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Notification No. B 41 — The Industrial Relations (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 3rd day of November 2014.

Industrial Relations (Amendment) Bill

Bill No. 41/2014.

Read the first time on 3 November 2014.

A BILL

i n t i t u l e d

An Act to amend the Industrial Relations Act (Chapter 136 of the 2004 Revised Edition) and to make related amendments to the Retirement and Re-employment Act (Chapter 274A of the 2012 Revised Edition) and the Trade Unions Act (Chapter 333 of the 2004 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Industrial Relations (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Industrial Relations Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “employer”, the following definition:

““executive employee”, in relation to an employer, means an employee who is employed in a managerial or an executive position by the employer;” and

(b) by inserting, immediately after the definition of “inspecting officer”, the following definition:

““non-executive employee”, in relation to an employer, means an employee other than an executive employee;”.

Amendment of section 6

3. Section 6 of the principal Act is amended —

(a) by deleting the words “10 persons” in subsection (2) and substituting the words “not more than 15 persons”;

(b) by inserting, immediately before the words “7 of the members” in subsection (4)(a), the words “at least”;

(c) by deleting the words “and 3” in subsection (4)(a) and substituting the words “and at least 3”;

(d) by inserting, immediately after the words “less than the” in subsection (5), the word “maximum”; and

(e) by deleting the words “to fill the vacancies unfilled or remaining unfilled” in subsection (5).

Amendment of section 8

4. Section 8(1) of the principal Act is amended by deleting the words “one year” and substituting the words “2 years”.

Amendment of section 10

5. Section 10 of the principal Act is amended by deleting the words “shall, as soon as is reasonably practicable,” and substituting the word “may”.

Amendment of section 17

6. Section 17 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) No trade union of employees the majority of whose membership consists of non-executive employees may seek recognition or serve a notice under section 18 in respect of any executive employee who —

(a) is employed in a senior management position or performs or exercises any function, duty or power of a person employed in a senior management position, including the control and supervision of major business operations, accountability for operational performance, formulation of business policies, plans and strategies and provision of leadership to other employees;

(b) performs or exercises any function, duty or power which includes decision-making, or the power to substantially influence decision-making, on any industrial matter including the employment, termination of employment, promotion, transfer, reward or discipline of other employees;

(c) performs any function or duty which includes representing the employer in any negotiation relating to any industrial matter;

(d) has access to confidential information relating to the budget and finances of the employer, any industrial

relations matter or the salaries and personal records of other employees; or

- (e) performs or exercises any other function, duty or power which may give rise to a real or potential conflict of interest if the executive employee is represented by the trade union.”.

Deletion and substitution of heading to Part IV

7. Part IV of the principal Act is amended by deleting the Part heading and substituting the following Part heading:

“LIMITED REPRESENTATION OF EXECUTIVE EMPLOYEES”.

Amendment of section 30

8. Section 30 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) In this Part, unless the context otherwise requires, “recognised trade union” means a trade union the majority of whose membership consists of non-executive employees and which has been accorded recognition by an employer under section 17 in respect of any non-executive employees.”.

Amendment of section 30A

9. Section 30A of the principal Act is amended —

- (a) by deleting the full-stop at the end of paragraph (d) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(e) to negotiate with the employer with a view to resolving any re-employment dispute as defined in section 8A(4) of the Retirement and Re-employment Act (Cap. 274A).”;

- (b) by deleting the words “decision making” wherever they appear in subsection (2)(b) and substituting in each case the word “decision-making”; and