

General – COVID-19

# Updated Requirements under COVID-19 Circuit Breaker Control Order

## Introduction

The [COVID-19 \(Temporary Measures\) Act 2020](#) ("**Act**") came into force on 7 April 2020. Under the Act, the Minister for Health is empowered to make temporary control orders, which may impose restrictions and controls on individuals, businesses and premises.

Pursuant to this, the [COVID-19 \(Temporary Measures\) \(Control Order\) Regulations 2020](#) ("**Regulations**") were issued under the Act to impose restrictions on (i) premises and businesses in relation to the closure of premises and the respective controls on essential and non-essential service providers, and (ii) the movement of people, both in public places and in places of residence. The Regulations are in force from **7 April 2020 to 4 May 2020 inclusive**. The requirements under the Regulations were covered in our earlier Client Update, "[Control Orders under the COVID-19 Circuit Breaker Measures](#)".

Subsequently, the Minister for Health issued the [COVID-19 \(Temporary Measures\) \(Control Order\) \(Amendment\) Regulations 2020](#) and the [COVID-19 \(Temporary Measures\) \(Control Order\) \(Amendment No. 2\) Regulations 2020](#) ("**Amendments**"). These Amendments introduce additional obligations and requirements, including in relation to essential service providers, essential service workers, occupiers and owners of permitted premises, and operators of specified dormitories. The Amendments came into force on **10 April 2020**.

In this Update, we highlight the key changes introduced by the Amendments.

## Essential Service Providers

As established in the Regulations, an essential service provider may continue to carry out its business, undertaking or work at their permitted premises, subject to the approval of the Minister for Trade and Industry and in accordance with the relevant restrictions.

The Amendments introduce certain requirements on essential service providers (other than the Government or a public body) in relation to essential service workers and the permitted premises at which an essential service provider is permitted to carry on its business.

Essential service providers should note that "essential service workers" in this context refers not just to their own employees; where the essential service provider is a principal, it also includes a contractor, a subcontractor or an employee of a contractor or subcontractor of the essential service provider, where

# Client Update: Singapore

## 2020 APRIL

### General – COVID-19

the contractor, subcontractor or employee works under the direction of the essential service provider as to the manner in which the work is carried out. Essential service providers should thus be aware that, where they are directing a contractor or subcontractor, they are responsible for implementing the necessary measures in relation to the employees of the contractor or subcontractor as well.

#### Telecommuting

Although essential service providers may carry on business at their permitted premises, where it is reasonably practicable, they must direct essential service workers to work from their place of residence. Essential service providers must also provide such workers with the facilities necessary for them to work from their place of residence, such as computer equipment and system access.

Further, an essential service provider must not require or permit an essential service worker who is subject to a movement control measure to enter the permitted premises.

#### Safe distancing measures for workers

An essential service provider must implement safe distancing measures for workers at the permitted premises. The Amendments provide further details of the necessary measures and make compliance a mandatory regulatory requirement. The safe distancing measures include the following:

- (a) As far as reasonably practicable, essential service workers must be grouped and deployed to work in two or more groups;
- (b) As far as reasonably practicable, essential service workers should not arrive at and leave the permitted premises at the same time, meaning that employers may wish to designate staggered work hours;
- (c) Any essential service worker who exhibits any specified symptom (defined as coughing, sneezing, breathlessness, or a runny nose) or is otherwise physically unwell must immediately report to the essential service provider; and
- (d) Reasonable steps must be taken to ensure that there is a distance of at least one metre between any two individuals in the permitted premises, which may involve implementing fixed distances between seats or workstations.

The safe distancing measures are not confined to the permitted premises; if an essential service provider is transporting workers to and from work, they must ensure that they are seated at least one metre apart in the provided vehicle. For example, an essential service provider should:

- (a) review the maximum seating capacity for each lorry to ensure that workers are able to maintain a one-metre distance from each other while seated in the provided vehicle;
- (b) mark out appropriate locations on the vehicle for workers to sit; and
- (c) communicate with workers and drivers of the provided vehicles to ensure effective implementation of the measures.

## General – COVID-19

### **Prohibition of Activities**

Essential service providers are prohibited from holding or allowing any event on the permitted premises that involves an essential service worker and another individual meeting in person, unless:

- (a) it is critical to the business or operations of the essential service provider; or
- (b) it is for professional/vocational training, testing, certification or accreditation of the essential service worker.

