

## New Regulations impose clear obligations to implement workplace measures to prevent spread of COVID-19

1. On 1 April 2020, the Infectious Diseases (Workplace Measures to Prevent Spread of COVID-19) Regulations 2020 (“**Workplace Measures Regulations**”) were promulgated.
2. The Workplace Measures Regulations give legal force to the workplace safe distancing measures which had been announced by the Ministry of Manpower (“**MOM**”) in March 2020. These should be read in conjunction with the MOM Advisory on safe distancing measures at the workplace: <https://www.mom.gov.sg/covid-19/advisory-on-safe-distancing-measures>.
3. It is relevant to note that the Workplace Measures Regulations impose obligations on employers, occupiers as well as individuals.
4. A breach of any of the provisions of the Workplace Measures Regulations is an offence which is punishable by a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or both.
5. The Workplace Measures Regulations have effect between 2 April 2020 and 30 April 2020 (both dates inclusive). This period is known as the “control period”.
6. For the purposes of the Workplace Measures Regulations, a specified symptom means any of the following symptoms: (a) coughing; (b) sneezing; (c) breathlessness; (d) a runny nose.
7. The COVID-19 situation is very dynamic. Readers should constantly monitor the legal developments and guidelines / advisories issued by the government / regulators. Depending on how the COVID-19 situation develops, there is a possibility that further measures could be introduced and/or the Workplace Measures Regulations extended beyond 30 April 2020.
8. We summarise the main provisions of the Workplace Measures Regulations and their implications below:

Regulation	Effect	Implication
4	<p><b>Telecommuting</b> must be implemented unless it is not reasonably practicable to do so.</p> <p>Employers must provide the facilities necessary for telecommuting.</p>	<p>Employers must seriously consider which of their employees can / cannot work from home, and be ready to justify the decision.</p> <p>Special attention should be paid to vulnerable employees (e.g. older employees, pregnant employees and those with underlying medical conditions) to allow them to work from home.</p>

<p>5</p>	<p><b>Safe distancing measures</b> must be implemented at the workplace:</p> <ul style="list-style-type: none"> <li>(a) As far as reasonably practicable, workers must be placed in two or more groups to avoid / minimise physical interaction;</li> <li>(b) As far as reasonably practicable, staggered timings must be implemented for arrivals / departures to the workplace;</li> <li>(c) Any worker who exhibits any specified symptom or is otherwise physically unwell is required to report, immediately upon the onset of the symptom, to the employer; and</li> <li>(d) Reasonable steps must be taken to ensure a distance of at least 1m between any 2 individuals.</li> </ul> <p>All organised activities that involve interaction in person should be cancelled or postponed save for activities which are critical to the operations of the organisation or certain types of training activities.</p>	<p>Employers will have to make real changes to the physical working environment. In particular, to implement the 1m distancing requirement, employers should not only do that for work stations and meeting rooms, but also for common areas (e.g., pantries, toilets). For any common areas where a queue may form, employers can put markings on the ground to ensure that persons in the queue are at least 1m apart.</p> <p>In respect of staggered working hours, the MOM Advisory states that the staggered working hours are to be implemented over at least three 1-hourly blocks, with not more than half of the employees reporting to work within each 1-hour block.</p> <p>MOM can and has taken steps to ensure compliance, through inspections of the workplace.</p> <p>In respect of (c), it is important to have a system in place to allow employees to report their symptoms.</p>
<p>6</p>	<p>The employer must, as far as reasonably practicable <b>communicate</b> the arrangements put in place to its employees.</p>	<p>It is essential to ensure that employees are informed of the steps taken, and understand the same.</p> <p>Where the company is unionised, employers should engage the unions on such arrangements.</p> <p>When relevant new guidelines / advisories are announced, employers should update their safe distancing measures and likewise, inform employees of such changes.</p>

<p>7</p>	<p><b>Occupiers</b> of a work place have additional responsibilities. They are to:</p> <ul style="list-style-type: none"> <li>(a) As far as reasonably practicable, allow natural ventilation of the workplace during working hours;</li> <li>(b) Take the temperature of all individuals entering the workplace and visually ascertain if the individual displays any specified symptom;</li> <li>(c) Obtain and keep the contact particulars of every individual before allowing such individual to enter the workplace;</li> <li>(d) Refuse entry to any individual who refuses to comply with (b) and (c);</li> <li>(e) Implement measures and take the reasonable steps to ensure that there is a distance of at least 1m between any two individuals; and</li> <li>(f) Require anyone who has a fever or displays any specified symptom to wear a mask and leave the workplace immediately or if the individual is not able to immediately leave the workplace, to isolate the individual.</li> </ul>	<p>Employers and occupiers should designate an area of the workplace where individuals can be isolated.</p> <p>Also, in order to comply with (f), employers and occupiers should have masks at hand to be provided to any individual at the work place exhibiting any specified symptom.</p>
<p>8</p>	<p>Employers must not require or allow employees / individuals to enter the workplace if they have been issued the following <b><u>movement control measures</u></b>:</p> <ul style="list-style-type: none"> <li>(a) Quarantine order;</li> <li>(b) Stay-Home Notice;</li> <li>(c) Medical certificate certifying that they have an acute respiratory symptom.</li> </ul>	<p>Employers should have a process whereby employees can immediately inform them if they are subject to movement control measures.</p> <p>As a further level of checks, employers should require employees to provide travel declarations.</p>
<p>9</p>	<p><b><u>An employee or any individual who has a fever or exhibits a specified symptom must not enter the workplace.</u></b></p> <p>All persons at the work place must comply, as far as reasonably practicable, with a direction by the employer / occupier to:</p> <ul style="list-style-type: none"> <li>(a) Work from home;</li> <li>(b) Stay at least 1m away from another individual at a workplace; and</li> <li>(c) Not to enter a workplace, or if he/she somehow managed to enter the workplace, to wear a mask and/or leave the workplace immediately or be isolated, if he/she has a fever / exhibits a specified symptom.</li> </ul>	<p>This imposes obligations on an individual not be at any workplace if he/she is unwell.</p>

If you would like information on this or any other area of law, you may wish to contact the partner at WongPartnership whom you normally work with or any of the following partners:



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