

Can the parties engage lawyers to assist in tripartite mediation?

Practising lawyers are excluded from the mediation meeting as tripartite mediation focuses on facilitating an amicable resolution to the dispute between the parties, with the assistance of TMAs who are experienced industrial relations/human resource practitioners.

Are there any charges/fees for the tripartite mediation process?

There is currently no charge or fee for the tripartite mediation process.

What documents should the PME and the employer bring on the day of the mediation meeting?

The PME and the employer should bring the following (where applicable):

- a. Notification to attend the Tripartite Mediation
- b. Identity card/Passport/Work Pass etc (for the PME)
- c. All original documents relevant to the employment disputes such as:
 - Employment contract;
 - Letter of resignation or termination;
 - Salary records (i.e. salary slips);
 - Bank book if salary is credited through the bank;
 - CPF contribution statement of account;
 - Leave records; and/or
 - Any other relevant documents

What should the PME do if the employment dispute is resolved before the first meeting?

The PME should inform the MOM conciliation officer of the settlement, in writing.

During and after Tripartite Mediation

What if the PME or the employer fails to attend the tripartite mediation?

Attendance by the PME and the employer is important. This allows them to discuss the issues, explore the options and agree on settlement terms acceptable to both parties.

Non-attendance without reasonable excuse by the PME may result in the termination of the tripartite mediation proceedings.

The Minister may order the employer to attend the tripartite mediation if the employer fails to turn up for the meeting without a reasonable excuse. If he fails to comply with the Minister's order, he may be fined up to S\$5,000.

What happens at the end of Tripartite Mediation?

Where the parties are able to reach a settlement through the facilitation of the MOM conciliation officer and the TMAs, MOM will help the parties to formalise the settlement through a written agreement.

If no settlement could be reached after the tripartite mediation, the PME may pursue his case through the Labour Court if it involves salary arrears. For other types of dispute, the PME may wish to consider pursuing his case through the civil court.



A Guide to Tripartite Mediation

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The information provided in this brochure is accurate at the time of printing. This guide aims to provide basic information to PMEs and employers on the Tripartite Mediation process.



MINISTRY OF
MANPOWER





The TMAs are nominated by the tripartite partners and appointed by Minister for Manpower based on their experience in managing employment issues and knowledge in industry practices and norms.

General Information

What is Tripartite Mediation?

The Ministry of Manpower (MOM), with the support of the tripartite partners - the Singapore National Employers Federation (SNEF) and the National Trades Union Congress (NTUC) has introduced tripartite mediation as a new employment dispute resolution process to facilitate settlement of common employment disputes between the Professionals, Managers and Executives (PMEs) and their employers.

Who are the PMEs eligible for tripartite mediation?

The PMEs eligible for tripartite mediation are employees with executive and/or supervisory functions who also fulfill the following criteria:

- i) A monthly basic salary of up to \$4,500;
- ii) An individual member of any registered trade union without any form of representation rights; and
- iii) Employed in a non-unionised company.

What types of employment dispute can be lodged for tripartite mediation?

Tripartite mediation covers the following types of employment dispute:

- (a) Salary arrears;
- (b) Payment of retrenchment benefits; and
- (c) Breach of individual employment contract by the employer.

How does tripartite mediation work?

Tripartite mediation involves MOM's conciliation officer presiding over the meeting with the assistance of Tripartite Mediation Advisors (TMAs) who would help the employer and the PME respectively on the resolution of the employment disputes.

Who are these TMAs?

TMAs are industrial relations/human resource practitioners who are experienced in managing employment issues and knowledgeable in industry practices and norms. They are nominated by the tripartite partners and appointed by the Minister for Manpower.

What is the role of the TMAs during tripartite mediation?

The TMAs would provide advice and explore appropriate solutions with the employer and the PME respectively with the aim to facilitate an amicable settlement of employment disputes.

Can an employer object to a PME's eligibility for tripartite mediation? How does an employer raise this objection?

An employer can object to a PME's eligibility for tripartite mediation only if the PME is employed in a senior management position; is involved in human resource/industrial relations functions; or whose access to tripartite mediation may give rise to a conflict of interest.

An employer who wishes to raise an objection would have to do so in writing within 14 days from the date of MOM's notification for tripartite mediation. MOM will assess the case based on the job responsibilities of the PMEs, in consultation with the TMAs.

Preparing for Tripartite Mediation

How can a PME seek tripartite mediation?

A PME who satisfies the eligibility criteria will need to inform his trade union/federation (that his union is affiliated to). The trade union/federation may then, on his behalf, notify MOM to arrange for tripartite mediation.

Is there a time bar or deadline for lodgment of disputes for tripartite mediation?

The notification of dispute must be done within 1 year from the event that gives rise to the employment dispute. However, disputes over matters arising out of a termination of a contract of service (e.g. notice pay and salary in lieu of annual leave) must be lodged within 6 months of the termination of the contract.

PMEs are encouraged to surface their disputes as early as possible when the facts of the cases are still clear so as to allow better chances of successful mediation.