

Industrial Relations (Amendment) Act 2002
(No. 23 of 2002)

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REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT

The following Act was passed by Parliament on 23rd July 2002 and assented to by the President on 5th August 2002:—

INDUSTRIAL RELATIONS (AMENDMENT) ACT 2002

(No. 23 of 2002)

I assent.

S R NATHAN,
President.
5th August 2002.

Date of Commencement: 1st September 2002

An Act to amend the Industrial Relations Act (Chapter 136 of the 1999 Revised Edition) and to make related amendments to the Trade Unions Act (Chapter 333 of the 1985 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 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 24

2. Section 24(2) of the Industrial Relations Act (referred to in this Act as the principal Act) is amended by deleting the words “or section 25” in the penultimate line of paragraph (a).

Repeal of section 25

3. Section 25 of the principal Act is repealed.

Amendment of section 29

4. Section 29 of the principal Act is amended —

- (a) by inserting, immediately after the words “this Part”, the words “or Part IIIA”; and
- (b) by inserting, immediately after the words “this Part” in the section heading, the words “or Part IIIA”.

New Part IIIA

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

“PART IIIA

LIMITED REPRESENTATION OF EMPLOYEES IN MANAGERIAL AND EXECUTIVE POSITIONS

Interpretation of this Part

30A.—(1) In this Part, unless the context otherwise requires —

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

“recognised trade union” means a trade union the majority of whose membership consists of employees in non-managerial or non-executive positions and which has been accorded recognition by an employer only in respect of such employees under section 16.

(2) For the purposes of this Part, the Minister for Finance shall be deemed to be the employer of employees of the Government.

Limited representation of executive employees

30B.—(1) Notwithstanding section 16, a recognised trade union may represent any executive employee individually, and not as a class, for all or any of the following purposes only:

- (a) to make representations to the Minister under section 35(2);

- (b) upon the retrenchment of the executive employee, to negotiate with the employer with a view to resolving any dispute relating to the retrenchment benefit payable to the executive employee;
- (c) to negotiate with the employer with a view to resolving any dispute relating to a breach of contract of employment by the executive employee or the employer;
- (d) to represent the executive employee in proceedings before a Court in respect of the dismissal or reinstatement of the employee in circumstances arising out of a contravention of section 82 or any matter referred to in paragraph (b) or (c).

(2) Where a recognised trade union seeks to represent an executive employee under subsection (1), the employer may object to such representation only on the ground that the employee —

- (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 matters 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 matters;
- (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 he is represented by the trade union.

(3) Where an employer raises any objection under subsection (2), the employer and the trade union shall make a joint application to a Court for the determination of the question.