

Strikes strike Singapore: The undertone of industrial relations — Gerald Tan

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Strike strikes Singapore!

A strike is defined by Section 5 of the Criminal Law (Temporary Provisions) Act (“CLTPA”), to mean “the cessation of work by a body of persons employed in any essential service 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”.

So well, with 200 SMRT bus drivers refusing to attend work today, I guess we have on our hands a “strike” today, as defined by the law.

The definition of a strike (and the mainstream media’s reluctance to classify the SMRT strike as a “strike” has become an issue on social media within hours of the event.

Some initial introspection may be helpful here, in making sense of what’s happening, and why it is happening.

The legality of industrial action in Singapore

Contrary to popular perception, striking in Singapore can be legal.

Our local trade unions, for example, have the ability to commence industrial action, including a workers’ strike. Section 27(1) of the Trade Unions Act (TUA) authorises registered trade unions to “commence, promote, organise or finance any strike or any form of industrial action”. This is, however, on the condition that it obtains the consent of the majority of their members affected by secret ballot.

Other parts of our law put further restrictions on the use of strikes that fall outside the TUA framework. Strikes that fall outside the TUA framework are illegal.

For example, Section 6(1) of the CLTPA makes it illegal workers in water, gas, and electricity services to go on strike. Also, Section 6(2) puts further conditions on workers from “any essential service” (this is also defined in the CLTPA) should they wish to strike, like having to give at least 14 days’ of notice to the employer concerned before striking. Public transport workers who don’t strike pursuant to the TUA conditions also fall under the CLTPA framework.

In schools, we were been taught about the Hock Lee Bus Riots, and the damaging strikes that crippled Singapore’s economy during the early 1960s. These were ostensibly as a result of the instigation of the leftist part of the People’s Action Party (“PAP”), which later formed the opposition Barisan Socialis.

Mr Lee Kuan Yew made his foray into Singapore politics by courting the trade unions – representing their interests and their workers. When he assumed the mantle of Prime Minister, he allowed the trade unions their breathing space. To that end, the powers of the trade union to carry out a strike remained. However, to suppress and later prevent the contagion of widespread destabilising strikes, there was some legislative tweaking of industrial relations law. The right to strike became a highly regulated one, alongside the freedom to publicly protest.

This increased regulation of strikes was not a stand-alone measure. The Industrial Arbitration Court was put in place to adjudicate industrial relations disputes. Mediation channels were opened by the Ministry of Manpower. These were done, in tandem with the tighter controls on strikes, to create a more peaceful industrial relations climate.

The last legal strike Singaporeans saw was the Hydril Strike of 1986. On 2 January of that year, 61 workers from an American oilfield equipment company voted to strike and picketed outside their factory. This strike proved that the power to strike still remains, albeit its infrequent use.

Underlying issues in relation to the SMRT strike

So how did the latest (probably illegal) strike occur?

Over the past several years, there have been significant increases in foreign workers supplementing our workforce. A good number of them work in unionised companies, such as SMRT. The NTUC members in such companies, including SMRT, have union representation.

The problem arises from the stark disenfranchisement of foreign workers, like China nationals, from union membership.

NTUC membership stands at S\$9 per month, with a double deduction in December. To the China nationals, S\$9 is a lot of Renminbi that they could otherwise have saved or remitted home.

To the typical China national working here, there is little incentive for joining a local union. Why should they pay the membership fee when the employment benefits they get are the same as the union members in the same company? Often, the union negotiates for the collective benefits of its union members, and the company typically grants the agreed benefits for all employees, regardless of union membership status.

Further, the China nationals, they would not enjoy the ‘social benefits’ of NTUC membership. From what I understand, they would prefer to shop at Sheng Siong than at NTUC Fairprice, and how many of them would book a chalet at NTUC Club’s Downtown East?

Left without union representation, their other recourse would be as individuals at the Ministry of Manpower. But how many of the foreign workers involved in the strike today would find this avenue accessible and result in fair outcomes for them?



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Perhaps the strike represented a bursting out of the underlying frustrations at what they perceived as unfairness. Yes they appear to have violated our law. However, instead of merely pointing fingers at the workers who took part in the strike, it might be high time to re-evaluate and maybe tweak a little the industrial relations system that has been largely seen as a model to emulate globally. — The Online Citizen

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** This is the personal opinion of the writer or publication and does not necessarily represent the views of The Malaysian Insider.*