



**COUNTRY BASELINES UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: SINGAPORE**

***FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES, since the start of the Annual Review (AR) in 2000.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Singapore National Employers' Federation (SNEF) and the National Trades Union Congress (NTUC) through communication of Government reports and tripartite meetings on reporting issues.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2008 AR:</b> Observations by the SNEF. <b>2007 AR:</b> Observations by the Singapore National Employers' Federation (SNEF). <b>2006 AR:</b> Observations by the SNEF.	
	<b>Workers' organizations</b>	<b>2008 AR:</b> Observations by the International Trade Union Confederation (ITUC). <b>2007 AR:</b> Observations by the NTUC. Observations by the International Confederation of Free Trade Unions (ICFTU). <b>2006 AR:</b> Observations by the NTUC. Observation by the ICFTU. <b>2005 AR:</b> Observations by the ICFTU. <b>2002 AR:</b> Observations by the ICFTU.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<i>Singapore ratified in 1965 the Right to Organize and Collective Bargaining Convention, 1949 (No.98) (C.98). However, it has not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87) (C.87).</i>

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

		<b>Ratification intention</b>	<p>No, for C.87.</p> <p><b>2008 AR:</b> According to the Government: Contrary to the country's current national regulations that require formal registration of trade unions, with prescribed rules on union administration and activities, Convention No. 87 requires a de-regulated approach in the management of trade unions. Under this Convention, trade unions are generally unrestricted in their roles and activities, which is not in line with the national existing laws based on the development of responsible trade unions and enlightened employers. Hence, ratification would require the Government to make major amendments to the laws that have been functioning well and benefited the economy, employers and workers over the past decades. Amending these laws would undermine the harmonious industrial relations and strong tripartite relationship that the country has developed.</p> <p><b>2006 AR:</b> In response to the ICFTU's observations, the Government stated that «Singapore would continue to review ILO Conventions with the view to additional ratifications.</p>	
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<p><b>YES</b>, according to the Government, although Singapore has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the principle and right (PR) is enshrined in Singapore's laws.</p>	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> <li>• Government's prospects: Enhancing cooperative and effective industrial relationships in order to facilitate the realization of the principle and right.</li> <li>• Means of action: Mainstreaming tripartite framework.</li> <li>• <b>Legislation</b></li> </ul> <p>The Trade Unions Act, the Trade Dispute Act, the Criminal Law (Temporary Provisions) (Part III); and the Industrial Relations Act relate to the principle and right (PR).</p>	
		<b>Basic legal provisions</b>	<p>(i) The Constitution; (ii) the Trade Unions Act; (iii) the Trade Disputes Act, (iv) Part III of the Criminal Law (Temporary Provisions); and (v) the Industrial Relations Act.</p>	
		<b>Judicial decisions</b>	<p>NIL</p>	
	<b>Exercise of the principle and right</b>	<b>At national level (enterprise,</b>	<b>For Employers</b>	<p>NIL</p>

