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INDUSTRIAL RELATIONS ACT 1960 (SECTION 87)

INDUSTRIAL RELATIONS (RECOGNITION OF A TRADE UNION OF EMPLOYEES) REGULATIONS 1966

ARRANGEMENT OF REGULATIONS

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[4 March 1966]

Citation

1. These Regulations are the Industrial Relations (Recognition of a Trade Union of Employees) Regulations 1966.

Definitions

2. In these Regulations —

“claim for recognition” means a claim for recognition served by a trade union of employees on an employer under regulation 3(1);

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“secret ballot” means a secret ballot taken under these Regulations for the purpose of determining whether the majority of the persons employed by an employer are members of a trade union of employees which has served a claim for recognition;

“recognition” means recognition given by an employer in accordance with the provisions of these Regulations to a trade union of employees recognising it as the negotiating body for collective bargaining under Part 3 of the Act.

Trade union of employees may claim recognition

3.—(1) A trade union of employees may serve on an employer a claim for recognition in Form A set out in the Schedule.

(2) An employer upon whom a claim for recognition has been served must, within 7 working days after the service of the claim, either give recognition to the trade union or, if the employer disputes the claim, notify the Commissioner in writing of the employer’s grounds for not giving recognition.

(3) Upon receipt of a notification from an employer under paragraph (2), the Commissioner may, in his or her discretion, by written notice inform the employer that a secret ballot must be taken in accordance with any directions that the Commissioner may give.

(4) A copy of a notice served on the employer under paragraph (3) must be sent to the trade union or, if there is more than one trade union of employees, the trade unions of employees concerned.

Commissioner may require assistance from trade union and employer

4.—(1) When the Commissioner has served a notice on the employer under regulation 3(3), the employer and the trade union or trade unions of employees concerned must —

- (a) provide the Commissioner with any information that he or she may require; and

- (b) give every assistance to the Commissioner to enable him or her to conduct the secret ballot in accordance with the decision of the Commissioner under regulation 3(3).
- (2) A person, employer or trade union of employees must not in any way obstruct the taking of the secret ballot.
- (3) The Commissioner must, as soon as the results of the secret ballot are known, communicate the results to the employer and the trade union or trade unions of employees concerned.
- (4) When the results of a secret ballot have been communicated to an employer under paragraph (3), the employer must, if the results of the secret ballot show that the majority of the employees entitled to vote are members of a particular trade union of employees, give recognition to that trade union within 3 working days of the date of the receipt of the results.

Secret ballot

- 5.—**(1) Subject to paragraph (2), all persons employed by the employer on the date on which a claim for recognition is served are entitled to vote in a secret ballot.
- (2) The following persons are not entitled to vote in a secret ballot:
 - (a) partners in a partnership business;
 - (b) persons employed after the date on which a claim for recognition has been served;
 - (c) persons employed temporarily for a period not exceeding 3 months;
 - (d) persons who are on probation and who have been on probation for less than 3 months on the date on which a claim for recognition is served.
 - (3) Any dispute between an employer and a trade union or trade unions of employees as to whether any employee is entitled to vote in a secret ballot, in accordance with paragraph (1), must be referred to the Commissioner whose decision is final.

Employer to communicate with recognised trade union

6. An employer who gives recognition to a trade union of employees under regulation 3(2) or 4(4) must communicate the recognition to the trade union of employees in Form B set out in the Schedule.

Trade union to claim recognition

7. A trade union of employees must not serve a claim for recognition within 6 months of the date of a secret ballot.

Penalties

8. Any —

- (a) person who contravenes regulation 4(2);
- (b) employer who contravenes regulation 3(2) or regulation 4(1), (2) or (4); or
- (c) trade union of employees which contravenes regulation 4(1) or (2) or regulation 7,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

THE SCHEDULE

FORM A

Regulation 3(1)

INDUSTRIAL RELATIONS ACT 1960

INDUSTRIAL RELATIONS (RECOGNITION OF A TRADE UNION OF EMPLOYEES) REGULATIONS 1966

CLAIM FOR RECOGNITION

To: *[set out name of employer]*

[set out address]

Pursuant to regulation 3 of the Industrial Relations (Recognition of a Trade Union of Employees) Regulations 1966, you are asked to accord recognition to the *[set out name of trade union]* of *[set out address]* in respect of ^{*} all classes/the following class/classes⁺ of employees employed by you:

Dated *[set out date]*.

*Signature of officer or representative
of trade union.*

Name: *[set out name]*

Designation: *[set out designation]*

^{*} Delete whichever is inapplicable.

⁺ State in the space above the class or classes of employees concerned.

THE SCHEDULE — *continued*

FORM B

Regulation 6

INDUSTRIAL RELATIONS ACT 1960

INDUSTRIAL RELATIONS
(RECOGNITION OF A TRADE UNION
OF EMPLOYEES) REGULATIONS 1966

RECOGNITION OF TRADE UNION OF EMPLOYEES

To: *[set out name of trade union of employees]*

[set out address]

With reference to your claim for recognition on *[set out date]* *I/we, *[set out name of employer, and NRIC number if the employer is an individual, or UEN if the employer is a business entity]* of *[set out address]* accord recognition to *[set out name of trade union]* of *[set out address]* in respect of *all classes/the following class/classes⁺ of employees employed by *me/us:

Dated *[set out date]*.

*Signature of employer (if the employer
is a business entity, signature of the
business entity's representative).*

Name: *[set out name]*

Designation: *[set out designation]*

* Delete whichever is inapplicable.

⁺ State in the space above the class or classes of employees concerned.