

Community

JUSTICE AND TRIBUNALS DIVISION



EMPLOYMENT CLAIMS TRIBUNALS

Orders of the
Employment
Claims Tribunals

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



Common types of ECT orders

Money Order: Where a money order is issued, one party must pay to another party the sum of money stated in the order by the due date, failing which the party entitled to be paid can start enforcement proceedings against the defaulting party.

Dismissal Order: A dismissal order can be made in respect of the whole or any part of any claim. Where a dismissal order is issued, it means that a claim, or any part of a claim, has been rejected, or that the ECT has found that the claim is not within the jurisdiction of the ECT. ECT proceedings in respect of the dismissed claim, or part of the claim, will cease.

Default Order: A default order can be made where any party fails to appear or attend a scheduled case management conference (CMC) or hearing at the ECT. A default order may be a money order or a dismissal order. Where a respondent fails to appear, a default money order may be made in favour of the claimant. Where a claimant fails to appear, a default dismissal order may be made against the claimant.

Consent Order: A consent order can be issued where parties agree to settle some or all of the matters in dispute in the claim or proceedings during the CMC or hearing. The consent order records the terms of the parties' agreement.

ECT orders are enforceable as District Court orders



Considerations before you enforce

- Is it worthwhile to pursue enforcing the order? You will have to spend time, effort and money to make the necessary applications to enforce the order and the outcome is not guaranteed.
 - The fees paid to the State Courts in enforcement proceedings are non-refundable.
 - Are there any enforcement proceedings against the respondent?
 - Has the respondent been adjudicated a bankrupt?
 - Check if the respondent is still "live" in ACRA's records or if there are winding down proceedings against the respondent.
(You may search for the above information at the Crimson Logic Service Bureau, 133 New Bridge Road, #19-01/02, Chinatown Point, S059413)
- * if you or the other party are involved in any bankruptcy, winding up, receivership or judicial management proceedings, please seek your own legal advice on the available courses of action.



Enforcement methods

If a party fails to pay or fails to comply with a money order, the party entitled to be paid may consider enforcing the order. The person applying to enforce an order will be known as the "Judgment Creditor", and the other party will be known as the "Judgment Debtor".

Enforcement

An order for the payment of money is generally enforced by:

Writ of Seizure and Sale (WSS)

A writ of seizure and sale allows a court bailiff to enter the Judgment Debtor's premises, and to seize and sell his movable property. The Judgment Debtor will then have 7 days to settle all payment owed to the Judgment Creditor. If payment is not made, the Judgment Creditor may apply to proceed with an auction sale of the seized items and recover the money from the sale.

This option may be considered... if the Judgment Creditor knows that the Judgment Debtor has physical assets of sufficient value that may be sold to recover the cost of enforcement, and pay the amount owed as stated in the order. There is no guarantee that a writ of seizure and sale will be successfully executed, and no guarantee that the amount owed and the expenses incurred during the execution process will be recovered. A formal application under Order 47 of the Rules of Court (Cap. 322) is required. Enquiries may be made at the **Central Registry** at level 2 State Courts during operating hours.

Garnishee Proceedings

A "garnishee" is someone who owes money to the Judgment Debtor (e.g. his bank). A Garnishee Order obliges the garnishee to pay the Judgment Creditor instead of the Judgment Debtor. For example, an application may be made to the Court to order the Judgment Debtor's bank to pay the Judgment Creditor the amount owed as stated in the order. However, this is provided the Judgment Debtor has sufficient money in the bank.

This option may be considered...if the Judgment Creditor is aware of someone (any third party) who owes the Judgment Debtor money, and if the Judgment Creditor knows of the Judgment Debtor's bank account details. There should be documentary proof that the Judgment Debtor is owed a sum of money by his bank or some other third party. A formal application under Order 49 of the Rules of Court (Cap. 322) is required for garnishee proceedings. Enquiries may be made at the **Community Justice Centre** at Basement 1 State Courts during operating hours.

