



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## TRADE DISPUTES ACT 1941

### 2020 REVISED EDITION

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# Trade Disputes Act 1941

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An Act to control trade disputes and matters arising therefrom.

[5 December 1941]

### **Short title**

1. This Act is the Trade Disputes Act 1941.

### **Interpretation**

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 1960;

“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;

“lockout” 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 employers which is connected with the

employment or non-employment, or the terms of employment or the conditions of labour, of any person.

### **Illegal industrial action and lockout**

3.—(1) An industrial action 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 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 lockout 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.

### **When lockout or industrial action not deemed to be illegal**

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

### **Penalties in relation to illegal industrial action and lockout**

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.

(2) Any person who commences, continues or otherwise acts in furtherance of an illegal lockout 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.

### **Penalty for instigation**

6. Any person who instigates or incites others to take part in or otherwise acts in furtherance of an illegal industrial action or lockout, 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 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 lockout**

7. Any person who knowingly expends or applies any money in direct furtherance or support of any illegal industrial action or lockout 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 lockout**

8.—(1) No person who refuses to take part in or to continue to take part in an illegal industrial action or lockout 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.

(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**

**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 2 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.

### **Picketing**

**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 —

- (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, except that if such person or persons so attends or attend in such numbers or otherwise in such manner as to be calculated —

(c) to intimidate any person in that house or place;

(d) to obstruct the approach to or exit from that house or place;  
or

(e) 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).

### **Breach of contract liable to injure person or property**

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.

### **Offences arrestable and non-bailable**

12. Every offence against the provisions of this Act shall be arrestable and non-bailable for the purposes of the Criminal Procedure Code 2010.

### **Consent of Public Prosecutor 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 of that offence shall be taken against him without the consent of the Public Prosecutor, 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 Public Prosecutor *ab initio*.

### **Place of trial**

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

*[40/2019]*

### **Conspiracy in trade disputes**

**15.—(1)** An agreement or a combination by 2 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 a combination of 2 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 person 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 any offence against the State or the President.

*[Act 30 of 2021 wef 02/11/2022]*

(4A) Nothing in this section —

(a) affects the power of a court to punish for contempt of court within the meaning of section 3 of the Administration of Justice (Protection) Act 2016; or

(b) applies to an act that is an offence under section 267C, 298, 298A or 505 of the Penal Code 1871\*, or section 17E or 17F of the Maintenance of Religious Harmony Act 1990\*.

*[\*Updated to be consistent with the 2020 Revised Edition]*

*[Act 30 of 2021 wef 02/11/2022]*



(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.

## LEGISLATIVE HISTORY

### TRADE DISPUTES ACT 1941

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

#### **1. Ordinance 59 of 1941 — Trade Disputes Ordinance, 1941**

Bill	:	G.N. No. 1913/1941
First Reading	:	25 August 1941
Second Reading	:	13 October 1941
Notice of Amendments	:	5 November 1941
Third Reading	:	5 November 1941
Commencement	:	27 November 1941 (assent) 5 December 1941 (publication)

#### **2. Ordinance 32 of 1948 — Trade Disputes (Amendment) Ordinance, 1948**

Bill	:	G.N. No. S 325/1948
First Reading	:	19 October 1948
Second and Third Readings	:	9 November 1948
Commencement	:	24 November 1948

#### **3. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952**

(Amendments made by section 2 read with item 110 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 110 of the Schedule)

#### **4. 1955 Revised Edition — Trade Disputes Ordinance (Chapter 153)**

Operation	:	1 July 1956
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#### **5. G.N. No. S (N.S.) 67/1959 — Singapore Constitution (Modification of Laws) (No. 2) Order, 1959**

Commencement	:	21 August 1959
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**6. Ordinance 19 of 1960 — Trade Disputes (Amendment) Ordinance, 1960**

Bill	:	62/1960
First Reading	:	13 January 1960
Second Reading	:	10 February 1960
Notice of Amendments	:	13 February 1960
Third Reading	:	13 February 1960
Commencement	:	14 October 1960

**7. 1970 Revised Edition — Trade Disputes Act (Chapter 128)**

Operation	:	30 April 1971
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**8. Act 23 of 1981 — Trade Disputes (Amendment) Act, 1981**

Bill	:	23/1981
First Reading	:	14 August 1981
Second and Third Readings	:	23 October 1981
Commencement	:	27 November 1981

**9. 1985 Revised Edition — Trade Disputes Act (Chapter 331)**

Operation	:	30 March 1987
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**10. Act 15 of 2010 — Criminal Procedure Code 2010**

(Amendments made by section 430 read with item 109 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 109 of the Sixth Schedule)

**11. 2014 Revised Edition — Trade Disputes Act (Chapter 331)**

Operation	:	31 October 2014
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**12. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**

(Amendments made by section 28(1) read with item 158 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019

Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 158 of the Schedule)

### **13. 2020 Revised Edition — Trade Disputes Act 1941**

Operation	:	31 December 2021
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### **14. Act 30 of 2021 — Sedition (Repeal) Act 2021**

(Amendments made by section 8 of the above Act)

Bill	:	23/2021
First Reading	:	13 September 2021
Second and Third Readings	:	5 October 2021
Commencement	:	2 November 2022

## Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)