### **Safe distancing measures for other individuals**

Apart from essential service workers, essential service providers must also implement safe distancing measures for other individuals who seek entry to the permitted premises. These include the following:

- (a) Individuals should only be allowed entry for the purpose of (i) procuring or delivering goods or services connected to the business of the essential service provider; or (ii) providing any other essential service to the essential service workers.
- (b) Essential service providers must ensure that such individuals (i) do not arrive at the permitted premises at the same time; (ii) do not remain in the permitted premises for a longer period than necessary for their duties; and (iii) keep a distance of at least one metre away from any other individual.

### **Communication**

In accordance with the above requirements, essential service providers must, as far as reasonably practicable, communicate to all essential service workers and individuals the arrangements, steps or other measures that apply to them. This means that essential service providers should disseminate information regarding the implemented measures to all relevant workers, and also put up the necessary signage at their premises to inform other individuals of the safe distancing requirements.

## **Essential Service Workers and Individuals**

The Amendments also introduce obligations on the part of essential service workers and other individuals.

Essential service providers, owners or occupiers of permitted premises may issue requirements and directions for workers or individuals on their premises to do or refrain from doing anything so as to comply with the Regulations. Essential service workers and individuals must comply, as far as reasonably practicable, with any such requirements or directions.

# Client Update: Singapore

## 2020 APRIL

General – COVID-19

### Owners and Occupiers of Permitted Premises

The Amendments set out certain additional requirements on owners and occupiers of permitted premises.

An owner or occupier of any shopping centre in which there are permitted premises must take all reasonable steps to ensure that the number of individuals within the shopping centre at any one time does not exceed the prescribed threshold for the shopping centre.

The Amendments also set out the following requirements on occupiers of permitted premises:

- (a) as far as reasonably practicable, allow natural ventilation of the permitted premises during working hours;
- (b) take the body temperature of every individual entering the permitted premises to determine if they show symptoms of a fever and visually ascertain whether they display any specified symptom;
- (c) obtain and keep the contact particulars of every individual before allowing entry so as to facilitate contact tracing measures;
- (d) refuse entry to any individual who shows symptoms of a fever, exhibits any specified symptom, or refuses to comply with any of the above measures;
- (e) where any individual is found to show symptoms of a fever or to display any specified symptom, the occupier must, as far as reasonably practicable, provide the individual with a mask, require the individual to wear the mask and immediately leave the permitted premises, or isolate the individual if they are not able to leave;
- (f) refuse entry to an individual whom the occupier knows or has reason to believe is subject to a movement control measure; and
- (g) refuse entry to an individual for any purpose other than to work for, supply an essential service to, procure goods or services from or otherwise deal with the essential service provider.

The Amendments do allow owners or occupiers of a premises to permit entry to individuals to carry out works that are necessary to avoid any imminent injury or damage to property.

### Specified Dormitories

One of the major concerns regarding the spread of COVID-19 has been the rate of infection between foreign workers at dormitories. The Regulations had set out a series of requirements for a person operating or managing a specified dormitory (which is defined as any boarding premises that provides accommodation to seven or more foreign employees, and is not a specified hostel), and the Amendments have modified some of these requirements. Under the current version of the Regulations, all reasonable steps must be taken to ensure:

- (a) that access to shared facilities is controlled in order to minimise physical interaction between

## General – COVID-19

- individuals staying in different rooms;
- (b) that the time at which each individual may leave the dormitory is controlled in order to minimise having individuals who stay in different rooms leave at the same time;
  - (c) records are kept of each individual who leaves the dormitory each day and the purpose for leaving;
  - (d) for every individual entering or leaving the dormitory, that their body temperature is taken in order to determine whether they display symptoms of fever and to visually ascertain whether they display any specified symptom;
  - (e) any individual who displays symptoms of fever or exhibits a specified symptom wears a mask at all times and is moved to a room where they are isolated from other individuals;
  - (f) an individual who displays symptoms of fever or exhibits a specified symptom obtains medical treatment as soon as practicable;
  - (g) no gatherings or events of any nature are held in the dormitory; and
  - (h) the dormitory is kept in a safe and sanitary condition.

