



REPUBLIC OF SINGAPORE  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**  
*Published by Authority*

---

---

NO. 9]

FRIDAY, MARCH 27

[2015

---

---

First published in the *Government Gazette*, Electronic Edition, on 27th March 2015 at 5:00 pm.

The following Act was passed by Parliament on 19th January 2015 and assented to by the President on 16th February 2015:—

**REPUBLIC OF SINGAPORE**

---

**No. 1 of 2015.**

I assent.

TONY TAN KENG YAM,  
*President.*  
*16th February 2015.*

(LS)

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 2015 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

- (c) by deleting the words “industrial matters” in subsection (2)(b) and (c) and substituting in each case the words “industrial matter”.

### **Amendment of section 30B**

**10.** Section 30B of the principal Act is amended by inserting, immediately after the word “employer” in paragraph (a), the words “or any re-employment dispute as defined in section 8A(4) of the Retirement and Re-employment Act (Cap. 274A)”.

### **Amendment of section 30F**

**11.** Section 30F of the principal Act is amended by deleting the words “Part IV” in the definition of “executive employee” and substituting the words “this Act”.

### **Amendment of section 30I**

**12.** Section 30I(1) of the principal Act is amended —

- (a) by deleting the words “decision making” wherever they appear in paragraph (b) and substituting in each case the word “decision-making”; and
- (b) by deleting the words “industrial matters” in paragraphs (b) and (c) and substituting in each case the words “industrial matter”.

### **Amendment of section 79**

**13.** Section 79 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) It shall not be an offence for an employer to require, as a condition of the appointment or promotion of a person to a position of an executive employee as described in section 17(3), that the person shall not be or continue to be an officer or a member of a particular trade union unless that trade union is a trade union whose constitution and rules restrict its membership to executive employees.”.

**Miscellaneous amendments**

**14.** The principal Act is amended by deleting the words “Minister for Finance” in the following provisions and substituting in each case the words “Minister charged with the responsibility for human resource management in the Civil Service”:

Sections 6(4)(a), 7(2), 16(a) and 30(2).

**Saving and transitional provisions**

**15.—**(1) Sections 9(a) and 10 do not apply to or in relation to any inquiry, process or proceeding involving any re-employment dispute in relation to an executive employee who attains the specified age (as defined in the Retirement and Re-employment Act (Cap. 274A) or other higher retirement age that is stipulated in an employment contract, as the case may be), before the date of commencement of the Industrial Relations (Amendment) Act 2015, and sections 30A(1) and 30B(a) of the principal Act shall continue to apply to and in relation to such inquiry, process or proceeding as if this Industrial Relations (Amendment) Act 2015 had not been enacted.

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

**Related amendments to Retirement and Re-employment Act**

**16.—**(1) Section 8D(5) of the Retirement and Re-employment Act (Cap. 274A) is amended by deleting the word “and” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

“(aa) being an employee that is represented by a trade union under Part IV of the Industrial Relations Act, may be represented by an officer of the trade union; and”.

(2) Subsection (1) does not apply to any claim lodged with the Commissioner for Labour under section 8C(1) of the Retirement and Re-employment Act in force immediately before the date of commencement of this Industrial Relations (Amendment) Act 2015,

---

---

and section 8D(5) of the Retirement and Re-employment Act in force immediately before that date shall continue to apply to such a claim as if this Industrial Relations (Amendment) Act 2015 had not been enacted.

### **Related amendments to Trade Unions Act**

**17.—**(1) Section 2 of the Trade Unions Act (Cap. 333) is amended —

(a) by inserting, immediately after the definition of “executive”, 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 “lock-out”, the following definition:

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

(2) Section 27 of the Trade Unions Act is amended —

(a) by deleting the words “employees in non-managerial or non-executive positions” in subsections (2), (6) and (16) and substituting in each case the words “non-executive employees”;

(b) by deleting the words “employed in managerial or executive positions and” in subsections (2), (6) and (16) and substituting in each case the words “who are executive employees that are”;

(c) by deleting the words “employed in a managerial or an executive position and who is” in subsection (5) and substituting the words “an executive employee that is”;

(d) by deleting the words “of its members employed in non-managerial or non-executive positions” in subsection (7) and substituting the words “member of a

registered trade union that is recognised by the employer in the manner prescribed under Part III of the Industrial Relations Act (Cap. 136) as a registered trade union representing that member”; and

(e) by deleting the words “affecting those members” in subsection (7) and substituting the words “affecting the member”.

(3) Section 39 of the Trade Unions Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) Notwithstanding subsection (1), where the majority of the membership of a registered trade union consists of non-executive employees, no rule of the trade union shall confer on any member who is an executive employee that is represented by the trade union under section 30A of the Industrial Relations Act (Cap. 136), the right to vote in any secret ballot taken for the purpose of obtaining the consent of its members to commence, organise, participate or otherwise act in furtherance of any strike or any form of industrial action under section 27(1).”.

---