

LAWS OF BRUNEI

CHAPTER 99
EMPLOYMENT INFORMATION

2 of 1974

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EMPLOYMENT INFORMATION

ARRANGEMENT OF SECTIONS

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EMPLOYMENT INFORMATION ACT**An Act to provide for the collection of information regarding employed persons***Commencement: 15th May 1974*[S 81/74]
[S 178/74]

1. This Act may be cited as the Employment Information Act. Short title.

2. In this Act — Interpretation.

“Commissioner” means the Commissioner of Labour

“contract of service” means any agreement, whether in writing or oral, express or implied, whereby one person agrees to employ another as an employee and that other person agrees to serve his employer as an employee and includes an apprenticeship contract or agreement

“employee” includes any person who works in any capacity whatsoever, whether under a contract of service or otherwise, with or without salary and whether in or outside the premises where the profession, business, trade or work of the employer is carried on

“employer” includes any person or body of persons who or which is defined to be an employer under the Labour Act. Cap. 93.

3. (1) The Commissioner may by notification in the *Gazette* require any employer or class of employers to forward to the Commissioner at such time or times as may be specified in the notification a return in such form or forms as may be approved by the Commissioner giving the particulars and Returns.

information prescribed therein, and any such employer shall furnish particulars and information so prescribed.

(2) Copies of such forms shall be supplied to employers free of charge on application to the Commissioner.

(3) No person shall be bound to furnish any particulars or information other than such as are accessible to him in the course of or derivable from any profession, business, trade, or work in the conduct or supervision of which he is engaged.

Commissioner
may call for
further returns.

4. (1) The Commissioner may give notice in writing to any employer when and as often as he thinks necessary requiring the employer to furnish within a reasonable time stated in such notice fuller or further returns respecting any matter as to which a return is required by or under this Act.

(2) Such requisition may specify —

(a) the form in which and the time within which the particulars and information are to be furnished;

(b) the particulars and information to be furnished;

(c) the place or manner at which or in which the particulars and information are to be delivered.

Power to call
for returns,
books, etc.

5. For the purpose of obtaining full information in respect of any employer's employees the Commissioner may give notice in writing to any such employer requiring him within the time stated in such notice to complete and deliver to the Commissioner any return specified in such notice and in addition or alternatively requiring him to attend personally before him and to produce for examination any books, documents, accounts and returns which the Commissioner may deem necessary.

Free postage.

6. All returns made under this Act may, if posted in Brunei Darussalam in envelopes marked "Employment Information Return" be sent free of postage to the Commissioner of Labour.

7. Requisitions issued under sections 4 and 5 of this Act may be served in the following manner —

Services of
requisitions.

(a) where the employer is an individual person, the requisition may be delivered to him or left with some adult member of his family (other than a servant) residing with him in Brunei Darussalam or sent to him by registered post at his place of residence or business or other postal address;

(b) if the individual on whom service is to be effected has an agent in Brunei Darussalam the requisition may be delivered to such agent or sent to him by registered post in the manner aforesaid;

(c) where service is to be effected on an unincorporated firm or partnership the requisition may be delivered —

- (i) to any one or more of the partners;
- (ii) at the principal place in Brunei Darussalam of the firm or partnership, to any person having at the time of service the control or management of such firm or partnership,

or sent by registered post addressed to the firm or partnership at its principal place of business in Brunei Darussalam.

(d) where service is to be effected on a company or corporation the requisition may be —

- (i) left at the registered office (if any) of the company or corporation in Brunei Darussalam;
- (ii) delivered to any director, manager or secretary of the company or corporation in Brunei or to any person having on behalf of the company or corporation

powers of control or management over the business, occupation, work or matter to which the requisition relates;

- (iii) sent by registered post addressed to the company or corporation at its principal office wherever situated.

Penalties.

8. (1) Any employer who without lawful excuse (the proof whereof shall lie on him) —

(a) wilfully refuses or neglects to furnish the particulars or information required within the time allowed for furnishing the same, or to furnish the same in the form specified or prescribed, or to authenticate the same at the place or in the manner specified or prescribed for delivery thereof;

(b) wilfully furnishes or causes to be furnished any false particulars of information in respect of any matter specified in the notice requiring particulars of information to be furnished

(c) refuses to answer, or wilfully gives a false answer to any question necessary for obtaining any information or particulars required to be furnished under this Act;

shall be guilty of an offence: Penalty, a fine of \$2,500 and imprisonment for 6 months, and in the event of a continuing offence a further fine of \$50 for every day during which the offence continues, and in respect of false particulars, information and answers, the offence shall be deemed to continue until true particulars, information or answers have been furnished or given.

(2) A certificate under the hand of the Commissioner stating that such returns have not been furnished or are incorrect shall be sufficient prima facie vidence of the facts stated in such certificate.

9. (1) No return of particulars or information and no part of a return furnished and no answer to any question put for the purposes of this Act shall without the previous consent in writing of the person having the control, management or superintendence of the profession, business, trade or work in relation to which the return or answer was furnished or given, be published nor, except for the purposes of collecting and preparing statistics or for the purposes of a prosecution under this Act or for such other purposes as may be prescribed shall any person be permitted to see any individual return or any such part of an individual return.

Returns not to be published or disclosed.

(2) Every person engaged in connection with the collection, preparation or publication of statistics or in connection with any other purpose prescribed under subsection (1) shall be required to make a declaration in the prescribed form that he will not disclose or, except for such purposes make use of the contents of any such part of an individual return or any such answer as aforesaid; and any person who knowingly acts in contravention of any declaration which he has so made shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$5,000.

(3) In any report, summary of statistics, or other publication prepared under this Act with reference to any trade or industry, the particulars comprised in any return shall not, without the previous consent in writing of the person having control, management or superintendence of the profession, business, trade or work to which particulars relate, be disclosed in any manner whatever, or arranged in any way which would enable any person to identify any particulars so published as being particulars relating to any individual person or business.

(4) If any person, having possession of any information which to his knowledge has been disclosed in contravention of the provision of this section, publishes or communicates to any other person any such information, he shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$5,000.

Power to make regulations.

10. (1) His Majesty the Sultan and Yang Di-Pertuan in Council may make regulations for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may —

(a) require employers of any class of employees to maintain registers and records of their employees and prescribe the forms and contents thereof;

(b) regulate the method of collecting statistics, the staff to be employed in connection therewith, the duties to be performed, and the publications (if any) to be issued;

(c) prescribe the forms in which, the times and places at, and the manner in which particulars or information shall be furnished, and the manner in which the same shall be authenticated, and any other thing which under this Act is required to be prescribed;

(d) exempt from the obligation to furnish particulars or information under this Act, either wholly or to the prescribed extent, and either unconditionally or subject to the prescribed conditions, any employer or class of employers.

SUBSIDIARY LEGISLATION

Notification by the Commissioner of Labour under section (1) of returns to be made to him

[S 93/80]

The Commissioner requires all employers to forward to him on or before the 30th November in every year, in such forms as may from time to time be approved by him, returns giving such particulars and information of all persons in their employment on the 30th. October preceding such returns as may be prescribed in such forms:

Provided that this Notification shall not apply to —

(a) the Government;

(b) to any employer, in respect of any person employed by him solely for the purpose of domestic or personal services and not in connection with any trade, profession or business carried on by such employer.