

THE STATUTES OF THE REPUBLIC OF SINGAPORE

TRADE DISPUTES ACT

(CHAPTER 331)

1970 Ed. Cap. 128

Ordinance

59 of 1941

Amended by

32 of 1948

37 of 1952

19 of 1960

23 of 1981

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Trade Disputes Act

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An Act to control trade disputes and matters arising therefrom.

[5th December 1941]

1. This Act may be cited as the Trade Disputes Act. Short title.

2. In this Act —

“award” means an award made by an Industrial Arbitration Court and includes a collective agreement a memorandum of the terms of which has been certified by the President of the Industrial Arbitration Court in accordance with the provisions of the Industrial Relations Act;

Interpre-
tation.
23/81.

Cap. 136.

“industrial action” means —

- (a) any act or omission by a body of persons employed in any trade or industry, acting in combination or under a common understanding, which would result in any limitation or restriction on, or delay in, the performance of any duties connected with their employment; or
- (b) a strike, that is to say, the cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding of a number of persons who are, or who have been so employed, to continue to work or to accept employment;

“injury” means injury to a person in respect of his business, occupation, employment or other source of income and includes any actionable wrong;

“intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;

“lock-out” means the closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a trade dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him to accept terms or conditions of or affecting employment;

“maliciously” means the doing of a wrongful act intentionally without just cause or excuse;

“trade dispute” means any dispute between employers and employees or between employees and employees, or between employers and employees which is connected with the employment or non-employment, or the terms of employment or the conditions of labour, of any person.

3.—(1) An industrial action shall be illegal if —

Illegal industrial action and lock-out. 23/81.

- (a) it has any other object than the furtherance of a trade dispute within the trade or industry in which the persons taking part in the industrial action are engaged;
- (b) it is in furtherance of a trade dispute of which an Industrial Arbitration Court has cognizance; or
- (c) it is designed or calculated to coerce the Government either directly or by inflicting hardship on the community.

(2) A lock-out shall be illegal if —

- (a) it has any other object than the furtherance of a trade dispute within the trade or industry in which the employers locking out are engaged;
- (b) it is in furtherance of a trade dispute of which an Industrial Arbitration Court has cognizance; or
- (c) it is designed or calculated to coerce the Government either directly or by inflicting hardship on the community.

4. A lock-out in consequence of an illegal industrial action or an industrial action in consequence of an illegal lock-out shall not be deemed to be illegal.

When lock-out or industrial action not deemed to be illegal.

5.—(1) Any person who commences, continues or otherwise acts in furtherance of an illegal industrial action shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Penalties in relation to illegal industrial action and lock-out. 23/81.

(2) Any person who commences, continues or otherwise acts in furtherance of an illegal lock-out shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

23/81.

6. Any person who instigates or incites others to take part in or otherwise acts in furtherance of an illegal industrial action or lock-out or who instigates or incites a person bound by an award to take part in or otherwise act in furtherance of any industrial action shall be guilty of an offence and shall be liable on conviction to a fine not

Penalty for instigation. 23/81.

exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Penalty for giving financial aid to illegal industrial action or lock-out.
23/81.

7. Any person who knowingly expends or applies any money in direct furtherance or support of any illegal industrial action or lock-out shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Protection of persons refusing to take part in illegal industrial action or lock-out.
23/81.

8.—(1) No person who refuses to take part in or to continue to take part in an illegal industrial action or lock-out shall, by reason of such refusal, be subject to expulsion from any trade union or to any fine or penalty, or to any deprivation of any right or benefit to which he or his legal personal representative would otherwise be entitled nor shall such person be placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union.

23/81.

(2) If a registered trade union or the body, by whatever name called, to which the management of the affairs of a registered trade union is entrusted declares that it expels or intends to expel any member, or that it imposes or intends to impose any fine, penalty, deprivation, disability or disadvantage upon a member where the expulsion, fine, penalty, deprivation, disability or disadvantage would be contrary to subsection (1), the trade union shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Intimidation.
23/81.

9. Every person who with a view to compelling any other person to abstain from doing or to do any act, which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority —

- (a) uses violence to or intimidates such other person or his wife or children, or injures his property;
- (b) persistently follows such other person about from place to place;
- (c) hides any tool, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof;
- (d) watches or besets the house or other place where such other person resides or works or carries on

business or happens to be or the approach to such house or place; or

- (e) follows such other person with two or more persons in a disorderly manner in or through any street or road,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

10. It shall not be unlawful for one or more persons acting on his or their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be or the approach to any such house or place — Picketing.

- (a) merely for the purpose of peacefully obtaining or communicating information; or
- (b) merely for the purpose of peacefully persuading or inducing any person to work or abstain from working:

Provided that if such person or persons so attends or attend in such numbers or otherwise in such manner as to be calculated —

- (i) to intimidate any person in that house or place;
- (ii) to obstruct the approach thereto or egress therefrom; or
- (iii) to lead to a breach of the peace,

such attending shall be unlawful and shall be deemed to constitute an offence under section 9 (d).

11. Every person who wilfully and maliciously breaks a contract of service or of hiring knowing or having reason to believe that the probable consequences of his doing so, either alone or in combination with others, will be to endanger human life or cause serious bodily injury, or to expose valuable property whether real or personal to destruction or serious injury shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both. Breach of contract liable to injure person or property. 23/81.

Offences
seizable and
non-bailable.
Cap. 68.

12. Every offence against the provisions of this Act shall be seizable and non-bailable for the purposes of the Criminal Procedure Code.

Consent of
Attorney-
General to
proceed with
charge under
section 5, 6
or 7.

13. Where any person is charged before any court with an offence under section 5, 6 or 7, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General, except such as the court may think necessary to remand (whether in custody or on bail) or otherwise to secure the safe custody of the person charged, provided that this section shall not apply to proceedings instituted by or on behalf of the Attorney-General *ab initio*.

Place of trial.

14. Except offences under section 5, 6 or 7, which may be placed before the High Court for trial, every offence under this Act may be prosecuted before a District Court or Magistrate's Court.

Conspiracy
in trade
disputes.

15.—(1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and employees shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination of two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any written law.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the President.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable under the law making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.