

FAQs on the Tripartite Mediation Framework

As of 1 April 2019

No.	Frequently Asked Questions
1.	What is this Tripartite Mediation (TM) Framework?
	<p>The Ministry of Manpower (MOM), with the support of the tripartite partners – SNEF & NTUC – had introduced tripartite mediation as a dispute resolution process to facilitate settlement of common employment disputes between union members* and their employers.</p> <p>Tripartite mediation covers the following types of employment disputes:</p> <ol style="list-style-type: none"> i. Salary arrears ii. Employment statutory benefits iii. Payment of retrenchment benefits Breach of individual employment contract by employer iv. Re-employment issues v. Wrongful Dismissal Claims (with effect from 1 April 2019) <p>This mechanism provides an avenue for both employers and employees to settle their employment disputes speedily and at low-cost.</p> <p>*Please refer to Q3 for eligibility criteria.</p>
2.	How is the tripartite mediation session conducted?
	<p>The tripartite mediation will be facilitated by a mediator from the Tripartite Alliance for Dispute Management (TADM) and assisted by Tripartite Mediation Advisors (TMAs).</p> <p>TMAs are industrial relations / human resource practitioners who are experienced in handling issues and knowledgeable in industry practices and norms. They are nominated by the tripartite partners and appointed by the Minister for Manpower.</p>
3.	Who is eligible for this process?
	<p>Employees working in non-unionized companies who are members of a registered trade union (currently without any individual representation rights), will have access to the tripartite mediation process to resolve their employment disputes with employers.</p> <p>Members of NTUC affiliated unions must have NTUC union membership for at least <u>6 months</u> with no arrears in payment of membership fees at the point of lodgment.</p> <p>Employers can object to a member's eligibility for tripartite mediation if the employee concerned is employed in senior management position; or involved in HR/ IR functions or any other functions such as decision making or/and have influences on decision making and have access to confidential information and thereby may give rise to a conflict of interest. Please refer to https://sso.agc.gov.sg/Act/IRA1960#pr30I- on the Industrial Relations Act (Part IV, Section 30I) for more information.</p>
4.	Why is it that NTUC union members from unionised companies do not have access to the tripartite mediation?
	<p>NTUC union members who are entitled to full or limited representation by their trade unions under the Industrial Relations Act have access to the existing mechanisms to resolve their disputes with employers through union representation.</p>

5.	Can non NTUC union members make use of the tripartite mediation service?
	No, tripartite mediation is only for NTUC union members.
6.	Are freelancers covered under this process?
	Freelancers and Self-employed Persons (SEPs) are not eligible for tripartite mediation which is for resolving employment disputes between employers and employees. For NTUC union members, TADM@NTUC will still provide advice and assistance. Please contact us at www.ntuc.org.sg/workplaceadvisory .
7.	How should an eligible NTUC union member initiate the process for tripartite mediation?
	Please visit www.ntuc.org.sg/workplaceadvisory to submit a query regarding your employment dispute. An NTUC case officer will contact you to understand more about your case and advised you on the necessary steps. To resolve the dispute at the lowest level, NTUC may help to contact the management to try to reach an amicable settlement before cases are referred for tripartite mediation. If an amicable settlement cannot be reach, NTUC case officers will assist you with the lodgment for tripartite mediation.
8.	Can employers initiate tripartite mediation?
	Employers are not able to initiate tripartite mediation.
9.	Is there a time-bar for claims at tripartite mediation?
	For employment disputes concerning statutory and contractual claims, they must be lodged within: <ul style="list-style-type: none"> a. 1 year after the dispute arose if you are still in employment b. 6 months from your last day of employment if your employment has ceased For employment disputes concerning wrongful dismissal, they must be lodged within: <ul style="list-style-type: none"> a. 1 month from your last day of employment b. 2 months of the birth of your child if you were wrongfully dismissed during pregnancy Members are encouraged to come forward quickly to seek advice and assistance for their cases. The parties' recollection of the facts may diminish over time and this lessens the likelihood of successful resolution by tripartite mediation. The time-bar stated above would need to be strictly adhered.
10.	If a member is not satisfied with the outcome of settlement at the tripartite mediation, what would be the recourse?
	<u>For employment disputes concerning statutory and contractual claims and wrongful dismissals</u> If the dispute cannot be resolved through the mediation, member may pursue his/her claims with Employment Claim Tribunal (ECT). For NTUC union members that have gone through Tripartite Mediation, the claim limit will be up to \$30,000 at the tribunal (claim limit for non-union member is \$20,000).

	<p><u>For employment disputes concerning payment of retrenchment benefits that is not provided in the employment contract</u></p> <p>If the dispute cannot be resolved satisfactorily at the mediation, member will need to consider exploring civil suit for his/her claims.</p>						
11.	<p>Why is the claim limit at Employment Claim Tribunal capped at \$30,000?</p>						
	<p>This dispute resolution mechanism is meant to be low cost and expeditious. While the individual can decide to withdraw their case during the process and file for civil suit which has longer time-bar and unlimited claim limit, the individual should weigh the merits and cons of filing a civil suit which will be costlier and time consuming. For non NTUC members' claims on salary, they are only eligible to claim up to \$20,000.</p>						
12.	<p>I am a GB member in a unionized company. May I make use of the tripartite mediation service?</p>						
	<p>For GB members in unionized companies, they would be eligible for limited representation on issues of re-employment, retrenchment, dismissal, breach of contract and victimization. The union will assist to refer the case to MOM and Industrial Arbitration Court if necessary. Please approach your union for assistance.</p>						
13.	<p>Do I need to pay any fees for Tripartite Mediation and how long will the process take?</p>						
	<p>No, there is no fees involved for Tripartite Mediation.</p> <p>Note: A separate lodgment fee is required if the case is escalated to the Employment Claims Tribunal (ECT).</p>						
14.	<p>Where can NTUC union members seek help or find more information about this service?</p>						
	<p>NTUC union members may seek assistance via the following channels:</p> <table border="1" data-bbox="399 1308 1310 1951"> <tr> <td data-bbox="399 1308 624 1375">Write in</td> <td data-bbox="624 1308 1310 1375">www.ntuc.org.sg/workplaceadvisory</td> </tr> <tr> <td data-bbox="399 1375 624 1644">Call in (NTUC)</td> <td data-bbox="624 1375 1310 1644"> 6213 8008 Operating Hours: Mondays to Fridays 9.00am – 5.30pm Saturdays: 9.00am – 12.30pm </td> </tr> <tr> <td data-bbox="399 1644 624 1951">Walk in</td> <td data-bbox="624 1644 1310 1951"> Devan Nair Institute TADM 80 Jurong East Street 21, #03-03, Singapore 609607 Operating Hours: Mondays to Fridays 8.30am – 5.30pm Closed: Saturdays, Sundays and public holidays </td> </tr> </table>	Write in	www.ntuc.org.sg/workplaceadvisory	Call in (NTUC)	6213 8008 Operating Hours: Mondays to Fridays 9.00am – 5.30pm Saturdays: 9.00am – 12.30pm	Walk in	Devan Nair Institute TADM 80 Jurong East Street 21, #03-03, Singapore 609607 Operating Hours: Mondays to Fridays 8.30am – 5.30pm Closed: Saturdays, Sundays and public holidays
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