on or after 1 April 2022.

CHAPTER 6

REGISTERING A SETTLEMENT AGREEMENT

This part applies to matters that have been settled before you go to the ECT

What is a settlement agreement?

Before you file a claim at the ECT, you must first submit a mediation request at TADM. See www.tadm.sg

After you have submitted a mediation request at TADM, you and the other party will undergo mediation at TADM. If mediation is successful, both of you will sign a settlement agreement in the presence of an approved mediator.

The settlement agreement is a legally binding contract between you and the other party. It is an agreement to amicably resolve existing or potential disputes between the both of you, and contains terms which the both of you must comply with.

Why register a settlement agreement?

Either party may register a settlement agreement recorded at TADM with the District Court. Registering the settlement agreement will make it enforceable as an order of the District Court. This means that if one party does not fulfil his/her obligations under the registered settlement agreement, the other party is entitled to take enforcement action against the defaulting party.

A settlement agreement that is not registered with the District Court is still a legally binding contract. However, if either party breaches the terms of the settlement agreement, the other party must first sue the defaulting party on the settlement agreement and obtain a court order in his/her favour before taking enforcement action.



You and John sign a settlement agreement at TADM

YOU CAN

Register the settlement agreement

NOT register the settlement agreement

BUT JOHN DOES NOT MAKE PAYMENT TO YOU

You can enforce the registered settlement agreement immediately

You have to first sue on the settlement agreement

You then have to get a court order in your favour

You can now enforce the court order

CHAPTER 7

HOW DO I REGISTER A SETTLEMENT AGREEMENT?

Any party to a settlement agreement may apply to register it. The application must be made online within 4 weeks after the parties sign the settlement agreement.

- 1 Go to <https://cjts.judiciary.gov.sg/home/>

- 2 Login using your Singpass (for individuals or business entities). If you are not eligible for Singpass, you may apply for a CJTS Pass by clicking “Register for CJTS Pass”.

- 3 Update “My Profile” with your personal particulars.

- 4 Click “Online Applications” then “ECT”, then choose the e-service **Registration of Settlement Agreement**.

- 5 Fill in the details required by the e-service and **upload a copy of the settlement agreement**.

- 6 Pay the filing fees. Applications will be processed only after the filing fees are made. Payment may be made:
 - > **Online:** Credit Card/eNETS
 - > **Offline:** Click “Pay Later” and then “Generate Payment Advice”. Bring the payment advice to the State Courts and pay by cash, NETS, NETS FlashPay or credit cards at the payment kiosks located on Level 2, 4 and 7; or via PayNow by scanning the QR code printed on the payment advice.

- 7 The ECT will notify you to check on the outcome of the registration on the CJTS. Access your case folder on the CJTS to check for the outcome.

- 8 If the registration is rejected, a notice will be available on your CJTS case folder. If the registration is successful, a **Notice of Registration will be available in your CJTS case folder. Print a hardcopy of (1) the Notice of Registration, and (2) a copy of the settlement agreement**, and serve on the other party immediately (See: Service section).

What happens after registration?



Renewal of the registered settlement agreement

The registration of the settlement agreement is valid for 3 years from the date of its registration. Any party may apply to extend the registration for another 3 years on the CJTS via the e-service **Renewal of Registration of Settlement Agreement**.



Enforcement of the registered settlement agreement

A registered settlement agreement has the same force and effect as an order given by the District Court, and may be enforced in the same way.



Scan the QR code or click the link to access CJTS directly.

go.gov.sg/cjts



CHAPTER 8

LANGUAGE

ECT proceedings are conducted in English. If you require interpretation services, you should inform the ECT at the earliest opportunity. The State Courts provide free interpretation services for the following languages:

- > Mandarin, Hokkien and other local Chinese dialects
- > Tamil
- > Malay

The State Courts also has a working arrangement with TADM to provide free interpretation services for the Bengali Language*. For any other language(s) or special needs requiring interpretation services, please make your own arrangements, at your own cost.

*This does not apply to proceedings for applications for leave to appeal heard by the District Court.

Disclaimer: This publication is produced for general information only and is not intended as substitution for legal advice. A lawyer should be consulted should you require legal advice on your case. The State Courts disclaim any and all liabilities arising from and in connection with the contents of this publication.

All information is correct as of 1 March 2023.



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