

Employment & Benefits

Laws Enforcing Telecommuting, Safe Distancing (and More) at Workplace Take Effect 2 April 2020¹

Introduction

On 1 April 2020, the Infectious Diseases (Workplace Measures to Prevent Spread of COVID-19) Regulations 2020 ("**Regulations**") were issued to give legal force to prevention measures against the spread of COVID-19 at the workplace. The Regulations apply throughout the control period of **2 April 2020 to 30 April 2020**, both dates inclusive. Its rapid implementation indicates the gravity of the current situation and the government's determination to ensure compliance.

The Regulations apply to employers, principals, and occupiers, and set out prevention measures against the spread of COVID-19 to be put in place at the workplace, including safe distancing and telecommuting. A contravention without a reasonable excuse carries penalties of a fine of up to S\$10,000 and/or a jail term of up to six months.

The Regulations are explained below. For simplicity's sake, any reference to "employers" includes principals, while "workers" includes contractors, subcontractors, and their employees insofar as such persons work under the direction of the principal.

Employers

By and large, the measures set out in the Regulations have been previously publicised by way of government advisories but have now been made mandatory. The measures below apply to all workplaces, noting however that certain premises have been excluded from the definition of "workplace". These exclusions extend to, among others, (a) domestic premises that are *not* being used

¹ On 3 April 2020, the Ministry of Health ("**MOH**") issued a press release on "Additional Measures to Minimise Further Spread of COVID-19 Cases" which outlined enhanced safe distancing measures, requiring the closure of workplace premises and retail outlets except for those necessary to support the daily needs of the population ("**Essential Services**"). The suspension will be in place from **7 April 2020 to 4 May 2020** (inclusive). Essential Services and their related supply chains and service providers which are exempted from the suspension continue to be subject to the Infectious Diseases (Workplace Measures to Prevent Spread of COVID-19) Regulations 2020 and should take note of the requirements stated therein (where applicable).

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either wholly or partly to run a business, (b) approved medical institutions, and (c) Parliament and the courts.

Telecommuting

Unless it is not reasonably practicable, all employers must permit and provide the necessary facilities for all workers to work from their places of residence, and direct them to do so. However, the Regulations do not provide any illustrations on what "reasonably practicable" may mean. As a practical example, some backend roles may require large volume of printing or scanning which cannot feasibly be done at home, and the cost of providing the necessary equipment to each worker may be prohibitively expensive.

Some guidance may be gleaned from the various advisories by the Ministry of Manpower ("**MOM**") on what may constitute "reasonably practicable", and its expectations of different industries. In its [Advisory on Safe Distancing Measures at the Workplace](#), MOM noted that some sectors may not be able to implement telecommuting, giving examples of roles involved in frontline operations or fieldwork at construction sites, shipyards or plants. On the other hand, employers were recommended to allow backend staff to work from home in the [General Advisory for Workplace Measures in Response to DORSCON Orange Situation in Singapore](#) by reviewing work processes and providing the necessary IT equipment.

The Minister for Manpower, Mrs Josephine Teo, offered further guidance in her comments at the multi-ministry task force briefing on 31 March 2020, stating that "it is not our intention to simply issue a stop-work order without considering the circumstances of the companies ... We are looking for evidence that companies have made serious attempts to implement stay-at-home, telecommuting arrangements, but we are also mindful that this is not always possible."

While these comments were not specifically made in the context of the Regulations, they are suggestive of MOM's approach to enforcement. It is likely that MOM will take all relevant factors into account when asking the "important question" of whether more can be done to implement telecommuting arrangements.

Safe distancing measures

Where workers or any individual must be at a workplace, employers must:

1. segregate workers into two or more groups to avoid or minimise physical interaction between the groups;
2. stagger reporting and dismissal times;
3. ensure that any worker who exhibits any specified symptom (defined as coughing, sneezing, breathlessness, or a runny nose) or is otherwise physically unwell must immediately report it to the employer; and

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4. take reasonable steps to ensure a distance of at least one metre between any two individuals in the workplace.