## Compounding of Offences

Contravention of a control order without reasonable excuse carries a penalty of a fine of up to S\$10,000 or imprisonment of up to six months or both for a first-time offender. In a second or subsequent offence, an offender is liable to a fine up to S\$20,000 or to imprisonment up to 12 months or to both. The same penalty applies where an individual or corporate entity, without reasonable excuse, fails to comply with the direction of an enforcement officer under the Act.

The Amendments allow for the compounding of such an offence for the maximum sum of S\$2,000, following which no further action shall be taken against the individual or entity in respect of the offence.

## Concluding Words

The Amendments set out in greater details the requirements and obligations on the part of parties including essential service providers, owners and occupiers of permitted premises, and operators of specified dormitories. Enforcement officials have already been enforcing the measures under the Regulations. Businesses and owners or premises should thus ensure that they keep updated on the legislative requirements relating to the COVID-19 control orders, and that they implement the necessary measures to comply with these requirements. Failure to do so may result in a breach of the Regulations, which carries penalties including a fine and/or imprisonment.

For more articles and updates from our teams across the region on COVID-19 and related legal issues, please visit the [Rajah & Tann Asia COVID-19 Resource Centre](#).

General – COVID-19

## Contacts



**Leong Kah Wah**  
Head, Dispute Resolution  
Shipping & International Trade

T +65 6232 0504

[kah.wah.leong@rajahtann.com](mailto:kah.wah.leong@rajahtann.com)



**Abdul Jabbar Bin Karam Din**  
Head, Corporate and  
Transactional Practice

T +65 6232 0465

[abdul.jabbar@rajahtann.com](mailto:abdul.jabbar@rajahtann.com)



**Evelyn Wee**  
Deputy Head, Corporate and  
Transactional Practice  
Head, Capital Markets

T +65 6232 0724

[evelyn.wee@rajahtann.com](mailto:evelyn.wee@rajahtann.com)



**Adrian Wong**  
Deputy Head, Dispute Resolution  
Commercial Litigation

T +65 6232 0427

[adrian.wong@rajahtann.com](mailto:adrian.wong@rajahtann.com)



**Tan Mui Hui**  
Partner, Capital Markets

T +65 6232 0191

[mui.hui.tan@rajahtann.com](mailto:mui.hui.tan@rajahtann.com)



**Wang Ying Shuang**  
Partner, Insurance & Reinsurance

T +65 6232 0365

[ying.shuang.wang@rajahtann.com](mailto:ying.shuang.wang@rajahtann.com)

Please feel free to also contact Knowledge and Risk Management at [eOASIS@rajahtann.com](mailto:eOASIS@rajahtann.com)

## Our Regional Contacts

RAJAH & TANN | *Singapore*

**Rajah & Tann Singapore LLP**

T +65 6535 3600  
sg.rajahtannasia.com

CHRISTOPHER & LEE ONG | *Malaysia*

**Christopher & Lee Ong**

T +60 3 2273 1919  
F +60 3 2273 8310  
www.christopherleeong.com

R&T SOK & HENG | *Cambodia*

**R&T Sok & Heng Law Office**

T +855 23 963 112 / 113  
F +855 23 963 116  
kh.rajahtannasia.com

RAJAH & TANN | *Myanmar*

**Rajah & Tann Myanmar Company Limited**

T +95 1 9345 343 / +95 1 9345 346  
F +95 1 9345 348  
mm.rajahtannasia.com

RAJAH & TANN 立杰上海

SHANGHAI REPRESENTATIVE OFFICE | *China*

**Rajah & Tann Singapore LLP  
Shanghai Representative Office**

T +86 21 6120 8818  
F +86 21 6120 8820  
cn.rajahtannasia.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

**Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)**

T +632 8894 0377 to 79 / +632 8894 4931 to 32  
F +632 8552 1977 to 78  
www.cagatlaw.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

**Assegaf Hamzah & Partners**

**Jakarta Office**

T +62 21 2555 7800  
F +62 21 2555 7899

**Surabaya Office**

T +62 31 5116 4550  
F +62 31 5116 4560  
www.ahp.co.id

RAJAH & TANN | *Thailand*

**R&T Asia (Thailand) Limited**

T +66 2 656 1991  
F +66 2 656 0833  
th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