		<b>sector/industry, national)</b>	<b>For Workers</b>	<b>2003 AR:</b> Prior government authorization is necessary to operate workers' organizations (the Industrial Relations Act, 1940). Freedom of Association (FOA) can be exercised by employees working in the teaching and medical professions and by foreign workers operating in Singapore. Public sector employees can form or join a trade union, except for those engaged in the security and defence of the country. Workers cannot exercise FOA under 16 years of age.
			<b>Special attention to particular situations</b>	NIL
			<b>Information/Data collection and dissemination</b>	According to the Government: There is a lack of information and data on the PR.
		<b>At international level</b>	NIL	
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<p><b>2005 AR:</b> According to the Government: Any group of seven or more prospective members can establish a union. The establishment of a union is also subject to the approval of the Registrar of Trade Unions, who has the power to refuse or cancel registration under certain conditions, particularly where one trade union already exists for workers in a particular occupation or industry (Trade Unions Act, 1940). The PR is enforced through law, collective agreements and tripartite consultations at all levels.</p> <p>In instances where the PR is not respected (for instance on the issue of termination and dismissal), the Ministry for Manpower has the power to decide on whether the termination is substantiate or not, after an inquiry conducted by the Commissioner for Labour. It may order reinstatement if the employer is found to have terminated the employee's service without just cause. The Minister may award compensation to the affected worker if reinstatement is considered to be undesirable and could affect labour relations at the workplace (Sections 17(2) b) and 17(2)(e)) of the Industrial Relations Act).</p>		
	<b>Involvement of the social partners</b>	<p><b>2008 AR:</b> According to the SNEF: The close collaboration among the tripartite partners has helped to promote and implement programmes of national importance such as: (i) enhancing productivity and competitiveness of the economy; (ii) facilitating the employability of older workers and (iii) improving the work-life harmony of workers.</p> <p><b>2006 AR:</b> According to the Government: In addition to the National Wage Council, tripartite taskforces have been formed to tackle policy issues such as older workers or job re-creation efforts.</p> <p>-The Singapore National Employers' Federation (SNEF) indicated that tripartite cooperation was well established through consultation and collaboration on various economic and social issues such as policy formulation and review or dispute settlement.</p> <p><b>2000-2004 ARs:</b> According to the Government: Employers' and workers' organizations have been involved in: (i) tripartite consultations on industrial relations; (ii) the formulation and implementation of wage policies and wage guidelines; (iii) the review of labour laws and promotion of good employment practices; (iv) the improvement of productivity and skill development of workers.</p>		
	<b>Promotional activities</b>	<p><b>2006 AR:</b> The National Trades Union Congress mentioned that it was increasing its efforts to enforce the right to organise and reach 1 million members by 2015. Training courses to union leaders are also conducted.</p> <p><b>2000-2004 ARs:</b> The Government reported on frequent training of workers to promote skill development and productivity and collective bargaining.</p>		

	<b>Special initiatives/Progress</b>	<p><b>2007 AR:</b> According to the Government: Union membership figures stand at 450,000 in 2005. The Ministry of Manpower noted from the National Trades Union Congress reports that about 30% of unionised companies have included a clause in their collective agreements to allow employment of older workers beyond the retirement age of 62 years old. Moreover, a new union for workers operating in private educational institutions was set up in March 2006 and has a potential of 50,000 members. The NTUC indicated that it had set up a Unit for Contract Workers to help address the concerns of a growing number of contract workers although the overall number vis-à-vis permanent employees is still small. A new union for employees working in private educational institutions was set up in March 2006, with a potential of 50,000 members.</p> <p><b>2006 AR:</b> According to the Government: The fact that unions have widened their membership from about 314,000 in 2000 to 443,000 in 2004 can be regarded as a successful example in the realization of the PR.</p> <p><b>2003 AR:</b> According to the Government: Special initiatives have been taken through training of officials, the promotion of workers' productivity and the increase in the number of trade unions.</p>	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> No particular challenges have been raised in the SNEF's observations.
		<b>Workers' organizations</b>	<p><b>2007-2008 ARs:</b> According to the ICFTU: (i) the Labour law is outdated; (ii) the right to form unions is recognized but Parliament may impose restrictions on the formation of a union on the ground of security, public order or morality; (iv) excessive powers of the Registrar of Trade Union; (iii) prohibition of government employees from joining or forming trade unions; (iv) interference in trade unions affairs such as restrictions of trade unions on the right to elect their officers under the Trade Union Act or control over trade unions finances; (v) there is no effective recognition of freedom of association for migrant workers.</p> <p><b>2002 and 2005-2006 ARs:</b> The ICFTU raised the following challenges: (i) excessive powers of the Registrar of Trade Union; (ii) prohibition of government employees from joining or forming trade unions; (iii) no enforcement of binding arbitration; (iv) restrictions on the right to strike and prohibition of strike in essential services (water, gas, electricity); (v) restrictions of trade unions on the right to elect their officers under the Trade Union Act; (vi) prohibition of citizens with criminal record and migrant workers to work for a trade union; (vii) investigations of union finances; (viii) increased representation for executives; (ix) restrictions on the formation of union on the grounds of security, public order or morality.</p>

