

# **Industrial Relations (Amendment) Bill**

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**Bill No: 31/2010**

*Read the first time: 18th October 2010*

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## **Industrial Relations (Amendment) Bill**

**Bill No. 31/2010**

*Read the first time on 18th October 2010.*

An Act to amend the Industrial Relations Act (Chapter 136 of the 2004 Revised Edition) and to make related amendments to the Employment Act (Chapter 91 of the 2009 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 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of long title**

2. The long title to the Industrial Relations Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the word “arbitration”, the words “and for tripartite mediation of individual disputes”.

### **New Part IVA**

3. The principal Act is amended by inserting, immediately after section 30E, the following Part:

#### **“PART IVA**

#### **TRIPARTITE MEDIATION OF DISPUTES INVOLVING EXECUTIVE EMPLOYEES**

### **Interpretation of this Part**

**30F.** In this Part —

“executive employee”, in relation to an employer, means an employee who is an executive employee within the meaning of Part IV and who —

- (a) is in receipt of a salary not exceeding \$4,500 a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described), or such other amount as may be prescribed by the Minister; and
- (b) is a member of a trade union which has not been given recognition by his employer under section 17,

but does not include any person belonging to any class of persons whom the Minister may, from time to time, by notification in the *Gazette*, declare not to be executive employee for the purposes of this Part;

“federation” has the same meaning as in the Trade Unions Act (Cap. 333);

“salary” has the same meaning as in the Employment Act (Cap. 91);

“tripartite mediation” means mediation under this Part conducted by a conciliation officer, between an executive employee and his employer, with the assistance of any tripartite mediation advisors who may be appointed, in an endeavour to reach a settlement in respect of disputes under section 30G;

“tripartite mediation advisor” means any tripartite mediation advisor appointed under section 30K.

### **Disputes for tripartite mediation**

**30G.**—(1) Subject to subsection (2), only the following disputes may be the subject of tripartite mediation:

- (a) any dispute relating to a breach of contract of employment by the employer of an executive employee;
- (b) any dispute relating to salary due to an executive employee; or
- (c) any dispute relating to the retrenchment benefit payable or to be paid to an executive employee by his employer,

the material facts of which giving rise to the dispute occur on or after the date of commencement of this Part.

(2) The following disputes may not be the subject of tripartite mediation:

- (a) any dispute where the material facts giving rise to the dispute occur earlier than one year before the date on which the Commissioner receives a notification under section 30H(2) relating to that dispute;
- (b) any dispute which arises out of or as a result of a termination of the contract of employment of an executive employee, unless the Commissioner receives a notification under section 30H(2) relating to that dispute within 6 months after the termination of the contract of service.

### **Procedure for seeking tripartite mediation**

**30H.**—(1) An executive employee who has a dispute with his employer may seek tripartite mediation by informing his trade union or any federation of which his trade union may be part of, of such dispute.

(2) The trade union or federation may notify the Commissioner of such dispute, in such form and manner as the Commissioner may determine.

(3) Upon receiving a notification of a dispute under subsection (2), the Commissioner may —

- (a) direct a conciliation officer to conduct tripartite mediation of the dispute;
- (b) assign or re-assign tripartite mediation advisors, at any stage prior to the commencement of the tripartite mediation proceedings, to assist the executive employee or his employer (who are parties to the relevant dispute) in the tripartite mediation;
- (c) direct the executive employee and the employer to participate in the tripartite mediation; and
- (d) of his own volition or upon request by either the executive employee or the employer, request any other party whom he deems appropriate, including but not limited to —
  - (i) an officer from the trade union of which the executive employee is a member; and
  - (ii) a representative of any business organisation of which the employer is a member,

to participate in the tripartite mediation by assisting the tripartite mediation advisors assigned under paragraph (b).

(4) The conciliation officer may conduct the tripartite mediation session in such manner as he deems fit and shall, subject to subsection (5), have the discretion to decide on the persons who may attend any mediation session.

(5) No party shall be represented by an advocate or solicitor or a paid agent at any mediation session.

### **Employer's right to object**