**Rajah & Tann LCT Lawyers**

**Ho Chi Minh City Office**

T +84 28 3821 2382 / +84 28 3821 2673  
F +84 28 3520 8206

RAJAH & TANN | *Lao PDR*

**Rajah & Tann (Laos) Co., Ltd.**

T +856 21 454 239  
F +856 21 285 261  
la.rajahtannasia.com

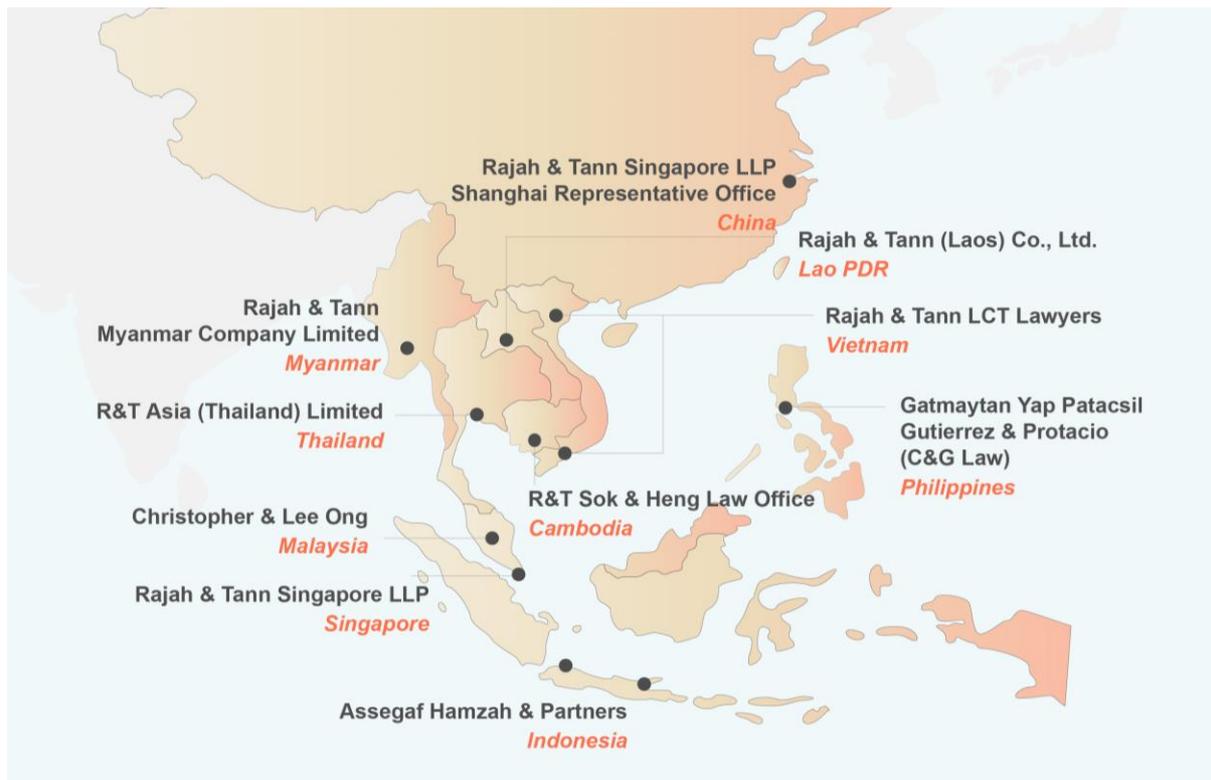
**Hanoi Office**

T +84 24 3267 6127  
F +84 24 3267 6128  
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in South-East Asia. Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

This Update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this Update.

## Our Regional Presence



Rajah & Tann Singapore LLP is one of the largest full-service law firms in Singapore, providing high quality advice to an impressive list of clients. We place strong emphasis on promptness, accessibility and reliability in dealing with clients. At the same time, the firm strives towards a practical yet creative approach in dealing with business and commercial problems. As the Singapore member firm of the Lex Mundi Network, we are able to offer access to excellent legal expertise in more than 100 countries.

Rajah & Tann Singapore LLP is part of Rajah & Tann Asia, a network of local law firms in Singapore, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by Rajah & Tann Singapore LLP and subject to copyright protection under the laws of Singapore and, through international treaties, other countries. No part of this Update may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of Rajah & Tann Singapore LLP.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in Rajah & Tann Singapore LLP or email Knowledge & Risk Management at [eOASIS@rajahtann.com](mailto:eOASIS@rajahtann.com).