

QUICK GUIDE TO PREPARING COLLECTIVE AGREEMENTS (CA) FOR CERTIFICATION

Here you will find a convenient summary of the steps needed to prepare a Collective Agreement (CA). It is necessary to follow these guidelines closely as IAC may refuse to certify a CA if:

- it is not in the public interest to do so;
- the CA does not set out the terms satisfactorily or adequately; or
- the requirements relating to the duration of CA and settlement of disputes are not complied with

Requirements for CAs under the Industrial Relations Act 1960

- All terms must be in writing and the CA must be signed by the union and the employer
- The CA must be delivered to Registrar, IAC within one week of signing
- The CA must specify a validity period: minimum: 2 years, maximum: 3 years
- The CA must provide for the settlement of disputes, including the referral of a dispute to a referee

Other Requirements

1. CA must comply with labour laws, including but not limited to the:
 - (A) Industrial Relations Act 1960 (“IRA”)
 - (B) Employment Act 1968 (“EA”)
 - (C) Child Development Co-Savings Act 2001 (“CDCA”)
 - (D) Retirement and Re-employment Act 1993 (“RRA”)
 - (E) Work Injury Compensation Act 2019 (“WICA”)

Examples of non-compliance with labour laws

- Paying for work on a public holiday at “basic pay” instead of gross rate of pay [S88 EA]
- Not allowing annual leave to be carried forward to the next year [S88A(6) EA]
- Excluding allowances besides travelling, food and housing allowances when determining the gross rate of pay [S2(1) EA]
- Paying for sick leave at the basic rate of pay [S89(5) EA]
- Not specifying whether the maternity leave is paid or unpaid [S76 EA, S9 CDCA]
- Requiring employees on reaching retirement age to meet more than the two criteria specified under the law to be eligible for re-employment [S7(1)(b) RRA]
- Employment Assistance Payment (EAP) not in line with tripartite guidelines [S7C(4) of RRA and Tripartite Guidelines on Re-employment of Older Employees]

Points to Note

- Generally, provisions must at least meet, and may (where parties agree) exceed requirements in labour laws
- A provision which states that it is in line with the legislation should not be less or more favourable than the statutory provision. It should be exactly what the law provides.
- If the title of the legislation, chapter number and/or the specific section is cited, all the details must be cited correctly, e.g. 'Section 43 of the Industrial Relations Act 1960' with respect to appointment of a referee.
- The employment benefit stated should not only meet the requirements in the law but should also be clear and consistent.

2. CA must meet the requirements for a legal document

- (A) The names of employer and union, the date on which the CA was made, the title of the CA, and the categories of employees covered by CA must be stated clearly.
- (B) The signature of the employer and union representatives must be at the end of the body of the CA, and the signature of at least one signatory from each party must appear on every page.
- (C) Signing of the document should be done in the presence of witnesses, at least one nominated by each party. The witnesses should sign the CA.

3. CA must be complete and meet IAC's administrative requirements

- (A) The CA must be complete, i.e. there are no missing pages or appendices. Clauses, sub-clauses, paragraphs, sub-paragraphs, appendices, etc. must be numbered correctly
- (B) All appendices must be referred to in the body of the CA and the title of the CA as stated in the appendices must be correct
- (C) The title of the CA should carry the year in which the CA is signed e.g. XYZ Employees' Agreement of 20XX - if the agreement is made in 20XX

4. Approved Softcopy of Collective Agreement (ASCA)

- (A) Use the ASCA of the existing CA as a basis for preparing the next CA.
- (B) Amend as necessary and ensure that the rest of the unrevised terms are updated if there are any changes to the laws.

5. Sign CA, register CA and submit signed CA to IAC

- (A) Each page of the CA is to be printed single-sided for signature
- (B) Register CA via <https://go.gov.sg/iac-submission> and upload final softcopy (used for signing, and should not differ from signed copy)
- (C) The signed hardcopy of the CA is to be submitted to IAC within one week of signing the CA, together with payment and the completed CA questionnaire (instructions on payment and questionnaire will be provided after registration of CA)

CONCLUSION

Apart from meeting the requirements above, the employer and the union are advised to exercise due care and diligence in ensuring that the CA captures clearly, comprehensively and accurately the employment terms that have been agreed between them to avoid any ambiguities. Parties are also urged to finalise and submit the new CA before the expiry of the existing CA to avoid backdating or gaps in coverage.