Seating, queuing, and entry by non-workers

All reasonable steps must be taken to ensure that:

1. seats (including workstations and meeting rooms) are separated by at least one metre or, in the case of fixed seating, demarcate alternate seats as seats not to be occupied;
2. every individual in a queue or who remains in an area (such as pantries, waiting rooms, or bathrooms) remains one metre apart from others; and
3. apart from workers, any individuals who arrive at the workplace (such as delivery personnel) do not arrive at the same time or remain for longer than necessary.

Cancellation or postponement of organised activities requiring in-person interaction

All activities requiring in-person interaction must be cancelled or postponed unless they:

1. are critical to the employer's operations;
2. provide professional or vocational training, including undergoing relevant testing or certification;
or
3. provide education by an educational institute.

Denying entry to individuals subject to movement control orders

Employers and occupiers must not permit individuals subject to movement control orders to enter the workplace or premises. This covers all orders not to leave the individual's place of accommodation. This includes Home Quarantine Orders, Stay-Home Notices, Leaves of Absence, and medical certificates issued due to acute respiratory symptoms.

Communication of measures

All employers must communicate the steps taken to implement the above measures to their workers, as well as to other individuals where such steps apply to them.

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Occupiers

While the category of occupiers of a workplace would generally include employers, it also applies to companies that may occupy a premise without employing individuals within the premises. This would include collaborative workspaces, among others. All occupiers must:

1. allow natural ventilation of the workplace during working hours as far as reasonably practical;
2. take the body temperature of every individual entering the workplace and visually ascertain whether the individuals display any specified symptoms;
3. retain the contact particulars of all individuals who enter the workplace;
4. refuse entry to those who are febrile, display specified symptoms, or refuse to comply with the implemented measures; and
5. attend to individuals in the workplace who are discovered to have such symptoms by providing them with and requiring them to wear a face mask, and arranging for them to immediately leave the premises. Where it is not possible to leave immediately, such persons must be isolated.

Certain measures applicable to employers also apply to occupiers. These include the requirement to take reasonable steps to ensure a distance of at least one metre between any two individuals in the workplace, as well as to implement the measures relevant to seating, queuing, and entry by non-workers.

Obligations of Workers and Other Individuals

Workers and other individuals must not enter any workplace if they are febrile or exhibiting specified symptoms. They must also comply with instructions from an employer or occupier as far as reasonably practicable where such instructions are necessary to implement these Regulations.

Exclusions for Public Places and Public Service Vehicles

For workplaces that are a public place, or in which any public event is held for the time being, the following requirements do not apply:

1. maintenance of a one metre distance between individuals;
2. measures relating to seating, queuing, or entry by non-workers; and
3. measures incumbent upon occupiers, save for those relating to the discovery of a symptomatic individual in the workplace.

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Public service vehicles include buses (both public and private), taxis and private hire cars, and trains. These vehicles are treated similarly to public places, save that the measures relating to the discovery of a symptomatic individual do not apply.

Concluding Remarks

The Regulations form only part of the inexorable pressure that the Singapore government is bringing to bear on all companies to cooperate in the national effort to bring the COVID-19 pandemic under control. Enforcement measures extend beyond the jail terms or fines enforceable under the Regulations to potential restrictions on a company's operations, such as stop-work orders or suspension of work pass privileges by MOM.

Notwithstanding the reassurance from the Minister for Manpower on 31 March 2020 that a "measured approach" will be taken when issuing penalties for businesses in this period of economic hardship, all employers, principals, and occupiers should take due care to comply with all government regulations and advisories.

Any queries on employment or workplace health and safety matters may be directed to the team below, who are well placed to advise on these issues. For more articles and updates from our teams across the region on COVID-19 and related legal issues, please visit [Rajah & Tann Asia's COVID-19 Resource Centre](#).

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