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Work Injury Compensation Act 2019

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**WORK INJURY
COMPENSATION ACT 2019**

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021

An Act to repeal and re-enact with amendments the Work Injury Compensation Act (Chapter 354, 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 platform workers for injury suffered

arising out of and in the course of their provision of platform services for platform operators, and to regulate providers of insurance for liability under the Act.

[Act 30 of 2024 wef 15/10/2024]

[1 September 2020: Except sections 36(1), 44 to 47 and 83(8)(a) and (c) ;

1 January 2021: Sections 36(1) and 44 to 47]

PART 1

PRELIMINARY

Short title

1. This Act is the Work Injury Compensation Act 2019.

General interpretation

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

“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
- (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;

“adopted child”, in relation to a claimant, means any child —

- (a) who is adopted by the claimant under the Adoption of Children Act 2022 or any corresponding previous written law; or
- (b) whose adoption by the claimant is recognised by the law or consular authority of the place of nationality of the claimant or the child,

and “adoptive parent” has a corresponding meaning;

[Act 20 of 2022 wef 15/10/2024]

“approved employee insurance policy” means a policy of insurance in respect of all liabilities that an employer may incur under this Act in respect of the employees of the employer, issued or renewed on or after 1 September 2020, that complies with section 26(1);

[Act 30 of 2024 wef 15/10/2024]

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

“approved platform worker insurance policy” means a policy of insurance in respect of all liabilities that a platform operator may incur under this Act in respect of the platform workers

of the platform operator, issued or renewed on or after the date of commencement of paragraph 15 of the Ninth Schedule to the Platform Workers Act 2024, that complies with section 26(1);

[Act 30 of 2024 wef 15/10/2024]

“approved policy” means an approved employee insurance policy or approved platform worker insurance policy;

[Act 30 of 2024 wef 15/10/2024]

“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;

“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;

“Commissioner” means the Commissioner for Labour appointed under section 3 of the Employment Act 1968;

“contract of service” has the meaning given by the Employment Act 1968;

“designated employer’s insurer” means a licensed insurer, within the meaning of the Insurance Act 1966, that is designated by the Commissioner under section 31(1)(a) to provide insurance in respect of the liability of any employer to pay compensation under this Act;

[Act 30 of 2024 wef 15/10/2024]

“designated insurer” means a designated employer’s insurer or designated PO’s insurer;

[Act 30 of 2024 wef 15/10/2024]

“designated PO’s insurer” means a licensed insurer, within the meaning of the Insurance Act 1966, that is designated by the Commissioner under section 31(1)(b) to provide insurance in respect of the liability of any platform operator to pay compensation under this Act;

[Act 30 of 2024 wef 15/10/2024]

“earnings” —

(a) in relation to an employee, means all remuneration payable to the employee in respect of work done under the employee’s contract of service, and includes —

- (i) privileges or benefits capable of being estimated in money and productivity incentive payments;
- (ii) the value of any food or accommodation supplied to the employee by the employer, if as a result of the accident the employee is deprived of such food or accommodation; and
- (iii) 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,

but does not include the following amounts:

- (iv) travelling allowances;
 - (v) payments for any travelling concessions;
 - (vi) contributions paid by the employer towards any pension or provident fund for the employee;
 - (vii) payments to the employee to cover any special expenses incurred by the employee by reason of the nature of the employee's employment; or
- (b) in relation to a platform worker, means all payments payable to the platform worker in respect of the platform worker providing a platform service for a platform operator under a platform work agreement, but does not include the following amounts:
- (i) contributions paid by the platform operator towards any pension or provident fund for the platform worker;
 - (ii) payments to the platform worker to cover any special expenses incurred by the platform worker by reason of the platform worker's provision of the platform service;

[Act 30 of 2024 wef 15/10/2024]

“employer’s insurer” means a designated employer’s insurer with whom an employer has an approved employee insurance policy;

[Act 30 of 2024 wef 15/10/2024]

“health professional” means —

- (a) a registered medical practitioner under the Medical Registration Act 1997 and includes any person exempted from registration under that Act; or
- (b) a registered dentist under the Dental Registration Act 1999,

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);

“platform operator” has the meaning given by section 4 of the Platform Workers Act 2024;

[Act 30 of 2024 wef 15/10/2024]

“platform operator’s insurer” means a designated PO’s insurer with whom a platform operator has an approved platform worker insurance policy;

[Act 30 of 2024 wef 15/10/2024]

“platform service” has the meaning given by section 3 of the Platform Workers Act 2024;

[Act 30 of 2024 wef 15/10/2024]

“platform work agreement” has the meaning given by section 2 of the Platform Workers Act 2024;

[Act 30 of 2024 wef 15/10/2024]

“platform worker” has the meaning given by section 5(1) of the Platform Workers Act 2024;

[Act 30 of 2024 wef 15/10/2024]

“premises” has the meaning given by the Workplace Safety and Health Act 2006;

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

- (a) a spouse of the claimant;
- (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);
- (e) the claimant’s grandparent or grandchild;

“repealed Act” means the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) repealed by this Act;

“sub-fund” and “VCC” have the meanings given by section 2(1) of the VCC Act;

[S 26/2022 wef 13/01/2022]

“VCC Act” means the Variable Capital Companies Act 2018;

[S 26/2022 wef 13/01/2022]

“work”, in relation to an individual, means the individual’s employment as an employee or the individual’s provision of a platform service as a platform worker, as the case may be;

[Act 30 of 2024 wef 15/10/2024]

“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 work;

[Act 30 of 2024 wef 15/10/2024]

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

“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 —

- (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 while 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

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.

(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
- (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.

(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 —

- (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
 - (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 and platform workers 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.

[Act 30 of 2024 wef 15/10/2024]

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 1871 when exercising any power conferred or performing any duty imposed on the authorised person by or under this Act.

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