	<p><b>According to the Government</b></p>	<p><b>2008 AR:</b> The Government indicated that in contrast to Singapore’s current national regulations, which requires formal registration of trade unions, with prescribed rules on union administration and activities, C.87 requires a de-regulated approach in the management of trade unions. Under this Convention, trade unions are generally unrestricted in their roles and activities, which is not in line with the national existing laws based on the development of responsible trade unions and enlightened employers. Hence, ratification would require the Government to make major amendments to the laws, which have been functioning well and benefited the economy, employers and workers over the past decades. Amending these laws would undermine the harmonious industrial relations and strong tripartite relationship that the country has developed.</p> <p><b>2006 and 2007 ARs:</b> In response to the ICFTU’s observations, the Government made the following comments: (i) Trade union leaders in Singapore are democratically elected and if they fail to be accountable for their decisions, they can be voted out by their members; (ii) restrictions on trade unions’ activities only apply to persons who are criminally convicted and foreigners whose stay is transient in nature; (iii) Singapore’s laws continue to be relevant for the country and have helped to prevent and resolve unnecessary industrial disputes which are detrimental to business and workers’ interests; (iv) workers’ fundamental rights in respect of the PR are enshrined in national laws; (v) Singapore has closely worked with the ILO in promoting constructive industrial relations, workers’ rights, occupational safety and health and training and skills. In response to the ICFTU’s observations for the 2002 and 2005 ARs, the Government observed that government employees were allowed to form and join trade unions.</p> <p><b>2002 AR:</b> In response to the ICFTU’s observations, the Government made the following comments: (i) The purpose of the union registration is to confer on registered trade unions certain rights, immunities and privileges, not to exercise control. Refusal for a registration of a trade union by the Registrar can help limit the proliferation of trade unions and strengthen solidarity of the labour movement; (ii) a decision to carry out strike action must be supported by the majority of union members; (iii) restrictions on the rights of trade unions to appoint their officials cover persons convicted of serious criminal offences; (iv) restrictions on expenditure of union funds prevent the union funds from being used as contributions to a political party or for a political purpose. In conclusion, the Government stated that the objectives of the Trade Union Act are to ensure fair elections and proper management of the union for the benefits of union members.</p>
<p><b>TECHNICAL COOPERATION</b></p>	<p><b>Request</b></p>	<p>NIL</p>
	<p><b>Offer</b></p>	<p>NIL</p>
<p><b>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) were concerned that the Government of Singapore (and another country) reported that it did not intend to ratify C. 87., given that, according to the Government, ratification would require it to make major amendments to the laws, which would undermine the harmonious industrial relations and strong tripartite relationship that the country has developed. In this regard, the IDEAs recalled that the following: «Under the 1998 ILO Declaration, every member State even if it has not ratified the fundamental conventions, has an obligation rising from the very fact of membership in the Organization, to respect, promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions. Freedom of association is the essence of the ILO and it is clear that its absence deprives employers and workers of their right to participate in and benefit from the national economy and to contribute to respect for human right and democracy». Therefore, they urged the Government of Singapore to work jointly with the Office in giving effect to this principle and right. The IDEAs also listed Singapore among the countries where some unions are subject to government’s interference or influence, and recalled in this regard the following: «(...) the right to official recognition is an essential aspect of the right to organize as it allows employers’ and workers’ organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers’ and workers’ organizations’ internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right». Finally, the IDEAs noted that restrictions on the right to organise of certain categories of workers in Singapore (and some other countries), such as migrant workers, were not compatible with the realization of this principle and right (Cf. Paragraphs 27, 28 and 36 of the 2008 AR Introduction – ILO: GB.301/3).</p>	

<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL
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