Pre-Enforcement

Examination of Judgment Debtor (EJD)

The Judgment Creditor may consider applying for an Examination of Judgment Debtor to examine the Judgment Debtor under oath to find out what assets are available for use to satisfy the judgment debt (whether he has valuable property to be sold, or whether he has money in the bank, or what his bank account details are).

Once he knows the nature and extent of the Judgment Debtor's assets, he may then consider and select the most appropriate course of action to enforce the money order. A formal application under Order 48 of the Rules of Court (Cap. 322) is required for the examination of Judgment Debtor.

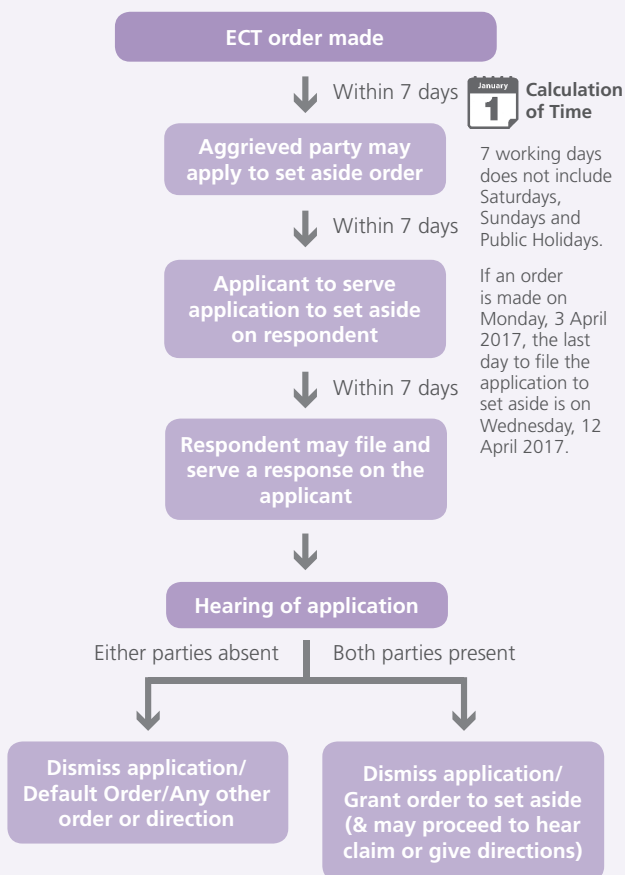
Setting Aside a Default Order



What can I do if I am dissatisfied with an order?

If you were absent when a default money order or dismissal order was made against you, you may wish to file an **application to set aside the order**. The application is to be made within 7 working days after the date on which the order was made, although the ECT has the discretion to allow for a longer period depending on the merits of the case. A filing fee of S\$30 is payable for the application. A copy of the application form can be downloaded from www.statecourts.gov.sg.

Do note that the filing of an application to set aside does not mean that the order will be automatically set aside. A decision will be made at the hearing of the application. The figure below shows the general process of a setting aside application:





Appeal against a Registrar's order

A party may appeal to the Tribunal against an order made by an Assistant Registrar or Deputy Registrar made at the case management conference. The appeal may be made by filing a notice of appeal within 7 working days after the date on which the order was made, although the ECT has the discretion to allow for a longer period depending on the merits of the case. A filing fee of S\$100 is payable for filing the appeal.

A copy of the notice of appeal form can be downloaded from www.statecourts.gov.sg.



Appeal against a Tribunal Magistrate's order

A party may also appeal against the decision of a Tribunal. The party must apply to the District Court for leave (permission) to appeal. The application must be made within 7 working days after the date the order was made, and no time extension can be given for the same. Once leave is given, the party can file an appeal to the High Court. A filing fee of S\$100 is payable for the leave to appeal application, and a filing fee of S\$600 is payable for filing a notice of appeal to the High Court.

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